



6 April 2017

Bright Lights Injured Workers' Group
c/o Beryl Brown

Honourable Kevin Flynn
Ontario Ministry of Labour
400 University Avenue, 14th Floor
Toronto ON
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Dear Minister Flynn,

Bright Lights is a group of workers with injuries or illnesses who gave our best to Ontario, and continue to give our best. We come together regularly to support each other and to fight for a better compensation system.

We are writing today about the WSIB's practice of "deeming" (which they now refer to as "determining").

In 2007 our group wrote a letter about this issue to your predecessor Minister Steve Peters. In his reply (which you will find attached), he promised us that your government would "eliminate 'deeming'". However, ten years later, many of our members remain victims of the WSIB's ongoing deeming practices. In short, nothing has changed.

At our meeting today, Bright Lights members were asked to put forward their thoughts about what deeming means to them. Here are some of the ideas that we collected:

- It is morally wrong to 'pretend' an injured worker has a job and reduce or eliminate our benefits.
- The practice of deeming is based on the assumption that injured workers are lazy, that we don't want to go back to work, and that if we do not have a job, it is because we don't want one. We know this is not true.
- WSIB President Tom Teahen tells us and the media that he believes injured workers want to work, but when the organization he runs deems us, our benefits are reduced on the premise that we are lying about our ability to work. This is a contradiction.
- Our doctors' opinions are often ignored, and instead a case manager who has never met us decides we can work and cuts our benefits.
- Deeming takes away our time to heal, and does not help with actual rehabilitation. It forces us back to work before we are healed and hurts our chances of recovering fully and returning to the meaningful work we want.
- Deeming does not respect the experience of injured workers. It treats workers like machines, instead of humans.
- After injuries, many injured workers struggle with both physical and mental health. This can cause much suffering for workers and our families, and deeming makes it worse.
- When workers who are not able to return to work are deemed, it makes us feel useless.
- Deeming pushes workers onto other forms of social assistance like OW and ODSP. This pushes us even deeper into poverty and even forces some injured workers into homelessness. Additionally, as you know, this process transfers the cost from the employer – who should be paying – onto regular Ontario taxpayers, including families and workers. This is not fair.

Our group would like to know if your government is going to continue to enable the WSIB to pretend that we have jobs, or if are you going to do the right thing and make the WSIB base our benefits on reality, instead of the jobs they pretend we have?

We appreciate your time and consideration, and look forward to discussing this further.

Sincerely,

Bright Lights

Cc:

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Bright Lights Injured Workers
c/o Mr. Theodore Koinis

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Dear Bright Lights Injured Workers:

Thank you for your letter supporting the government's efforts to improve the situation for injured and disabled workers in Ontario. On behalf of the government, I thank you for your contribution to the dialogue on these important issues.

Our government is committed to creating a brighter future for injured workers. One of our first steps as a government was to undertake an independent audit of the Workplace Safety and Insurance Board (WSIB). Given a more stable WSIB, we can do more to help injured workers who have not seen any meaningful increases in WSIB benefits for 12 years.

As you know, as part of the Ontario budget 2007, the government is proposing a number of improvements to benefits for injured workers. The proposed amendments to the *Workplace Safety and Insurance Act, 1997 (WSIA)* would include increases to the indexation of benefits amounting to three adjustments of 2.5 per cent each on July 1, 2007, and on January 1 in each of 2008 and 2009. The amendments would also provide for Lieutenant Governor in Council regulation-making authority to prescribe indexing increases to benefits after the end of 2009. This means that injured workers would not have to wait until the legislation is reviewed for future and timely increases.

Additional enhancements proposed for injured workers include the following:

- • Help injured workers retain benefits when work they could perform after rehabilitation is not available (eliminate "deeming")
- Allow a review of benefits for some workers who suffer a temporary or permanent deterioration in their condition once their benefit level is fixed 72 months after injury
- Give workers who reach the age of 65 greater financial control through a lump sum payment in lieu of monthly payments in cases where a recipient's loss of retirement income benefits would be less than \$3,000 a year
- Add \$810,000 a year in ongoing funding to the Office of the Worker Adviser to allow it to improve and expand services to injured workers and their survivors
- Provide greater representation on the WSIB Board of Directors by increasing the size of the board and clarify that the positions of Chair and President are separate

With respect to the elimination of "deeming" of lost wages, on further review of the draft legislation, the government introduced a motion at committee to amend Bill 187 to link an injured worker's post-injury earnings to the worker's "ability" to earn, rather than the "likely ability" to earn. As well, the WSIB has indicated its commitment to develop policies that define how these concepts would work in practice to ensure that they support and meet the spirit of the proposed legislation.

Over the last few years, our government and the WSIB have worked with injured workers' groups, labour and the business community to ensure a strong and financially stable WSIB that is focused on the prevention of workplace injuries and is sustainable for future generations of Ontario workers and their families. Together, we are making progress.

Thank you again for writing to me on these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Peters". The signature is stylized with a large, looped "S" and a cursive "Peters".

Steve Peters
Minister