

Injured Workers Survey – Liberal Response

1. How would you ensure that the worker's compensation system properly supports injured workers so that the costs for work injuries are not downloaded onto the public?

The Ontario Liberal Party supports a mandatory workplace insurance program through which injured workers are treated fairly and equitably, and we have worked hard to ensure that the Workplace Safety Insurance Board (WSIB) delivers precisely those outcomes. We are always striving to improve this system. We believe that ONIWG has been a key partner in identifying issues and remedies in this regard.

The nature of work and our understanding of the types of injuries that workers might sustain from the workplace have changed. We have amended the Workplace Safety Insurance Act (WSIA) and our policies to ensure that we continue to react to the evolving workplace. Examples of this include providing coverage for chronic mental stress arising out of worker's employment; ensuring temporary help agency employees receive appropriate coverage and indexing benefits to the consumer price index.

Ensuring that injured workers feel confident and comfortable bringing forward a claim is also a key component of a fair and equitable WSIB. We have moved to reduce claim suppression by enabling the WSIB to prosecute and requiring it to impose penalties on employers that engage in claims suppression. We have increased corporate penalties for these offences from \$100,000 to \$500,000.

Finally we recognize that the WSIB must itself be responsible and responsive to the public. This is why we now require that the WSIB appoint a Fair Practices Commissioner (FPC) as an organizational ombudsperson.

We are committed to ensuring that worker safety is paramount, and that our approach to injured workers is fair and compassionate. We are always looking to improve outcomes for workers, and the experience for workers and their families, and will continue to work with the community on these issues.

2. The WSIB routinely pays little or no attention to the medical opinions or the healthcare professional who treat injured workers directly, meaning their recommendations around return to work, treatment and medications are often ignored.

The WSIB has stated that all medical information, regardless of source, is relevant to the decision. We believe that this should be the case in establishing that the worker's injury resulted from a work related accident or that the worker suffers from an occupational disease that occurred due to the nature of employment.

Over the course of making an assessment, the WSIB collects information and weighs the evidence to make its decisions, including initial entitlement, throughout the life of the claim. Decisions relating to medical issues should be based primarily on the information and opinions received from the treating health care professional(s). In this regard, medical information may

be received from a number of health care professionals. While the clinical findings are usually comparable, the interpretation of those findings among the health care professionals involved in the worker's case may vary. This can lead to a difference of opinion on diagnosis, prognosis, treatment, causation, and the worker's functional abilities or physical precautions. The challenge to the WSIB in making a decision is to take all of this information and weigh it appropriately.

3. Will you call for an end to cuts based on “pre-existing” conditions that never affected a worker before their injury?

As of December 15, 2017, the WSIB no longer reduces benefits for people with an asymptomatic pre-existing condition if it is non-measurable. The WSIB has also indicated it will be reconsidering the approximately 4,500 decisions about benefits that were made between January 2012 and December 15, 2017 where there was a reduction because of an asymptomatic pre-existing condition.

4. What do you think should be done about the fact that the WSIB cuts people's benefits based on phantom jobs, rather than compensating them for actual lost earnings? (Deeming/determining)

We recognize that “deeming or determining” has long been a practice of the WSIB that is of significant concern to injured workers. We believe that any injured worker deserves the chance to be fairly assessed on their post-injury abilities with the most current tools available and be provided with the best measure of their future capabilities through the WSIB process. We are always looking to improve outcomes for workers, and the experience for workers and their families, and will continue to work with the community on these issues

5. Will you support a call for a public inquiry of the WSIB, and ensure that the recommendations will lead to genuine change?

We are committed to ensuring that worker safety is paramount, and that our approach to injured workers is fair and compassionate. We are always looking to improve outcomes for workers, and the experience for workers and their families, and will continue to work with the community on these issues. Our next step will be to conduct a review of how mandatory WSIB coverage is determined and whether the current exclusions are appropriate. We are always looking to improve outcomes for workers, and the experience for workers and their families, and will continue to work with the community on these issues

6. How do you plan to adjust this injustice? (Occupation disease not covered by WSIB benefits).

As Government, we recently appointed Dr. Paul Demers and the Occupational Cancer Research Centre at Cancer Care Ontario to review how work-related cancers are evaluated to ensure the WSIB takes into account best practices and the most up-to-date medical science, including the effects of being exposed to multiple substances in a workplace.

The Ontario Liberal Party is creating a new Occupational Disease Response Plan that will seek to address occupational disease and occupational cancers in a more direct and expedited manner. As part of this, a dedicated occupational disease response team has been developed to examine and respond to all aspects of occupational disease from initial reports, to prevention and training, to enforcement to helping workers file Workplace Safety & Insurance Board (WSIB) claims.

Additionally, the Ontario Liberal Party has developed a proactive strategy for enforcement and prevention that includes:

- Regularly inspecting workplaces across the province;
- Supporting the opening of the Occupational Cancer Research Centre, Canada's first centre dedicated solely to research in occupational cancers;
- Supporting occupational disease research in the province;
- Offering webinars with the Ministry's health and safety partners on upcoming blitzes; and
- Providing fact sheets for employers and workers.

Further to this, we have conducted regular annual reviews of Occupation Exposure Limits in conjunction with the American Conference of Governmental Industrial Hygienists (ACGIH) Recommendations.