

# Ontario: Injured Workers Fight Back

by Nick McCombie

March 20, 1984. The opening of the Ontario Legislature. An occasion of pomp, ceremony and sobriety.

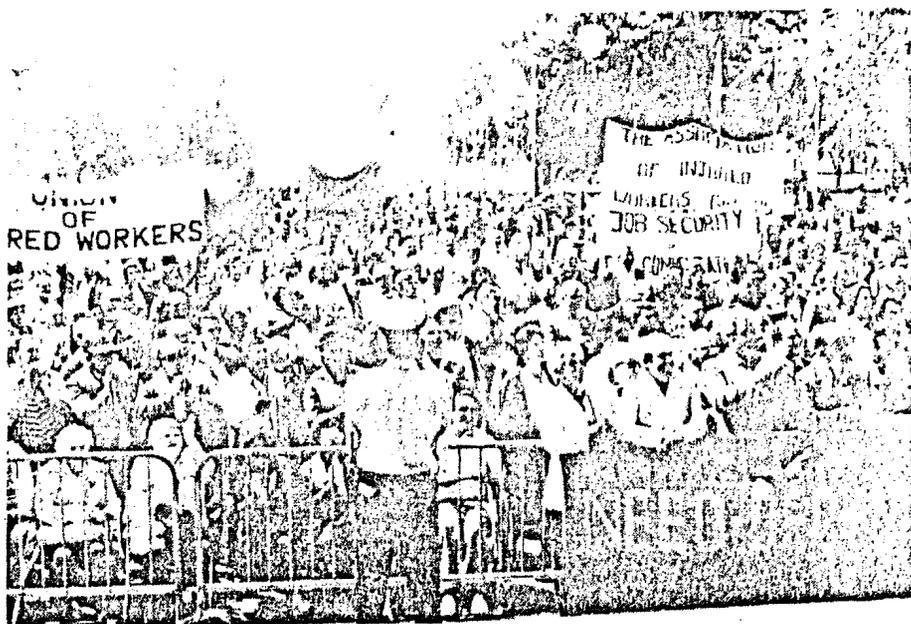
Once again this most solemn event was marred by a very unceremonious crowd of more than 500, chanting "justice for injured workers" at Her Majesty's representative, much to his visible discomfort. Who is this rag-tag group with crutches and wheelchairs which affronts the vice-regal dignity of "the Crown in the right of Ontario"? How dare they eschew the formal lobbies of civilized interest groups with such subversive tactics as releasing doves of hope on the steps of the Legislature?

After years in hospitals, psychiatric offices and welfare agencies, injured workers have emerged as a small but determined political force in Ontario. For more than four years they have, virtually single-handedly, prevented the most powerful provincial dynasty in the country from introducing sweeping changes to the workers' compensation system, changes which were proposed with all the sophisticated packaging of "reform", but which hold the promise of increased subjugation of injured workers to a vast power structure with more than \$1.5 billion in assets — the Ontario Workers' Compensation Board.

These changes, proposed by Harvard Law Professor Paul Weiler, would have a profound effect on the 350,000 plus Ontario workers who will file compensation claims this year and the more than 80,000 workers permanently disabled by their work. They include:

• **The abolition of so-called benefit "stacking".**

Seriously Injured Workers can currently collect both WCB benefits and Canada Pension Plan disability benefits. Weiler & The Ontario government want to save employers' money (WCB being, so far, exclusively employer-funded) by



June 1, 1984: More than 3000 injured workers demonstrate at the Ontario Legislature.

deducting an amount equal to that paid by CPP from WCB benefits. (News item: Former Toronto Police Chief Jack Ackroyd has been appointed to the Liquor Control board at a salary of some \$74,000 a year. Mr. Ackroyd will struggle by with the help of an annual \$50,000 pension from the Police Commission "stacked" on top. No known howls of outrage from Prof. Weiler in Harvard).

• **Medical Review Panels.** Faced with overwhelming criticism of the incompetence, unchecked power and money-saving mentality of WCB doctors, Prof. Weiler proposed that they retain their entrenched, complacent status but that an extremely complex, time-consuming appeal on "strictly medical questions" be available through a Medical Review Panel. Given the length of time required to get an appointment with one specialist, one can only speculate how long it would take to get three together at one time. Experience in other jurisdictions using these kind of panels has been disastrous. Meanwhile the

*emminences gris* of the WCB, the medical personnel, would continue to have free reign in adjudicating claims right up to this point, and, undoubtedly, deciding what is and what is not, the "strictly medical question" to be put to the panel.

• **The Actual Wage Loss System.** At the heart of the changes lies the Tories' urge to abolish permanent pensions. Even before Weiler was appointed, former Labour Minister Robert Elgie was saying that the biggest problem in workers' compensation was with those few workers who returned to work with no immediate wage loss and continued to receive their small monthly pension to recognize their permanent work-caused disability. The solution, according to Weiler, was to get rid of the permanent pension in favour of an "actual wage loss" benefit. This would entail a worker forever being monitored by the WCB to determine if a wage loss was due to a work-related disability. Such determination would be done, of course, by those wonderful folks at the Board who have al-

ready contributed so much misery to the wounded soldiers of the class war.

The actual wage loss system of Weiler's is a truly insidious proposal which would increase Board discretion, inhibit effective rehabilitation, promote low wage ghettos, tie a worker for the rest of his/her life to a dependency relationship to the WCB, be open to gross political and/or economic manipulation and be administratively unworkable.

### **The Response of Injured Workers**

Given these sophisticated but draconian proposals, injured workers and their representatives united in the summer of 1981 to form the Association of Injured Workers' Groups (AIWG). Since that time, the AIWG has been the major — at times the only — opposition to the Weiler Report and the government White Paper flowing from it. The educational and agitational activities of the AIWG have, so far, given the government cause to delay introduction of Weiler-type legislation. Working on volunteer labour and next to no money, they have demonstrated to the government that *injured workers*, if no-one else, understand the implications of the proposals and refuse to co-operate.

Meetings, lobbying and demonstrations culminated in an incredible scene on June 1, 1983. Guilted into setting aside a day of hearings for injured workers, a legislative committee reserved a room with a 700 person capacity for June 1. When the day arrived, so did more than 3,000 injured workers, angry and determined. Despite the attempts by the politicians to disperse the crowd, injured workers refused to co-operate and the result was that the Committee was forced, for the first time in Ontario history, to hold a public hearing on the steps of the Ontario Legislature. Worker after worker gave eloquent testimony as to both the inadequacy of the current system, and the step backward represented by Weiler.

The Tory-dominated Committee totally ignored injured workers and

### **Injured Workers' Day, 1984**

As announced in the June issue of *Dimension*, The AIWG had called for the proclamation of June 1 as "Injured Workers' Day" on an annual basis. Ten municipalities across Ontario, including Ottawa, Toronto, Hamilton, Windsor and Bill Davis' home town of Brampton proclaimed Injured Workers' Day. In Montreal, at the CLC convention, a minute's silence was observed to commemorate the day. And, in the Ontario Legislature, despite a ruling by the Speaker that observing a minute's was reserved only for the death of a Prime Minister, Governor-General "or other such individual public figures", the growing crowd in front of the building convinced MPP's such "traditions" could in fact be changed and for one minute the Legislative Chamber reverberated with an eloquency of silence for workers killed on the job.

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reported, in December 1983, in favour of the Weiler proposals. The NDP and, to a lesser but significant extent the Liberals, wrote strong dissenting reports. As of this writing, the minister of Labour, Russell Ramsay, is clearly hesitant about what to do.

### **Political Lessons for the Left**

The injured workers' movement is one which has both suffered and gained a lot by being so isolated. Labour in Ontario, and from all accounts elsewhere in Canada, has given little attention to workers' compensation issues. The Ontario Federation of Labour is on record as opposing the actual wage loss system, but only by virtue of a resolution submitted by an AIWG member. The NDP in Ontario has moved considerably towards the AIWG position, but workers' com-

### **Ramsay Backs Down on "Actual Wage Loss"**

On June 12, Labour Minister Russ Ramsay tabled the long-awaited WCB "reform" bill. The bill contains provisions for a restructured corporate board, an independent appeal tribunal, a small reduction in benefit levels from 75% of *gross* wages to 90% of *net*, an increase in earnings covered to \$31,500 and other "housekeeping" amendments. Of most interest to injured workers, however, was what wasn't in the bill — the actual wage loss system. Ramsay stated in the Legislature that Weiler's key proposal was being shelved "at this time".

At a time when conservative "restraint" programmes in labour and social legislation have been forced through Legislatures, injured workers can take credit for a significant, if defensive, victory.

compensation has still not become a priority issue with them. Even occupational health and safety activists have involved themselves very little with injured workers' struggles.

While this reluctance on the part of seemingly natural allies to take the message to a broader level of struggle has taxed the limited resources of the AIWG, it has also forced an independence of action and prevented co-optation by any outside group. It has also pitted one group of workers directly against their oppressors without the mediating efforts of labour, academics, the media or the political parties — even, to my own amazement, those parties and groups left of the NDP. Such self reliance has meant that the AIWG itself, representing only injured workers, has been able to define the struggle without any hidden agendas. While that struggle has not made many positive gains, it has made a few significant ones and prevented an erosion of injured workers' rights during a four year period when working people across Canada were under increasing attack on a variety of fronts.

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