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Kathleen Wynne, Premier
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Premier Wynne:

RE: Re-appointment of I. David Marshall

The Ontario Network of Injured Workers Groups (ONIWG) was very hopeful that your majority election victory in 2014 would mark the beginning of a progressive change for injured workers in this province. You were elected on a social justice platform – you said that you wanted to lead from the “activist centre,” promising to help build a “fair Ontario.” We were heartened by these words.

Your actions since then, however, have left us feeling profoundly betrayed and disappointed. Rather than breaking from the destructive trend of your predecessor, you have chosen to continue on the track of attempting to address the Workplace Safety and Insurance Board’s (WSIB) so-called financial issues on the backs of injured workers.

Back in 2010, then-MPP Leeanna Pendergast pledged that “full funding will not be achieved on the backs of injured workers” (Hansard, Standing Committee on Finance and Economic Affairs, Dec. 6, 2010, page 261). Yet this is precisely what has happened, with injured workers very clearly bearing the burden of the WSIB’s cost-cutting measures while employers premiums have been frozen and they continue to be awarded generous bonus even when they had have serious accidents in their workplaces.

David Marshall, WSIB President and CEO, has been the main architect of changes to WSIB policies and practices that are forcing thousands of us into poverty. He has made the WSIB an institution that is hostile and contemptuous towards injured workers – the very people it was supposed to be designed to help. You had an opportunity to make a real change in the lives and prospects of injured workers, by not re-appointing Mr. Marshall when his contract comes to an end this month. But you chose not to take this opportunity. You chose to re-appoint him.

As we are concerned about the lack of transparency and accountability in this decision, we must pose the following questions to you:

Why has Mr. I. David Marshall been re-appointed as President and CEO of the WSIB, despite widespread and vocal opposition?

ONIWG has been clear in demanding that he not be re-appointed, as we have lost faith and confidence in his ability to make decisions in a fair and balanced manner that will not cause us harm. The Ontario Federation of Labour has also publicly called for his term to not be extended, as have numerous unions and advocate organizations across Ontario.

But our appeals for justice and humanity during his tenure have been ignored by your government. The Public Appointments Secretariat announced on January 6 that Mr. Marshall [would be reappointed for another 2 years](#). Why was this decision made? How was it made? And why was it conveyed in such an obscure manner, seemingly to avoid public scrutiny as much as possible?

Why is your government not being forthcoming about the 20% bonus he is entitled to receive as part of the contract signed by the McGuinty government.

Why is there secrecy about Mr. Marshall's \$400,000 bonus?

As part of the contract Mr. Marshall signed with the McGuinty government, he is slated to receive a 20% bonus at the end of his term, whether or not the contract is extended. But we have not heard anything about whether the bonus will in fact be paid out, or what targets the bonus payment is being measured against. The mere fact that his contract contains a bonus for reducing the unfunded liability puts him in a conflict of interest position with respect to injured worker benefits.

It also seems to put him in conflict with your government's Public Sector and MPP Accountability and Transparency Act 2014, which is meant to contain public sector compensation packages. Minister of Labour Kevin Flynn seems to recognize this contradiction, and he is [on the record](#) stating with regards to the bonus that "certainly, what we're asking for is restraint, and I expect to see that restraint exercised."

Premier Wynne, now that Mr. Marshall's term has ended, will you tell us:

Whether the Public Sector and MPP Accountability Act will prevent the bonus from being paid;

Whether he is receiving a 20% bonus regardless or any other bonus;

What targets were used to determine eligibility to the bonus?

Why are injured workers' benefits below inflation?

As a signal that the unfunded liability is not paid on the backs of injured workers, your government, this month, could have chosen to adjust benefits fully to the Consumer Price Index, just like the Federal Government does with respect to CPP and Old Age Security benefits. Instead, injured workers are falling behind in real terms, with cost of living increases only going up a meagre 0.5%.

Why did your government reward and re-appoint Mr. Marshall, while punishing those whose only fault was to be injured while working hard in the Province of Ontario?

We believe that Ontario should be the province of fairness and should include injured workers and people with disabilities.

We look forward to your attention to these important matters.

Sincerely,

Eugene Lefrancois
President, Ontario Network of Injured Workers Groups

cc: Kevin Flynn, Minister of Labour
Taras Natyshak, NDP Labour Critic
The Honourable Elizabeth Dowdeswell, Lieutenant Governor of Ontario