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Dalton McGuinty
Premier of Ontario

Tim Hudak
Leader of the Official Opposition

Andrea Horwath
Leader of the New Democratic Party

Dear Sirs/Madam,

Re: workers' compensation platforms

Since my letter to you of October 25, 2010 (copy enclosed), I have received a response from Mr. McGuinty through the Minister of Labour and no response or acknowledgement from Mr. Hudak or Ms. Howarth.

In the meantime, the Workplace Safety and Insurance Board continues a stealthy program of cutbacks to address its financial issues. Here is an example. For the last 30 years (at least), it has been the Board's consistent and routine practice (and policy) to accept that workers who have a pre-accident condition without symptoms before an accident and consistent symptoms in the same area after the accident have suffered an aggravation of that condition and are entitled to benefits until the symptoms disappear. So, for example, a 55 year old construction worker who has had no back problems prior to a slip and fall accident at work and is discovered to have degenerative disc disease, has been entitled to benefits for aggravation of the condition until the symptoms disappear and on a permanent basis if they do not.

The Board issued a set of work reintegration policies in December, 2010. One of these policies contained an innocuous-seeming change to the "Post-Accident Change" policy, which provided that deterioration of a pre-existing condition would be a post-accident change meriting review of benefits, but with an example that referred to a work accident involving one body part and a pre-existing condition involving another. The Board now apparently takes the view, without publicly announcing a major change in long-standing policy and practice, that this change allows it to disentitle workers who have pre-existing asymptomatic degenerative disc disease and who develop consistent symptoms after an accident.

What this means is that a 55 year old construction worker with no back problems before an accident at work and consistent low back problems after which he or she cannot return to construction work (according to the Board's own medical opinions) is completely disentitled to benefits and must rely on other (often completely inadequate) sources of income. Again, as I noted in my previous letter, some of the cost of this cutback is borne by the taxpayer.

It is shocking that the Board goes through a long and public consultation about increases to employer assessments of even 2%, whereas worker benefits are cut quickly, deeply and behind closed doors.

My clients ask me if anything can be done about this, and I am forced to tell them that none of the political parties has made any proposals that will assist them. I would like to be able to say that all of them have. Please let me know if your party has some proposal to help injured workers.

Yours truly,

Michael S. Green

cc: Gary Newhouse
Ellen Lipes
Office of the Worker Advisor
Ontario Federation of Labour
Injured Workers' Consultants
Industrial Accident Victims Group of Ontario