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Kathleen O. Wynne
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Re: Deeming – A Fair Ontario for Injured Workers?

Dear Madam Premier:

Minimum wage increases to negatively affect “deemed” injured workers

We are very disappointed that the WSIB, under your watch, has decided to use the minimum wage increase to further reduce the compensation to injured workers already deemed to have work they do not have on a gradual basis. As the saying goes, this is adding insult to injury. This is not the fair Ontario you sought to improve with bill 148!

To illustrate this point, we have attached [the story of Anna Maria Grillo](#) from the Toronto Star of January 8, 2018. Anna Maria cannot find work after her injury, yet she is “deemed” to be working at minimum wage. Now that the minimum wage has gone up, her compensation will be further reduced as the WSIB pretends that she has received a wage increase. Among other things, she has had to leave her long-time home in Toronto as she was no longer able to cover her costs.

New information about the scandal of “deeming”

We have attached new research that shows how debilitating “deeming” is for injured workers. Please note the paper *“Injured Worker Unemployment, the Hidden Truth”* by the ONIWG Research Action Committee, dated February 23, 2018. The report points to staggering unemployment and wage losses incurred by the permanently disabled. It is not only an issue of poverty, but also loss of dignity and declining mental health.

Also attached is an analysis by the IWC community legal clinic called *“The Problem With Deeming”* dated February 2018. Using WSIB statistics, it shows that a 40% unemployment rate for injured workers who were not rehired by their employer, but were retrained and received WSIB placement services. Any government facing this kind of systemic unemployment would be facing a scandal. The WSIB instead, simply wipes out the unemployment by pretending that the affected workers are doing well, earning imagined (or “deemed”) wages.

A demographic picture of “deeming”

“Deeming” affects all workers, but a clearer picture is emerging of who is **most** affected. This includes people with additional difficulties in being rehired by a new employer after permanent injury:

- Workers with a high level of physical and or mental disability due to injury
- Older workers
- Women
- Workers whose second language is English
- Workers with low education or few transferrable skills

Your recent reflections on “deeming”?

Injured workers are raising the issue of “deeming” at various town halls across Ontario. We are pleased that at the Toronto town hall meeting on March 7th, you answered a question on this issue by saying:

“If someone is deemed to be able to work, we have to establish that they are really able to work!”

This is an important consideration and it calls for ensuring that this sentiment becomes reality before the election, not afterwards. As the saying goes, justice delayed is justice denied.

Please consider immediate action to:

1. Scrap any reduction of compensation for a deemed wage increase due to the increase to the minimum wage. Injured workers with no income should not be insulted by assuming they have a wage increase they did not get.
2. Introduce a Bill to eliminate the practice of deeming in favour of a true wage- loss compensation system.

What Kind of Ontario?

Deeming affects and discriminates against some of Ontario’s most vulnerable citizens. Fairness is judged according to how the most vulnerable are treated. Too quote Mahatma Gandhi:

“The true measure of any society can be found in how it treats its most vulnerable members.”

We hope that eliminating “deeming” or “determining” is going to make Ontario into a society that treats its most vulnerable fairly and equitably.

Sincerely,



Willy Noiles
President

cc:

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