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IN UNITY THERE IS STRENGTH



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Hon. David Piccini
Minister of Labour
400 University Ave.
Toronto, ON M7A 1T7

Jeffery Lang
WSIB President and CEO
200 Front Street West
Toronto, ON M5V 3J1

Dear Minister Piccini and Mr. Lang,

As you recall, on December 11th of last year, injured workers and our allies visited the steps of the Ministry of Labour to express our anger over the ways that the WSIB has handed billions of dollars over to employers while continuing to neglect the needs of injured workers. At 400 University Ave. – as well as at other events and meetings held across the province¹ – we offered some New Years Resolutions relating to how we believe the WSIB and MOL should spend the Board's astounding surplus. We also invited people to submit their own resolutions, promising that we would deliver them to you in early 2024.

Between our online form, several in-person events and meetings, and a virtual event, ONWIG collected over 100 resolutions/suggestions for the Ministry of Labour and WSIB, laying out what injured workers and their allies would like to see heading into 2024. Broadly speaking, they can be categorized as follows. Below the chart, some examples from many of the categories are provided.

¹ Including events run by our friends at Injured Workers Action For Justice, Windsor Injured Workers Group, and the Thunder Bay and District Injured Workers Group and submissions from the Occupational Disease Reform Alliance.

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This is not meant to be a scientific study that ranks injured worker priorities, but rather, to communicate that the system is broken. With even a small amount of outreach and short submission window, ONWIG was able to collect resolutions relating to a staggering range of issues that injured workers are facing. Here are some of those resolutions:

Correct Decision Making

- Reduce the incorrect (overturned on appeal) decision rate at WSIB to less than 1%.

Deeming

- Please stop deeming, as it has forced me to be homeless, and caused me to lose friends and family.
- Pay the injured worker benefits/healthcare as long as the disability lasts (stop deeming).
- The WSIB and employers got rich on the backs of injured workers. Please resolve to lift permanently disabled injured workers out of poverty and grant full justice, not half measures.
- My resolution to the WSIB is to provide compensation for as long as the disability lasts for all workers with a work acquired disability.

Finances/Employer Rebates & Rate Cuts

- Stop reducing premiums and giving billions of dollars back to employers, and start compensating injured workers fairly.
- Less money for executives. More money for injured workers. Fair wages for WSIB staff.
- Make injured workers (and not wealthy employers) the most important part of the WSIB. Giving benefits to workers is not “stealing” from employers, it is the role of the Compensation Board.
- Stop giving huge rebates to employers while cutting worker benefits.
- Each year the WSIB creates a surplus by cutting injured workers’ benefits and denying their cases. Yet WSIB celebrates with employers to pay its surplus to them.

Healthcare/Listening to Doctors

- Listen to treating physicians instead of ignoring valid medical evidence. Frontline decisions are often not based on factual evidence or legally sound, they are just a case manager’s opinion, and they often ignore important medical facts (such as my treating doctor/optometrists opinion etc.).
- Access to treatments: No injured worker should be left without access to essential treatments. We demand timely and fair approval of necessary medical treatments and therapies, so workers can receive the care needed for recovery and well-being.

Injured Worker Representation

- Every injured worker deserves proper representation throughout the WSIB process.
- Give more resources to the Office of the Worker Advisor (OWA) so they can represent everyone who needs help, without big delays, whether they are union or not.

Kindness/Listening

- Our voice matters! The WSIB should actively listen to injured workers, taking our experiences and concerns into consideration when making decisions. Our insights can contribute to a more compassionate and effective system. We can create a system that listens, supports, and empowers workers throughout their recovery journey.
- Put injured workers at the forefront of the compensation system.
- Willingness from the WSIB to engage in dialogue with injured workers. (There must be) active and meaningful dialogue to better understand the circumstances injured workers have been subjected to as a result of the lack of support from WSIB.

LOE Rates

- Raise the loss of earnings from 85% to 90%. When the Ford government was re-elected in 2022, it promised that it would raise the WSIB loss of earnings. Over a year later, the government has yet to fulfil this promise.
- Restore compensation levels to 90% of pre-injury earnings, retroactive to 1998.
- WSIB payments to injured workers should be 90% of their regular pay.

Mental Health

- The WSIB must broaden worker coverage for mental health benefits and ensure injured workers that suffer a workplace injury from Chronic Mental Stress or Traumatic Mental Stress are covered. The Board has denied a significant majority of cases for Chronic Mental Stress and this is unacceptable.
- Ensure that workers receive adequate mental health support. Workers continue to struggle to gain access to healthcare, but psychological services have proven the most difficult to access, as many mental health cases continue to be denied by WSIB.

Migrant Workers

- We call on the WSIB to review all migrant worker cases whose compensation has been denied since the practice of deeming began.
- WSIB must ensure that migrant workers voices are a part of the new deeming review process.

Occupational Disease

- Recognize workplace clusters of disease when patterns exceed the level in the community.
- Expand upon the list of occupational diseases presumed to be work-related.
- Accept that multiple exposures when combined cause disease.
- Use the proper legal standard, not scientific certainty when weighing the balance of causality.
- As you celebrate with family and friends remember the workers who are ill and have lost their lives to occupational disease. Let's make 2024 a year of HOPE and CHANGE for all workers.

Organizational Suggestions

- The law should be changed about how members of the Board of Directors are chosen. They should be elected by injured workers and employers registered with the WSIB. Five employer side, five injured worker side.
- The Board of directors should not be “yes men” for the WSIB, they should be people who are bringing the best knowledge to create the best policy.
- The WSIB should hire only people who have had injuries that stop them from working.

Overuse of Insurance Principles

- Stop acting like a stereotypical insurance company and start really helping workers even if they may not be able to go back to work! It may be hard but whose side are you really on?

Research

- We seek services from the WSIB on evidence of what will help injured workers recover to the maximum amount possible. In order to create evidence, the WSIB should work with ONWIG and independent researchers to track injured worker outcomes over the long term.

Return to Work/Time to Heal

- WSIB must stop forcing workers to return to work while still injured and prematurely pushing workers into jobs that are not safe for the worker and/or not meaningful. It is wrong that workers can be kicked off benefits if they refuse accommodated duties when their doctors say they should not be working or that modified work makes their symptoms worse!
- Eliminate barriers to finding a suitable and safe return to work or new employment with a proper labour market transition for all injured workers.

As you can see, the concerns of injured workers are deep, varied, and have very real life consequences for those affected. ONWIG would be pleased to help facilitate regular meetings with injured workers so you can hear some of their stories during your pursuit of solutions to the broken workers' compensation system.

Please do not hesitate to contact me directly with any questions, or to set up meetings.

Sincerely,



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