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## IN UNITY THERE IS STRENGTH



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### Ontario Injured Workers Bring Concerns to the United Nation

On September 4<sup>th</sup> and 5<sup>th</sup> the United Nations Committee on the Rights of Persons with Disabilities (CRPD) will be reviewing Canada, including allegations that Canadian workers' compensation systems are committing a human rights violation. The Ontario Network of Injured Workers Groups says the practice of "deeming" violates Canada's obligations under the UN Convention on the Rights of Persons with Disabilities.

[https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/CAN/INT\\_CRPD\\_ICSCAN\\_35841\\_E.docx](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/CAN/INT_CRPD_ICSCAN_35841_E.docx)

"Workers compensation is a critical lifeline for people who get injured on the job" says Steve Mantis, chair of ONIWG's Research Action Committee that prepared the submission. "Deeming denies people the right to income security when they are unable to get back to work because of a workplace injury."

All provinces use the practice of income deeming for people with permanent work related disabilities. Deeming permits adjudicators to assume employment income and cut workers compensation benefits when in fact injured workers have not secured any employment. Deeming causes financial hardship for people with disabilities while workers compensation systems pass the benefits on to employers in the form of reduced rates. ONIWG describes the impact of deeming in a recent report "Phantom Jobs & Empty Pockets" <https://injuredworkersonline.org/EmptyPockets>

The practice of income deeming violates several articles of the Convention on the Rights of Persons with Disabilities. Article 28(1) says that "State Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families ... and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability." "Deeming creates poverty for injured workers with permanent disabilities" says Janet Paterson, president of ONIWG. "The number of injured workers whose benefits are so far below the poverty line they have to turn to social assistance is shocking. The Ontario statistics are well over 3000 cases a month."

ONIWG asks the CRPD to make 7 recommendations for Canada to ensure that workers compensation systems are based on human rights values and not the values of cost containment for employers. Canada should prohibit cutting benefits for people with work-acquired disabilities based on the notion of employment prospects when there is no actual employment. ONIWG also comments on the increasing complexity of workers compensation systems and asks the Committee to recommend that Canada maintain adequate funding for legal aid services to injured workers and stop the recent cuts to legal aid in Ontario that target legal aid clinics for injured workers.

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