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

Dear Ms. Witmer:

Re: Benefits Policy Review

We the Injured Workers are writing to you today with concerns about the Workplace Safety and Insurance Board (WSIB) Benefit Policy Review on its key benefit policies; Policy 11-01-15, Aggravation Basis. Policy 15-03-01, Recurrences. Policy 18-05-09, NEL Redeterminations. Policy 11-01-05, Determining Permanent Impairment, and the new Policy 11-01-xx, Pre-existing Conditions.

Injured workers should not be falling under the ideologies of temporary social welfare. Sir Meredith's principles were not taken from the Charity Organization Society (COS) or its counterpart settlement house movement dating back to 1869. The COS and its' counterpart resulted from the Elizabethan Poor Laws of deserving and undeserving poor. The Workers' Compensation Board, however, was founded on Sir Meredith's principles based on fair and just compensation for workers injured on the job.

The Workmen's Compensation Act of 1914 clearly follows Sir Meredith's principles including the incorporation of the 'thin skull' principle of common law into the Act. It clearly follows Sir Meredith's principles to protect workers against wage loss due to workplace injury or disease for as long as the disability lasts. Employers pay premiums through compulsory collective liability to ensure workers are covered against wage loss. Workers collectively have given up their right to sue their employer due to a work place injury. Under the Benefit Policy Review the WSIB proposes policy changes which effectively removes the 'thin skull principle' from the WSIB policy. Therefore, injured workers will risk finding themselves without protection against work place injuries while their collective right to sue their employer is tied up neatly. This means the pending policy changes discriminates against workers' rights to fair and just wage loss and treatment. At the same time their employers remain protected by the WSI Act against lawsuits.

The policies you are proposing are contrary to the law and the practice of the board for 100 years. They will cause poverty and uncertainty while Justice Meredith, in his final report, clearly stated that, “the true aim of a compensation law is to provide for the injured workman and his dependants and to prevent their becoming a charge upon their relatives or friends, or upon the community at large.”

Like the Ontario Federation of Labour we feel that this whole process should be abandoned. We hope you do the right thing for injured workers, all workers, and generations to come.

Yours truly,

Michele McSweeney
President, Ontario Network of Injured Workers Group (ONIWG)

Cc: Premier Kathleen Wynne; Honourable Yasir Nasqvi, Minister of Labour
Andrea Horwath, Leader Ontario NDP, Taras Natyshak, MPP,
Sid Ryan, President Ontario Federation of labour (OFL)