

# Justice for Injured Workers

Ontario Network of Injured Workers Groups  
February 16, 2021

Steve's Standpoint

## Justice for Injured Workers

A part of the History of the Injured  
Workers' Movement and Worker's  
Compensation in Ontario

1910 – 2021

Thanks to those that have come before us.  
We rest on their shoulders.

We have struggled for Justice for over 100 years

# Thunder Bay & Dist. Injured Workers Support Group

- Started in January 1984
- Three main goals
  1. Information & Support
  2. Public Education
  3. Systemic Advocacy

# Ontario Network of Injured Workers Groups (ONIWG)

- Founded in 1991
- 22 local groups from Ottawa to Thunder Bay
- Umbrella organization to support local groups and strengthen our voice with government
- Volunteer driven – annual budget \$4,000 – 12,000
- Helps bring positive changes for injured & disabled workers

# Workers Compensation

The first part of our public social safety net –

Over 100 years old!

What lessons can we learn?

## **Sir William Meredith's Royal Commission**

- June 10, 1910, Conservative government of Sir James Whitney appoints Sir William Meredith to head commission
- Meredith holds public hearings in Ontario (over 1,300 pages of testimony)
- Meredith travels to provinces and American states, England & Germany
- April 1, 1913, submits draft bill; October 31, 1913, submits final report



**Sir William Meredith**



# 1915 Ontario Workmen's Compensation Act

## Principles:

- △ **Compensation as long as disability lasts**
- △ **Collective Liability / Employer pays**
- △ **No fault**
- △ **Independent Agency**
- △ **Non-adversarial**

# 1915 Ontario Workmen's Compensation Act

## Limitations:

- △ Coverage - applied almost solely to male occupations
- △ Occupational Disease – restricted definition & coverage
- △ Compensation - 55% of wages with \$2,000 ceiling
- △ Right of Action - workers lose right to sue employer

# Present Situation

- 15 – 20,000 serious injuries & diseases resulting in permanent disabilities each year in Ontario
- 45% unemployed
- 20% in poverty + 25% in near poverty
- Only 20 % receive long term benefits from WSIB/WCB
- 45% facing mental health challenges

● **“I feel sometimes like I'm in a shell, like a little nut in a shell, because it's so hard. You don't want to burden anybody, complain about pain. You don't want to. They don't understand sometimes. They're tired of you to complain - pain, pain, pain, pain. I know if they had paid me my money, I would have taken care of my body, my health. I would be at the company working today if they had given me the right medical care. Maybe I would be there, who knows? Maybe I would be in a ... better field, or different field. I wouldn't be sitting here today in this kind of agony. Because they made my condition worse by not paying me my money, by not allowing me medical care.”**

**– Beryl Brown, Injured Worker, February 11, 2005**

# Issues

- **Focus on long term injured – with a permanent disability.**
- Deeming/Pensions & Supplements.
- Return to Work process.
- Tracking long term outcomes (economic, employment & health) of workers with a permanent disability.
- Develop the framework for proposed improvements.

# Pensions & Supplements 1990 – 95

Help for 40,000 injured workers & families

- Campaign on Supplements - implement the provisions in the Act
- Individual casework
- Public demonstrations
- Lobbying the bureaucracy
- Legislative change

## **Workers' Compensation:**



- Rename to Workers' Compensation Board
- Collective employer liability
- Primary purpose to compensate injured workers & survivors
- Inclusive no fault coverage of all workers
- Eliminate experience rating



## Compensation shall be:

- Compensation that reflects full income loss
- Eliminate deeming
- Full Cost of Living
- Protect injured workers' retirement benefits



## Vocational & Social Rehabilitation:



- Rehabilitation in partnership with the injured worker
- Hands on help locating opportunities & providing accommodations for suitable employment
- Quality public rehabilitation service

**Who says fighting doesn't help?**



**Supreme Court Victory! Dec. 2003**

## Who says fighting doesn't help?

- ✓ Chronic Pain – policies in Ontario
- ✓ Chronic Pain at the Supreme Court of Canada  
<https://injuredworkersonline.org/workers-compensation/chronic-pain-victory/steves-report/>
- ✓ Mega Tribunal

## Who says fighting doesn't help?

- ✓ **Maintenance Therapy (Dec. 2005)**
- ✓ **WSIB reconsiders RTW Policies (2006)**
- ✓ **Bill 187: (2007)**
- ✓ **\* Deeming Amendment**
- ✓ **\* 3 Year Re-introduction of COLA**

## **Who says fighting doesn't help?**

- ✓ **Research Action Alliance on the Consequences of Work Injury (RAACWI)**
- ✓ **Survivor's benefits improved (2015)**
- ✓ **Cost of Living restored (2015 – 2018)**
- ✓ **United Nations Convention on the Rights of People with a Disability**

# What can be done differently? Strategies

- Workers Comp is a Right – Organizing
- Develop our narrative – what worked for you?
- Working with allies – unions, people with disabilities, 15 & Fairness, OH&S, academic researchers, etc.
- Platform for Change
- Many hands make light work

MY MOM IS AN  
INJURED  
WORKER  
PLEASE  
MANDATORY  
UNIVERSAL  
COVERAGE  
COVER ALL  
WORKERS

Who Covers  
my Mom?  
CHANGE THE  
LAW  
TO COVER EVERYONE  
PLEASE,  
MR. McQUINCY

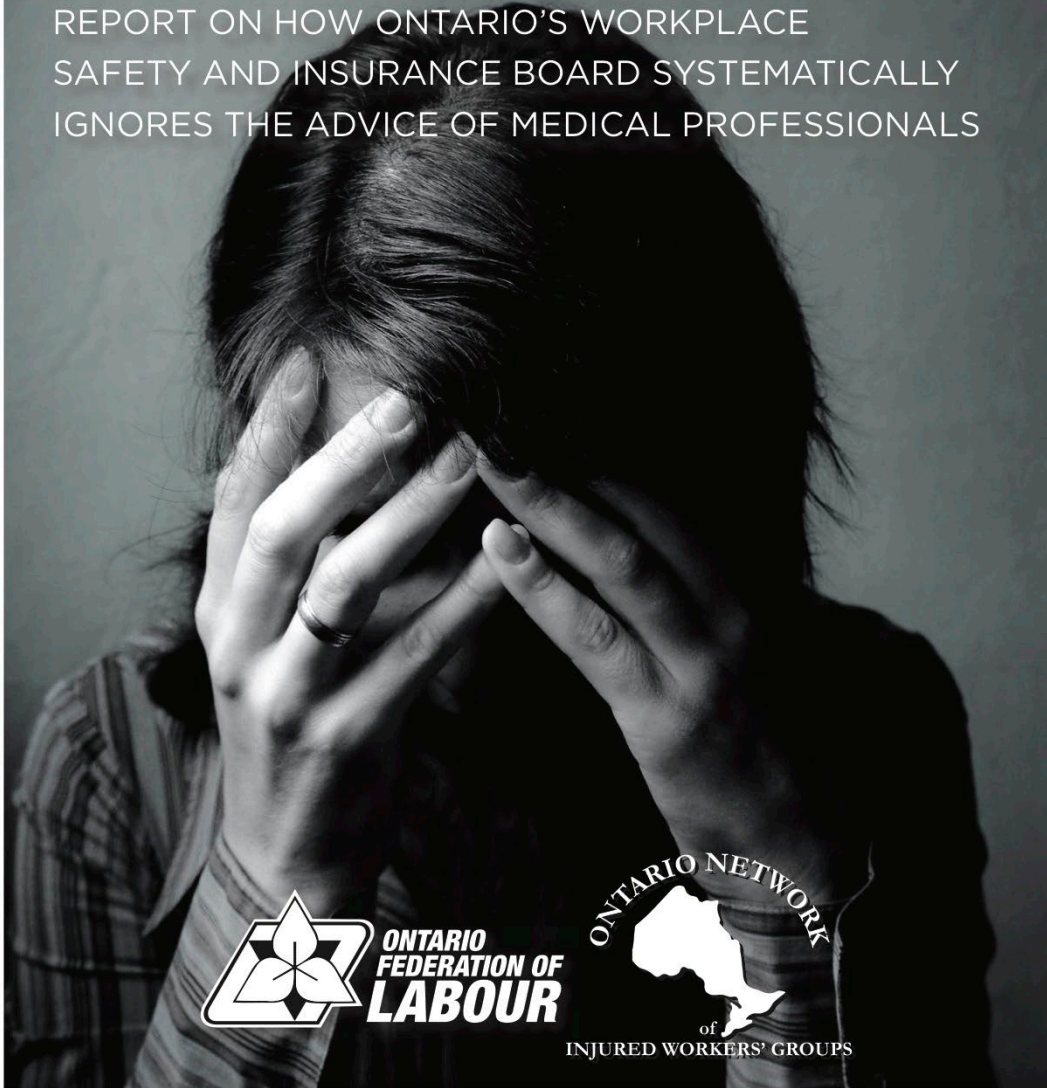
# Austerity Agenda

- Unfunded Liability
- Corporations trump disabled workers
- 50 % reduction in benefits paid (2010 – 2018)
- Focus on reducing long term benefits
- Welfarization of Disability – John Stapleton



# PRESCRIPTION OVER-RULED

REPORT ON HOW ONTARIO'S WORKPLACE  
SAFETY AND INSURANCE BOARD SYSTEMATICALLY  
IGNORES THE ADVICE OF MEDICAL PROFESSIONALS



**ONTARIO  
FEDERATION OF  
LABOUR**



**“To tell the truth, you never can believe how an Injured Worker can feel to out of the workforce. You feel destroyed by society, you feel like nothing in the family because, you know, at the beginning, the wife, the children, they have compassion; they say, ‘Oh, poor daddy. Poor my husband.’ But when the story is too long, if he is disabled for life, there the problem comes because, you know, the wives, at the beginning, they do a lot of things but, then, they finish the patience. The wife has to shoulder everything and run the house; the children, they have to stop school to help the family. So, everybody gets nervous.”**

**- Rosario Agosta**

## Resources

**<https://thunderbayinjuredworkers.com>**

**<https://www.crwdp.ca>**

**<https://injuredworkersonline.org>**

**<https://injuredworkersonline.org/resources/papers-and-presentation/>**

**Since 1999 I have been left in the land of  
assumption  
No one ever asks me how I would survive  
The Who I am has traveled in time as my case has  
been a puzzle on countless minds  
While I am left to wonder why society has moved  
on and left me behind  
I feel invisible, like a box locked away without a  
key  
No need to worry about what you cannot see.**

**- Barbara Stewart Fisher, "WSIB, How Invisible Can I Be?"**

Thank you!