



CHINESE INJURED WORKERS' GROUP

華人受傷工人組

July 15, 2017

Mr. E Rennie, Clerk
Room 1405, Whitney Block
Queen's Park
Toronto Ontario
M7A 1A2

Dear Committee members,

Re: Our support in Bill 148, Better Jobs Act, 2017

We are members of the Chinese Injured Workers' Group, a group that was established in 1999 with the aim of striving towards a just compensation system that truly supports injured workers, and treats them with dignity and fairness. To this end, we engage in activities that range from peer support and education, to public awareness-raising initiatives, to lobbying and political action.

Bill 148, Fair Workplaces, Better Jobs Act includes many improvements such as equal pay for equal work between full time and part time workers; personal emergency leave; and fair work scheduling and etc. These positive changes will bring better protection for Ontario workers who are not unionized and who have irregular employment patterns.

Supporting the progressive changes in Bill 148

The Chinese injured workers' group is writing to support the progressive changes recommended in Bill 148. Our group greatly welcomed the changes proposed by Bill 148. Most of our group members are immigrants, seeking employment opportunities; very often we encounter many barriers, such as, insufficient Canadian working experience, limited education and inadequate English language skills. Due to these barriers, many of our members are placed in limited jobs, such as restaurants, supermarkets and factories within the Chinese community. Normally, these jobs are at minimum wage, physically demanding and involved irregular or odd working hours. Therefore the proposed changes in Bill 148 will certainly provide protections for many new immigrants who first enter the labour force that fall into this employment pattern.

Injured workers cannot benefit from the increase of minimum wage

Although our group members fully support the positives changes in Bill 148, the injured workers, will NOT benefit from the increase in minimum wage. Subsequent to the workplace accident, most of the injured workers, including us, suffer permanent impairments and are unable to perform our pre-accident jobs. We are deemed by the Workplace Safety and Insurance Board (WSIB) to be able to work in spite of our permanent impairments, which means that no matter whether we secured employment or not, the calculation of the compensation benefits are based on the "deemed job" or what is called a "phantom job". Very often, under deeming, the WSIB concludes we can secure minimum wage jobs which do not require high education or sufficient English language skills. The WSIB also determines that minimum wage jobs can be easily found in our own ethnic community as limited language skills are no longer obstacles in our job search.

Adverse effects on injured workers

One of our group members was a personal support worker when she injured herself at work. After her workplace injury, she sustained a permanent impairment in her back which prevents her from working as a personal support worker. The WSIB provided her with a very short period of training and deemed her to be a dry cleaner attendant and able to earn minimum wage. She used to earn \$13.43 per hour. Her compensation benefits are 85% of the difference between the pre-accident earnings and the deemed wages. Thus, the calculation is very simple and easy to understand. When the minimum wage goes up, there will be less compensation benefits for her. It is clear that if the minimum wage goes up to \$15.00, then there will be zero compensation benefits for her.

As a result of the WSIB's "deeming" practice, the higher the minimum wage goes up, the less benefits injured workers will receive in the Workers'

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Recommendation / Solution

Bill 148 is meant to improve most Ontario workers, to help obtain a better job and improve workplace conditions. We urge the government to be cautious not to leave out a group of Ontario workers, the injured workers who have suffered a permanent impairment from a workplace injury, as they will be left behind and penalized by the "deeming" practice applied by the WSIB. How come all along the WSIB has never commented on the increase of minimum wages? We believe the WSIB has kept silenced about this increase as they know that it will provide injured workers with an adverse effect. Most people are NOT aware of such effect, except injured workers. In order not to penalize injured workers, the WSIB should eliminate its "deeming" practice.

Yours truly,
The Chinese Injured Workers' Group

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