Injured Workers' Consultants

Representing injured workers free of charge since 1969

18 September 2012

Hon Linda Jeffrey,
Minister of Labour
400 University Avenue,
14th Floor
Toronto, Ontario
M7A 1T7

COPY

Dear Minister Jeffrey:

Re: Consultation Process on the WSIB Benefits Policies

Thank you for your letter of August 8th, 2012 regarding the extension of the consultation period for changes to the WSIB Appeals system until October 1, 2012. In our letter of June 14, 2012, we expressed concern that under the original time frame the injured workers community did not feel that it was being consulted but rather it was being crushed under a steamroller of change driven by the WSIB management.

Since then additional policy consultations have been announced by the WSIB on four vital areas of benefits policy. The deadline for submissions ranges from September 10 to October 17, with hearings to be concluded in October. Once again, we are concerned that such a short time frame precludes the possibility of genuine consultation with the injured worker community, especially when we are still engaged in consultation about the Appeals policy. Each of the 4 policies encompasses a major area of workers' compensation law. Each area must be explained to the community and discussed by injured workers before the community can provide feedback. This will not be possible in the current time frame.

We understand that the Ontario Network of Injured Workers Groups ONIWG has met with WSIB Chair Witmer to express this concern. In a letter to the Chair of the consultation process, ONIWG has identified problems with the very tight timelines on public submissions (copy attached). They note that the areas to be examined will affect the very integrity of a public institution through the structural adjustment of policies. ONIWG says that the timeline does not allow the perception that this is a fair process, particularly in light of the fact that this important review is concurrent with proposed changes in the Appeals Services Division and an outdated Memorandum of Understanding (MOU) between the Minister of Labour and WSIB (copy attached). We agree with their concern.

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~ A Community Legal Aid Clinic ~

To rush through such important changes without the proper opportunity for injured workers to absorb, analyze and comment on the proposed changes is an affront to access to justice. We are requesting that the consultation process be extended to allow a reasonable time to complete the consultation on appeals and to engage the injured worker community in a meaningful discussion of the Benefits Policy issues under review. To proceed in this short time frame would be an injustice to all parties involved in our province's workers' compensation system.

Yours truly,
INJURED WORKERS' CONSULTANTS
per:

John McKinnon,
Executive Director

Copies: Elizabeth Witmer, WSIB
Peter Page, ONIWG
Sid Ryan, OFL
Dalton McGuinty, Premier
Andrea Horvath, NDP
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ONTARIO NETWORK of INJURED WORKERS GROUPS

'IN UNITY THERE IS STRENGTH'

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September 4, 2012

Workplace Safety & Insurance Board
200 Front Street West
Toronto, Ontario
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Dear Chair Thomas:

RE: 2012 BENEFITS POLICY REVIEW

Further to our meeting earlier in the summer, the Ontario Network of Injured Worker Groups (ONIWG) has had opportunity to review your Policy Paper on the Workplace Safety and Insurance Board (WSIB) Review of Benefits.

While your consultative review is looking at the Operational Policies that assist the WSIB in applying the *Workplace Safety & Insurance Act* (WSIA), thereby granting entitlements to injured workers, the areas of review are remarkably similar to the subject matter of the KPMG Value for Money Audit (VFMA) on the Adjudication of Claims at WSIB.

Aggravations, Recurrences, Work Disruptions and Permanent Impairments (Lock-Ins) were all subjects addressed in the KPMG VFMA.. Our organization with many others in the Legal Community and in the Labour movement, called on Premier McGuinty and WSIB President I. David Marshall to scrap the recommendations provided by KPMG, as they were problematic, both in going beyond their terms of reference, and in their content.

To say that these areas are currently subject to review at this time is naïve; our membership has been experiencing the implementation of the KPMG recommendations to their detriment, while your White Paper lends to the impression that these are areas subject to "Policy Review". These policies

are underway; the WSIB has realized massive "savings" each business quarter, while shifting benefits away from injured workers.

Our membership has also identified problems with the very tight timelines on public submissions, and this matter was addressed with Chair of the WSIB, Elizabeth Witmer on August 20th, 2012. These concerns lie in the fact that the areas to be examined will affect the very integrity of a public institution through the structural adjustment of policies, and the stealth timeline does not give one the perception that this is a fair process. Keep in mind, that this important review is concurrent with proposed changes in the Appeals Services Division and an outdated Memorandum of Understanding (MOU) between the Minister of Labour and WSIB.

In the context that President Marshall's annual bonus is contingent on realized savings at WSIB, and that KPMG identified the areas of your Benefits Review under the auspices of finding ways to save money, the concerns with the tight timelines of your work is generating doubt in the injured worker community, about the legitimacy of this process.

We look forward to your reply.

Sincerely,

Peter Page
President