

## What the *Meredith Act* changes:

Private Members Bill 86, entitled the *Meredith Act (Fair Compensation for Injured Workers)*, 2025, repeals the *Workplace Safety and Insurance Act* (WSIA) and replaces the Workplace Safety and Insurance Board (WSIB) with the Workers' Compensation Commission of Ontario (WCCO).

### Purposes

- The purposes of the *Meredith Act* are:
  - 1) To provide compensation and benefits to sick and injured workers and their families; and,
  - 2) To act as a central clearing house for data on workplace injuries and diseases, co-ordinating information from claims, workplace health and safety committees, the Ministry of Labour, public health officials, and, when warranted, police services.
- *Meredith* mandates that the money in the compensation system is a public trust for the benefit of sick and injured workers and their families. It cannot be used as a type of political patronage slush fund by the government of the day.
- The WSIA has been a nearly three decade long system of shifting costs for workplace accidents and diseases away from employers and onto our communities and, most of all, onto injured workers and their families. The multi-billion dollar premium rebates and rate reductions have taken resources away from injured workers, and placed the burden on injured workers, their families, their friends, and their communities.

### Governance:

- The current WSIB is governed by political appointees as a virtual extension of the Premier's Office. Governance is neither independent or representative.
- The *Meredith Act* Commissioners will be independent and representative because the *Meredith Act* requires equal worker & business representation drawn from six categories of the economy:
  - manufacturing
  - construction
  - transportation
  - healthcare
  - mining, forestry, fishing, and agriculture (one category), and
  - general services workers (including government and public sector workers).In addition there will be a general (at large) worker representative who must be an injured worker and a general employer representative.
- All Commissioners must be nominated by *bona fide* worker and business groups.

## **Compensation**

- The *Meredith Act* restores compensation for loss of income to 90% of net earnings. This is the historic rate that was cut to 85% by Mike Harris in 1997.
- The *Meredith Act* calculation of income loss is determined by the worker's declared earnings only. The current WSIA discounts and ignores many actual earnings to lower payable compensation.
- The *Meredith Act* includes CPP and pension benefits for the first time, ending age discrimination and cutting off permanently injured workers and consigning them to poverty at age 65.
- The *Meredith Act* makes compensation for pain, intangible loss, and suffering last as long as the suffering does, and is to be proportionate to the pain, intangible losses and suffering. The current WSIA system is arbitrary, and can be commuted with a one time lump sum payment.

## **Education and Retraining**

- The WSIA system for education and retraining for permanently injured workers is coercive, arbitrary, inadequate, and grossly unrealistic. At the end, the WSIB will "deem" that a permanently injured worker is re-employed, no matter what the facts are.
- The *Meredith Act* retraining and education must put the permanently injured workers into "at least as good a position" as they were in before the accident, based on real world conditions. It also mandates that the worker's preferences, abilities, and aptitudes, must be taken into consideration.

## **Delays**

- There is no time limit for decisions under the WSIA.
- The *Meredith Act* requires initial eligibility decisions within 15 days. If this deadline is not met, the injured worker is entitled to interim compensation that may not be recovered if the claim is eventually denied.
- The *Meredith Act* allows appeals to the Workplace Safety and Insurance Appeals Tribunal (WSIAT) for delays in decision making.

## **Appeals**

- The WSIA has an internal appeal process that can take months or even years to resolve before an injured worker can take a dispute to the Workplace Safety and Insurance Appeals Tribunal, and severely limits the matters that can be appealed. The WSIB has its decisions overturned in whole or in part at the Tribunal 70% of the time.

- The *Meredith Act* eliminates the internal review and appeal process at the operational level, creating a one step appeal to Tribunal. There are no limits on what may be appealed.
- The *Meredith Act* sets minimum qualifications for the head of the Tribunal, requires nominations from *bona fide* worker and business groups, creates security of tenure for the head of the Tribunal and all adjudicators, and makes the Tribunal more professional, independent, and more judicial in character.
- Recoverable interim benefits will be available pending appeals.
- Under the *Meredith Act*, **all** documents and communications, including internal communications, will have to be produced to appealing workers. This will eliminate covert practices, covert administrative “advice” documents, covert directives from managers, and other abuses common at the WSIB.

### **Medical Privacy**

- The *Meredith Act* mandates that the injured worker/patient decides who examines them and makes medical reports. If the Commission wants a second opinion, the injured worker/patient will choose who the examining physician is. There will be an in person physical examination with a normal doctor-patient relationship, and the examining physician’s first duty is to the patient. “Paper medical reviews” are eliminated and ethical doctor-patient relationships are restored.
- Under the *Meredith Act*, doctor’s opinions are determinative of medical facts. Non-medical compensation administrators cannot override a medical opinion.

### **Legal Accountability and Information**

- WSIB does not gather any information from workplace health and safety committees, and does not flag problem workplaces, employers, types of accidents, types of diseases, or any other safety related information for the Ministry of Labour health and safety services, or any other authority.
- There are no anti-reprisal measures under the WSIA.
- The WSIB routinely prosecutes injured workers for alleged reporting infractions, despite having an interest in the outcome of such prosecutions, in flagrant violation of the principles of natural justice.
- The *Meredith Act* requires the Commission to gather, analyse, and distribute information from it’s own processes, health and safety committees, scientific and medical sources, and to distribute this information widely.
- Under the *Meredith Act*, if the Commission becomes aware of any safety problem,

they are required to report it to the Ministry of Labour health and safety services.

- Under the *Meredith Act*, if the Commission becomes aware of possible fraudulent activity, including claims suppression by employers, they will first communicate with the party. If not satisfied by the answers provided, the Commission will refer the matter to the appropriate police service. The Commission will not have any prosecutorial powers of their own.
- Under the *Meredith Act*, the Commission is required to refer suspicious workplace deaths and serious injuries to the appropriate police services.

### **Severing the Connection Between Injured Workers and Employer Costs**

- The WSIA system of bill-backs, ratings, and rebates creates an inherent conflict of interest between employers and injured workers. It creates a financial incentive for employers to deny, harass, and interfere with injured workers, their medical treatment, and the worker's relationship with compensation. "Cost containment" has become a specialty practice among lawyers and "consultants".
- The *Meredith Act* will end bill-backs, ratings, and rebates and restore the compensation system to one of collective employer responsibility with premiums based upon type of industry or business. There will be no incentive to harass injured workers in order to limit costs. This may be one of the most important aspects of the *Meredith Act*.

For further information, please contact:

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