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February 6, 2014

Elizabeth Witmer, Chair
Workplace Safety & Insurance Board
200 Front Street West
Toronto, ON M5V 3J1

Dear Ms. Witmer,

RE: Draft Benefits Policies

We are a group of injured workers called the Bright Lights Injured Workers' Group, and we have grave concerns about the draft benefits policies and the Board's related consultation process. Not only are the policies themselves profoundly threatening to the long-term well being of injured workers, but the consultation process has also been severely lacking in terms of its commitment to hearing from injured workers – who in many respects should be considered the most important stakeholders in the workers' compensation system.

If they are implemented, the draft policies will solidify a major shift in the WSIB's approach to decision-making, as injured workers' disabilities will systematically be blamed on "pre-existing conditions" rather than the workplace injury. These "conditions" may have been asymptomatic and undiagnosed prior to the work accident, and in many cases they are an entirely normal part of the aging process. Rather than looking at how the workplace injury affected a worker's health, the Board will now be looking for these "pre-existing conditions" as reasons to deny ongoing benefits.

This approach runs directly contrary to the Meredith principles, as Meredith was very clear that compensation should be provided for as long as the disability lasts. Now, 100 years after Meredith issued his final report, do you want to be known as the Chair of the Board that pushed through this potentially illegal constitutional change in the workers' compensation system? Similarly, do Premier Wynne and Minister Naqvi, who ran on a platform of social justice and anti-poverty messages, want to be remembered as the officials that oversaw the implementation of policies that will force injured workers deeper into poverty and onto social assistance programs like OW and ODSP?

It is clear to us that these draft policies are designed to cut costs and reduce the benefits of injured workers. This is in direct contradiction to the promise made in the Legislature by Liberal MPP Leeanna Pendergast, that the Board's cost-saving measures would not be borne on the backs of injured workers.

In addition to the serious problems with the policies themselves, the consultation process also appears to have been conducted in bad faith. Injured workers, who will be the most directly affected by these policies, were not informed that these changes were coming, nor of how to engage in the consultation process. The information about the consultation process is buried deep in the WSIB's website, making it inaccessible to injured workers who have access to a computer – and many injured workers do not even have that. Furthermore, the Ontario Network of Injured Workers' Groups, the umbrella organization representing injured workers in the province, has had its funding cut by the Board, making it very difficult for them to come together, discuss the policies, and provide comprehensive input.

Based on all of these factors, we are writing to support the request made by Ontario Federation of Labour President Sid Ryan, as well as the presidents of other major unions in Ontario, to abandon this process. We are not opposed to changes to the compensation system, so long as the changes are genuinely aimed at restoring justice and humanity in the system. These policies, however, are not the way to do go about doing this.

Sincerely,
Bright Lights Injured Workers' Group

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cc: Kathleen Wynne, Premier
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Andrea Horwath, ONDP Leader
Taras Natyshak, MPP
Sid Ryan, President, Ontario Federation of Labour
Michele McSweeney, President, Ontario Network of Injured Workers' Groups