

DATE:

WSIB

By Fax: (416) 344-4684 OR upload tool at wsib.ca/upload

Dear Sir or Madam,

Worker Name:

RE: Request to reinstate full LOE for pandemic period

WSIB #:

I am currently receiving reduced LOE benefits because I am deemed. I believe there are economic and moral reasons why this should not be the case. I am therefore writing to ask that my full LOE be reinstated as of 25 March 2020, the day that the Province of Ontario ordered all non-essential workplaces closed, and continuing *at least* until the end of the COVID-19 crisis and a subsequent economic recovery in Ontario.

As you know, section 43(2) of the WSIA states that a worker's LOE benefits will be based on 85% of the difference between a worker's net earnings before the injury, and "the net average earnings that the worker earns or is able to earn in suitable and available employment..."

As you also know, the current global COVID-19 pandemic has had profound impacts on day to day life and the economy in the province and beyond, which has significantly changed what the WSIB should consider to be suitable and available.

Policy 22-01-02 on Material Change in Circumstances states that when a worker experiences material change in circumstances, whether reported on time or not, the WSIB adjusts the person's benefits retroactively to the date of the change. It is hard to see how an economic and cultural change of the current magnitude would not qualify as a material difference in my life.

For example, on March 29th Dr. David Williams, Chief Medical Officer of Health in Ontario, issued a statement that said:

Everyone has a role to play in reducing the risk of spreading COVID-19 - there is no option for anyone to opt out. The lives of many Ontarians, especially our community's most vulnerable citizens, is in your hands and will depend on your actions over the coming days and weeks. I strongly recommend you and other members of your household stay home except for essential reasons, such as to:

- *Access health care services;*
- *Shop for groceries;*
- *Pick-up medication at the pharmacy;*
- *Walk pets when required; and*
- *Support vulnerable community members with meeting the above needs.ⁱ*

You will note that “seek all available employment” is not on the list of appropriate reasons to leave home. By continuing to deem me during this crisis, the WSIB is effectively insisting that I pursue whatever employment is available, in direct contradiction with the strongly worded instructions of the province’s Chief Medical Officer.

Additionally, we point you to the 2017 study from the Journal of Occupational and Environmental Medicine (abstract below), which demonstrates that permanently injured workers like myself face cascading health issues stemming from their injury.ⁱⁱ Many of these conditions – such as diabetes, asthma, depression, and of course being more homebound – involve potentially compromised immune systems. My current health conditions include:

Aside from the moral implications of encouraging me to risk my health by finding inherently unsafe employment during a pandemic, there is also plenty of evidence that work is simply not “available” in in the current circumstances, including:

- An Angus Reid poll published 25 March 2020 noted that 44% of Canadian households have experienced job loss. Of those who are working, half of people say that they anticipate losing work imminently (summary graphic attached).
- The same day, The Globe and Mail reported that “Ottawa is bracing for an influx of four million applications under a new relief fund that will pay \$2,000 a month to workers who have lost income because of the COVID-19 pandemic, even as the existing employment insurance program is struggling to cope with a recent surge of applications.”ⁱⁱⁱ
- The Canadian Centre for Policy Alternatives recently released a study that predicts unemployment rates will reach the highest level since the Second World War.^{iv}

Telling people with permanent disabilities that we not only could, but *should* be out and about attempting to compete in this type of market is not only absurd, but irresponsible. Put another way: we know that today, there are millions fewer jobs available to deemed workers, and it is hardly suitable for people with disabilities and their related cascading health concerns to be risking their already compromised health in the jobs that may still exist. We need not remind decision makers that this illness is potentially fatal, and has killed over 40000 people to date.^v

I would hope that the WSIB is not actively encouraging me to put my life in danger.

For the reasons stated above, I believe that I should receive full LOE benefits from 25 March 2020 at least until there are suitably safe and actually available jobs available in Ontario.

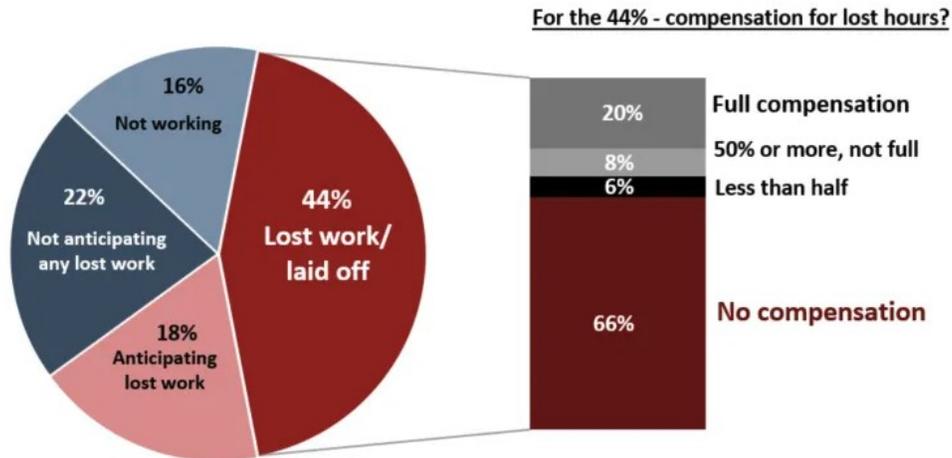
As our Premier has stated repeatedly during this crisis, "this is not the time for half measures."

Sincerely,

WORKER NAME:

I had assistance in writing this letter from a Community Legal Aid Clinic

Impact of COVID-19 on Canadian households



More Key Findings:

- Among those who are currently working, almost half say it is just a matter of time before their hours are cut as well

Citation for above: ^{vi}

Abstract for Diagnosed Chronic Health Conditions Among Injured Workers With Permanent Impairments and the General Population.

OBJECTIVE:

To profile chronic health conditions of an injured worker sample before and after workplace injury and compare injured workers to a matched community sample.

METHODS:

Logistic regression analyses compared risk of certain chronic health conditions for permanently disabled injured workers in the pre- and post-injury periods to comparator subsamples from the Canadian Community Health Surveys 2003 and 2009/2010.

RESULTS:

There were notable health differences between the injured worker and comparator samples for the post-injury period. Injured men and women were more likely to report arthritis, hypertension, ulcers, depression, and back problems than the comparator sample. Injured women were also more likely to report migraine headaches and asthma.

CONCLUSIONS:

The observed differences suggest that permanently impaired injured workers experience more rapidly accelerated health declines than other aging workers, and this outcome is gendered.

Citation for Above: ⁱⁱ

ⁱ - <https://news.ontario.ca/mohltc/en/2020/3/statement-from-the-chief-medical-officer-of-health.html>

ⁱⁱ - Dr. Rebecca Casey, *Journal of Occupational and Environmental Medicine*. 2017 May. 59(5), 486-496.

ⁱⁱⁱ - <https://www.theglobeandmail.com/politics/article-trudeau-says-new-merged-benefits-will-help-workers-affected-by-covid/>

^{iv} - Cited in <https://www.macleans.ca/economy/covid-19-canada-layoff-tracker/>

^v - <https://ottawacitizen.com/news/local-news/covid-19-worldwide-death-toll-passes-34000-u-s-reports-18000-new-cases-in-one-day/>

^{vi} - <http://angusreid.org/covid-19-economic-impact-canada/>