

KARL CREVAR
President

Francis Bell
Secretary



HEAD OFFICE
10 Wise Crescent
Hamilton
Ontario
Canada
L8T 2L5
Tel. (905) 387-1894
Fax (905) 387-5937

MEDIA ADVISORY

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For Immediate Release

INJURED WORKERS GOING TO THE SUPREME COURT OF CANADA

Chronic pain disability affects many injured workers and the Ontario Network of Injured Workers' Groups (ONIWG) believes that workers' compensation boards should treat compensation for it in the same manner as it treats other workplace injuries and diseases.

"This is the first time that the Supreme Court of Canada has considered a workers' compensation case of such importance to injured workers across Canada," said Karl Crevar of Hamilton, President of ONIWG. "Injured workers are very concerned that the Nova Scotia WCB has cut off compensation to injured workers suffering from disabling chronic pain. ONIWG is honoured that the court wants to hear from injured workers on this issue."

ONIWG has been given standing as an intervenor in the cases of Donald Martin and Ruth Laseur that are being presented to the Supreme Court of Canada on Monday December 9th. The cases involve two injured workers who were denied ongoing compensation by the Nova Scotia WCB when it brought in a regulation that treats compensation for chronic pain disability differently than other workplace injuries. It will inform the court that in Ontario there was careful consideration of this issue and chronic pain is treated the same as other disabilities.

A delegation of injured workers from communities across Ontario will be in Ottawa for the hearing on Monday December 9th. The cases challenge regulations introduced by the Nova Scotia WCB denying compensation benefits for long term or permanent chronic pain disability. ONIWG will tell the court that arbitrarily cutting off benefits of injured workers with chronic pain disability is discrimination on the basis of disability, contrary to the Canadian Charter of Rights.

"The Nova Scotia regulations are based on the worst stereotypes of chronic pain. The Nova Scotia WCB is saying 'your disability is not real – it is all in your head', said Phil Biggin of the Union of Injured Workers in Toronto, a member of ONIWG. "If the WCB can refuse to recognize chronic pain disability, no one is safe. Workers' compensation boards can start refusing to compensate other injuries too. Since the workers' compensation law already takes away our right to sue, we would be stuck without compensation and without recourse to the courts." said Steve Mantis of the Thunder Bay and District Injured Worker Group.

The ONWIG is an umbrella organization of more than twenty local injured workers groups from communities across Ontario. They are represented by Ena Chadha of ARCH, a community legal clinic specializing in disability issues.

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For further information please contact:
Carol McGregor Injured Workers' Consultants 416-461-2411
Karl Crevar ONIWG 1-905-387-1894