

**Submissions to the Ministry of Labour, Immigration, Training, and
Skills Development (MLITSD)**

Re: Bill 105 – Schedule 9 (*Workplace Safety and Insurance Act, 1997*)

Injured Workers Community Legal Clinic

May 14, 2026



**REPRESENTING INJURED WORKERS
FREE OF CHARGE SINCE 1969**
A community directed not for profit legal aid clinic

May 14, 2026

Standing Committee on Finance and Economic Affairs
111 Wellesley St. W
Toronto, ON M7A 1A5

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Dear Standing Committee,

RE: BILL 105 (PROTECTING ONTARIO'S WORKERS AND ECONOMIC RESILIENCE ACT)

Injured Workers Community Legal Clinic is a legal aid clinic with a province-wide mandate. We have specialized in workers' compensation since 1969. As a legal aid clinic, our services are provided to people with little or no income for no charge. In addition to legal advice and representation, our mandate includes community development, public legal education and participation in law and policy reform.

We support sections of the Bill that expand coverage to uncovered workers, increase the Loss of Earnings (LOE) benefits rate, and allow for LOE benefits to continue after the age cut-off. Nonetheless, it is our position that these changes are incomplete and require strengthened language to ensure full justice for injured workers. In addition, we are deeply concerned with the proposal to terminate the 72-month lock-in of LOE benefits and the proposed cap to LOE benefits at 100% of Net Average Earnings (NAE).

SUMMARY OF RECOMMENDATIONS

1. Retain the 72-month lock-in provision;
2. Increase to LOE must include retroactivity to January 1, 1998;
3. Increase Retirement age to 70; 5 years after the date of injury/recurrence if 65 years or older at the time of injury/recurrence, or another date if evidence supports a later retirement;
4. Explicit recognition of recurrences in assessing retirement date;
5. Retroactivity to December 2006 for the age 65 cut-off;
6. Extend re-employment obligations for injured workers over the age of 63;
7. Increase the WSIB's contribution to the Loss of Retirement (LRI) Income to 11.9%;
8. LRI payments should be paid on all wage loss payments with no age limit;
9. LRI payments should be retroactive to January 1, 1998;

10. Remove the proposed 100% cap on NAE and reference to the offset for prescribed payments;
11. Universal coverage for all workers and workplaces; and
12. Retroactive coverage for newly covered workers.

BILL 105 PROPOSAL #1: REMOVAL OF LOCK-IN PROVISIONS

Under the current *Workplace Safety and Insurance Act (WSIA)*, the WSIB generally cannot review LOE payments more than 72 months after the injury. The WSIB's own policy describes this as a final LOE review after which the worker is paid benefits until age 65 without further review, subject to exceptions set out in the legislation.

Bill 105 would replace the predictability and stability for many workers with a new section: 44.1. This section would apply to workers who were injured within 72 months of a specified date, which has yet to be determined, and it would apply to workers injured after that date. It would allow the WSIB to review LOE payments after the specified date and "confirm, vary or discontinue" payments. If no maximum review frequency is prescribed, the WSIB may review payments "as frequently as it determines is appropriate."

IWC RECOMMENDATION #1: RETAIN THE 72-MONTH LOCK-IN PROVISION

LOSS OF CERTAINTY FOR INJURED WORKERS

Permanently and severely disabled workers are a particularly vulnerable demographic. As a result, injured workers often look forward to the 72-month lock-in of benefits as it provides a semblance of peace and a rare point of certainty following years of assessments and reviews.

During this six-year period, injured workers' health status and re-employment potential is assessed and reviewed multiple times. We would submit that six years is sufficient time to determine whether the individual can work in some capacity.

Removing the lock-in protection means workers with permanent disabilities could face years of repeated reassessments, surveillance of income, employability reviews, medical updates, and new deemed earnings decisions. Injured workers will be subject to the increasing use of private investigators who will secretly videotape their actions and movements. This will cause new psychological conditions or the exacerbation of existing ones. Accusations of "cheating" will undoubtedly increase significantly if employers and the WSIB have financial incentives to monitor injured workers.

Unscrupulous employers will put pressure on injured workers to continuously complete and submit Functional Abilities Forms (FAF) and then offer "suitable work" that is, in effect, not sustainable. It will result in constant disputes with the employer, the WSIB, and health care professionals. To get to the 72-month lock-in, injured workers have already likely gone through numerous hurdles over many years.

Instead of “compensation as long as disability lasts” (a phrase coined by workers’ compensation architect Justice William Meredith in his 1913 final report), the system will ensure that injured workers experience “probation as long as disability lasts.” The consequences to the well-being of injured workers will be significant as they face perpetual probation and permanent precarity. Ultimately, cruelty and nastiness should not be guiding principles of the workers’ compensation system.

THE IMPACTS OF DEEMING

For injured workers who are deemed in a job they do not actually have, their ongoing LOE benefits are reduced or terminated based on their “deemed” earnings. Annual increases to the minimum wage further erode their already meagre LOE benefits. While those injured workers may not be satisfied with their deemed earnings, they often experience a degree of relief that their benefits will not be further reduced after lock-in.

There is a misconception that workers who reach the six-year mark have full benefits. In a Freedom of Information (FOI) disclosure to IAVGO, dated November 26, 2014, the WSIB documented 387 cases at full Loss of Earnings (85% of NAE) and 2,562 cases at partial LOE (deemed). That translates to just over 13% of workers receiving full LOE, compared to approximately 86% of workers who receive partial or no LOE due to deeming. Simply put, the adjudication of LOE for locked-in cases has already dramatically reduced workers’ full entitlements. If anything, the government should review the use and misuse of “deeming” over time.

LIFELONG RED TAPE FOR PERMANENTLY DISABLED WORKERS

Workers should not have to live under the constant fear of benefit reviews. Many injured workers already describe the WSIB process as being stressful, adversarial, and difficult to navigate. Repeated reviews can require workers to gather medical evidence, employment records, income information, job search records, and explanations for life changes, which just adds to the stress and complexity they are already facing. These challenges will be further amplified for workers who have language barriers, psychological injuries, and/or limited access to support.

UNEQUAL TREATMENT BETWEEN OLDER AND NEWER CLAIMS

The existing lock-in provision will continue to apply to workers whose date of injury is more than 72 months after the specified date. However, workers injured within 72 months before the specified date, and workers injured after, would be governed by the new section 44.1, which eliminates the lock-in.

This creates a two-tiered system, where a worker who was injured six years and one month before the specified date may retain the protections of the 72-month lock-in, whereas a worker who was injured five years and eleven months before the specified date would be impacted by the new legislative scheme. Their disabilities are the same and the need for finality and stability are the same, but the benefit protections they would be entitled to are not.

ADMINISTRATIVE BURDEN FOR THE WSIB AND WSIAT

Terminating the lock-in and allowing endless reviews and assessments will cause a significant increase in decisions and appeals, which will overwhelm Case Managers and the Appeal systems at the WSIB and the Workplace Safety and Insurance Appeals Tribunal (WSIAT). This benefits no one and harms many.

DOWNLOADING COSTS ONTO TAXPAYER FUNDED SOCIAL SAFETY NET

When WSIB benefits are reduced or terminated, injured workers unable to return-to-work have no recourse other than to apply for publicly funded supports, such as Ontario Works (OW) and the Ontario Disability Support Program (ODSP). Costs for workplace benefits should not be downloaded to taxpayer-funded social programs.

The proposal to eliminate the lock-in should be removed so injured workers can live in relative stability and peace.

BILL 105 PROPOSAL #2: INCREASE THE LOE RATE FROM 85% TO 90%

While our consistent position is that injured workers should not experience any wage-loss if they get hurt at work, as any reduction in income for injured workers is unfair and unreasonable, we support restoring benefits to the 1998 level, in this case from 85% to 90% of NAE.

IWC RECOMMENDATION #2: INCREASE TO LOE MUST INCLUDE RETROACTIVITY

There is no explicit reference to retroactivity in the proposed amendment. Retroactivity is important and has been used throughout the years to ensure justice for injured workers.

A clear example of retroactivity is the province's approach to presumptive coverage for firefighters. Although the legislation creating presumptions for occupational diseases (such as cancers linked to firefighting) was enacted decades later, the province made that coverage retroactive to exposures dating back to 1960. This acknowledged that firefighters had been facing known workplace risks long before the law formally recognized them, and that it would be unjust to deny compensation simply because the legal framework had not yet caught up with the evidence.

It's our position that the increase in LOE to 90% should be made retroactive to 1998, when the LOE rate was first lowered from 90% to 85%. After all, benefits were reduced in 1998 in order to address the "crisis" of the unfunded liability, yet now that this "crisis" has been resolved and the WSIB is "overfunded", the injured workers who had to tighten their belts are not being paid back. What do you do when you borrow money from someone? You pay it back, with interest.

It should also be noted that for many injured workers, the 5% increase will be effectively cancelled out by the elimination of lock-in, which will lead to the reduction or discontinuation of benefits for injured workers through ongoing reviews.

Bill 105 gives with one hand and takes away via benefit insecurity with the other. An injured worker's pay is already frozen at their pre-injury income, since LOE benefits do not account for wage increases and promotions or career advancements that a worker would have otherwise been able to access, but for their injury. Annual indexing adjustments do not nearly compensate for the full extent of this loss.

Case Example: Marv

Marv was earning \$35,000 prior to his workplace injury that resulted in permanent impairments. But for his injury, he would have stayed in the job, earning around \$56,000. Now, he is currently receiving \$26,000 from the WSIB. Even though the cost of living has skyrocketed, his income is frozen in time and is in a downward financial spiral. While increasing the LOE rate to 90 per cent is certainly appreciated by injured workers, it is a distraction from the fact that the system has left behind many injured workers for decades, many of whom are living below the poverty line.

BILL 105 PROPOSAL #3: ALLOW INJURED WORKERS TO PROVIDE EVIDENCE TO ESTABLISH A LATER RETIREMENT DATE FOR LOE BENEFITS

Bill 105 would allow workers to request a determination from the WSIB about whether they are likely to work past age 65. For workers injured before age 63, the request must be made on or after age 63 and before age 65. For workers injured at age 63 or older, the request must be made before two years after the injury.

IWC RECOMMENDATION #3: INCREASE RETIREMENT AGE TO 70; 5 YEARS AFTER THE DATE OF INJURY/RECURRENCE IF 65 OR OLDER AT THE TIME OF INJURY/RECURRENCE; OR ANOTHER DATE, IF EVIDENCE SUPPORTS A LATER RETIREMENT

Our recommended approach allows compensation for LOE benefits until the later of:

- I. age 70, if the worker was less than 65 years old at the time of injury or recurrence;
- II. five years after the date of injury or recurrence, if the worker was 65 years or older at the time of injury or recurrence;
- III. another date, if the board is satisfied that the worker would have retired at a date later than provided for above, but for the injury or recurrence.

A few statistics are worth noting:

1. A 2024 report from Statistics Canada reveals that 21% of Canadians aged 65 to 74 were employed in 2022, with 9% working by necessity and 12% working by choice. Individuals working by necessity represented 351,000 people;¹
2. In Ontario in 2024, more than 421,000 people over the age of 65 were employed, with just under 164,000 of those workers being over the age of 70²; and

¹ Rights Don't Retire Report: <https://tinyurl.com/2s3z99uk>

² Ibid.

3. In 1994, there were 4,430 WSIB claims registered for workers aged 63+, compared to 16,784 WSIB claims registered in 2024. That is an increase of 279%. As a percentage of all WSIB claims registered, those aged 63+ represented 1.2% of all claims in 1994, compared to 7.1% in 2024, an increase of 492%³.

The Canadian federal government's retirement income system recognizes that many people continue working well beyond the age of 65. Both Old Age Security (OAS) and Canada Pension Plan (CPP) allow individuals to defer retirement benefits until the age 70, which entitles them to higher monthly payments. Similarly, Canadians can maintain their Registered Retirement Savings Plan savings until they turn 71 years old, before converting them. These federal benefit program policies are based on the reality that Canadians can and do remain in the workforce well into their late 60s and early 70s, either because they choose to, or because they must. Therefore, a statutorily guaranteed base retirement age of 70 for LOE benefits would be in line with federal retirement law and policy.

Allowing workers to adduce evidence that they would have continued working past the age of 65 is a step in the right direction for workers. But without an increase to the statutorily guaranteed baseline for entitlement, as suggested above, it leaves many workers vulnerable and only provides the possibility of ongoing compensation for those who can prove that they likely would have worked past age 65 but for their injury. It also places the onus on workers to request a decision on their ongoing entitlement, as opposed to an automatic assessment initiated by the WSIB. This downloads an additional responsibility onto injured workers who are already navigating a complex system.

Many low-wage workers do not have formal retirement plans that are documented. Many people work past age 65 because they cannot afford to retire. They do not have written proof of their retirement plans, and many workers don't even make that decision in advance. They simply continue working because their financial circumstances require it.

That is why increasing the base age for entitlement to compensation is crucial. This approach balances the importance of statutory certainty with the flexibility of individualized assessments for workers based on personal circumstances.

IWC RECOMMENDATION #4: RECOGNITION OF RECURRENCES

The *WSIA* currently treats LOE entitlement as if it follows a fixed and predictable timeline, ending at age 65 or after two years for those injured when they are 63 or older.

The proposed legislation does not explicitly account for entitlement to recurrences of work-related injury or illness for those injured when younger than 63 who experience a post-65 worsening/deterioration. The legislation must include language that explicitly provides coverage for recurrences. Without explicit legislative protection, there is a serious gap in the law.

³ Ibid.

Case Example: Allen

Allen was injured at work at age 52 and developed a serious knee condition. Over time, he required multiple surgeries, all recognized and covered by the WSIB, even after he turned 65.

Before he reached age 65, he was compensated for his lost wages while off work for medical treatment. After age 65, he was not.

After turning 65, he returned to work despite ongoing health issues. When his knee condition flared up again, he required further surgery and time off work.

At that point, Allen was denied WSIB LOE compensation, even though his condition had been consistently recognized by the WSIB and his loss of income was directly connected to the injury.

Allen's situation highlights a fundamental flaw in the system: the WSIB can provide entitlement to healthcare benefits but deny an injured worker LOE payments because the worker reached the arbitrary age limit. In Allen's case, he was denied LOE compensation after he turned age 65.

The WSIB already recognizes recurrences for the purpose of healthcare for workers over the age of 65. Workers can receive entitlement to surgery, medications, and rehabilitation services for the same injury after age 65.

However, this recognition is not matched by income protection, which creates an inconsistent and illogical system where the injury is accepted, the treatment is covered but the wage loss is ignored because of arbitrary age limits. Comprehensive reform must align medical entitlement with economic entitlement and account for the full life cycle of an injury, including recurrences.

Any meaningful amendments to the legislation must include reference to recurrences when determining the duration of LOE compensation.

IWC RECOMMENDATION #5: RETROACTIVITY TO DECEMBER 2006 FOR THE AGE 65 CUT-OFF

When the *Human Rights Code* was amended to eliminate mandatory retirement, the government asked for an exemption for the *WSIA*. Age discrimination has been wrong for 20 years and fairness requires that this change should apply to all injured workers who have been denied compensation waiting for the government to correct the system.

As stated, Ontario has already recognized the importance of expansive retroactivity in workers' compensation when fairness demands it. The same principle should apply to the age 65 cut-off. Just as the law eventually recognized that firefighters were entitled to compensation for harms that had long been understood, Ontario must now recognize that older workers have been systematically undercompensated under an outdated assumption about retirement. Since the abolition of mandatory retirement in 2006, workers have had the legal right to continue working, yet the *WSIA* maintained an age cut-off at age 65. Limiting reform to a forward-looking change would repeat the very injustice the firefighter presumptive provisions sought to correct in that it would acknowledge the problem going forward while leaving those already harmed without remedy. A fair and principled approach requires meaningful retroactivity to ensure that workers who were short-changed under the old system are included in the solution.

IWC RECOMMENDATION #6: EXTEND RE-EMPLOYMENT OBLIGATIONS FOR INJURED WORKERS OVER THE AGE OF 63

Currently, the *WSIA* does not extend re-employment obligations for workers who are 63 years of age or older. A fair and consistent approach means that re-employment obligations on the part of employers must be continued for workers who are injured at 63 or older.

IWC RECOMMENDATION #7: INCREASE THE WSIB'S CONTRIBUTION TO THE LOSS OF RETIREMENT INCOME TO 11.9%

The WSIB's contributions to the Loss or Retirement Income (LRI) must be increased to 11.9%, to better support older injured workers. This percentage is the equivalent to Canada Pension Plan (CPP) employer and employee contributions. When first established in 1990, LRI benefits were set at 10% to match CPP contributions at the time. The LRI rate was reduced to 5% in 1998 as part of the WSIB's efforts to address the unfunded liability. Now that the unfunded liability is no longer a concern, the reductions to injured worker benefits should be restored.

The current 5% rate is too low to meaningfully replace retirement income lost because of prolonged work-related disability. For a worker who has already experienced a serious earnings interruption because of a workplace injury, a 5% WSIB contribution beginning only in the 13th month will often produce a relatively small amount by age 65. Furthermore, the 5% LRI contribution is calculated on 85% of net wages, as opposed to CPP contributions which are based on 100% of gross wages. In other words, matching the current CPP contribution rate of 11.9% would still put injured workers at a disadvantage in retirement, but would at least respect the original plan and intention of the LRI benefit.

The current approach asks injured workers to voluntarily contribute 5% of their LOE benefits to cover the 5% reduction in WSIB contributions. Because LOE benefits already represent a 15% pay cut, only around 13% of workers voluntarily contributed as of 2021.

IWC RECOMMENDATION #8: LRI PAYMENTS SHOULD BE PAID ON ALL WAGE LOSS PAYMENTS WITH NO AGE LIMIT

The current framework creates an age-based exclusion. The Board does not make additional LRI contributions for people who experience new work-related injuries or illnesses after they turn 64. This exclusion can't be justified in a labour market where many Ontarians continue working past age 70.

IWC RECOMMENDATION #9: LRI PAYMENTS SHOULD BE RETROACTIVE TO 1998

Injured workers who received the 5% WSIB contribution as of January 1, 1998 should receive an additional 5% plus investment income from the WSIB. On top of that, injured workers should receive the additional percentage that would make their LRI equal to the CPP contribution rate for a particular year. As noted above, the 1998 reduction effectively borrowed money from injured workers to help the WSIB's finances. The WSIB is overfunded, it's time to pay back the loan.

BILL 105 PROPOSAL #4: OFFSETTING PRESCRIBED BENEFITS AGAINST WSIB BENEFITS

A proposed new section 44.1(5) would require the WSIB to adjust LOE compensation so that LOE plus prescribed payments do not exceed 100% of the worker's pre-injury NAE. Section 44.1(7) says prescribed payments may include payments under another Act or Act of Canada, and payments made by or on behalf of the employer.

IWC RECOMMENDATION #10: REMOVE PROPOSAL RE THE 100% CAP OF NAE AND REMOVE THE OFFSET OF PRESCRIBED PAYMENTS

This proposal creates the unfair scenario where social benefits, settlement monies from a former employer, or financial payments from the existing employer (i.e. Christmas bonus) could reduce WSIB compensation. This will inevitably lead to unfair outcomes for workers and further entrench poverty and precarity.

A worker should not have their LOE reduced because they receive governmental social benefits or employment income that are not considered wages. Currently, a worker cannot “double dip” by receiving OW or ODSP for the same period as they receive WSIB LOE benefits. This makes sense, however, it doesn't make sense that receipt of other possible benefits, like CPP retirement benefits, CPP survivor benefits and the Canada Child Benefit, could be used to reduce LOE. These benefits are not relevant when determining entitlement to LOE.

INJURED WORKERS ARE ALREADY GETTING STIFFED

Injured workers who are on “full” LOE are already at a financial disadvantage. To cap someone's income replacement at 100% of their pre-injury levels even decades after their workplace injury is a recipe for long-term poverty. This is a non-exhaustive list of how injured workers are already disadvantaged financially and neglected by the WSIB:

- Most injured workers experience a 15% wage cut by virtue of the 85% LOE rate
- Injured workers who have deemed earnings experience gradual wage loss, as the minimum wage increases; over time, some injured workers may lose all their partial loss of earnings
- NAE do not include opportunities for promotions and career advancements
- NAE do not include salary increases that are either individually negotiated or collectively bargained
- The 2026 WSIB earnings ceiling is \$121,700.00, and as a result, high income earnings are significantly reduced
- Employers are only obligated to continue to pay workplace benefits for one year after the date of injury; therefore, many injured workers must start to pay the costs themselves, or they must skip out on things like prescription medication
- If an injured worker is unable to go back to work, they lose out on contributions to workplace and private pensions, reducing their retirement income security
- If an injured worker is unable to return to work, they lose out on contributions to the Canada Pension Plan, which as stated above, is not adequately supplemented by the LRI benefit. This exacerbates retirement income insecurity

- CPP contributions are based on gross earnings, while the WSIB’s 5% LRI contribution equals 5% of a workers’ LOE benefits

According to research from the Wellesley Institute, people with disabilities spend 30% more on daily living costs as compared to the rest of the population.⁴ This is yet another way that injured workers are disadvantaged by virtue of their disability.

LEGISLATING STIGMA FOR ALREADY VULNERABLE INJURED WORKERS’

The WSIB’S Brochure entitled, “The Facts about Injured Workers Stigma” has relevant guidance. It says: “**Myth:** injured workers are lazy. They just want to sit at home and get paid. **Reality:** Injured workers don’t want to be off work. They want to recover from their workplace injury or illness and get back to work where they can earn their full wages and interact with friends and colleagues. Sometimes this takes a while. And for some workers, a return to full-time work isn’t possible.”

The brochure acknowledges that the WSIB can combat stigma and misunderstanding by “examining [its] systems and procedures to address those that reinforce stigma.” This is excellent advice for those in charge of Bill 105 and should be applied to the idea of eliminating the 6-year lock in and offsetting other prescribed benefits. We submit that these proposals are rooted in damaging stigma and harmful assumptions that injured workers just want to sit at home and get paid or are not really disabled and will work and double dip after the 6-year date is done.

A SOLUTION IN NEED OF A PROBLEM

If there is a real problem this proposal is meant to address, we have not seen it. Before making such a significant change to the workers’ compensation system, which will increase poverty and exclusively disadvantage the most significantly disabled injured workers, it is incumbent upon the government to demonstrate that this is an actual problem rather than a manufactured crisis requiring such a drastic and over-broad response.

BILL 105 PROPOSAL #5: EXPANDED COVERAGE FOR CARE WORKERS

The Act would be amended to extend coverage to approximately 29,000 additional frontline care workers in privately operated residential care facilities, retirement homes, and group homes.

IWC RECOMMENDATION #11: UNIVERSAL COVERAGE

Our position is that the WSIB should provide universal coverage, without exception. So, similar to our comments above, we do not feel that this expansion is adequate.

Ontario’s WSIB coverage rate is approximately 75%, which is one of the lowest rates in Canada. Other provinces have coverage rates above 90%, such as Alberta and British Columbia. We are too far behind, and workers are left in the dark. This is not acceptable.

⁴ Thriving in the City with a Disability: <https://tinyurl.com/y7tp68y4>.

Often, workers in the same field of work are subject to very different levels of coverage. For instance, some childcare workers are covered, but others are not. This is illogical.

A 2023 report by Vivic Research estimated that there were approximately 1.56 million workers not covered by the WSIB in 2021. Under the proposed legislation, 29,000 workers will gain coverage out of an estimated 1.56 million uncovered workers. This only represents 1.85% of workers not currently covered – while a good thing, it’s only a drop in the bucket.

IWC RECOMMENDATION #12: RETROACTIVE COVERAGE FOR NEWLY COVERED WORKERS

The law must require that the WSIB notify all workers who were previously denied benefits because they were excluded; their claims should now be adjudicated. It would not be fair to disallow those previously excluded from now attaining WSIB benefits.

Without retroactivity, absurd situations will arise. If workers become eligible for coverage as of January 1, 2026, a worker who was injured on December 31, 2025 would not have coverage, but a worker injured the next day would have coverage. This does not make sense. Therefore, retroactivity is key.

DOES THE WSIB HAVE THE MONEY TO PROVIDE BENEFITS TO THESE WORKERS?

Let’s look at the facts pertaining to premium rates and surplus distribution:

- The average premium rate per \$100 of insurable earnings was \$3.17 in 1990, compared to \$1.23 in 2026.⁵
- The average premium rate per \$100 of insurable earnings was \$2.35 in 2018, compared to \$1.23 in 2026.⁶
- There have been premium rate cuts in 7 of the past 10 years.⁷
- The average premium rate is less than half of what it was in 2016.⁸
- Lowest average premium rate in more than 50 years.⁹
- There have been 3 separate announcements of \$2 billion “surplus distribution” giveaways to business in the past 18 months (November 2024, April 2025, and September 2025). These three rebates total more than the combined benefit payments to injured workers in 2024 and 2025.¹⁰
- The most recent \$2 billion surplus rebate in fall 2025 led to the average business receiving 61% of their 2024 premiums being returned.¹¹

⁵ FOI Data from the WSIB.

⁶ Ibid.

⁷ WSIB returns another \$2 billion in surplus funds to eligible safe Ontario businesses: <https://tinyurl.com/3c2f3wcz>.

⁸ Ibid.

⁹ Ibid.

¹⁰ WSIB Health and Safety Statistics: <https://tinyurl.com/y4kk8c9t>

¹¹ WSIB returns another \$2 billion in surplus funds to eligible safe Ontario businesses: <https://tinyurl.com/3c2f3wcz>.

- In less than 10 years, cumulative savings for business through premium rate reductions and surplus distribution totals \$21.5 billion.¹²
- The WSIB's sufficiency ratio was 117.1% at the end of Quarter 3 in 2025.¹³

Simply put, the WSIB has more than enough money to ensure that injured and ill workers are properly compensated and receive full justice, including retroactivity. Injured workers must receive priority over business.

CONCLUSION

Bill 105 is being hailed as an expansion of injured worker benefits. But the committee must consider the inter-related impacts of what is being proposed under the guise of this expansion. Increasing LOE to 90% is a step in the right direction, as is recognizing that people work beyond age 65. But these gains should not come at the expense of one of the most important protections injured workers have, which is the lock-in of benefits after 72 months.

A permanently and severely injured worker should not have to continuously establish that they are still disabled as a result of their workplace injury and that they are still unable to re-enter the labour market. Bill 105 should be amended so that long overdue benefit enhancements do not come at the cost of perpetual probation, permanent precarity and entrenched poverty for injured workers.

All of which is respectfully submitted this 14th day of May 2026.

Injured Workers Community Legal Clinic
815 Danforth Avenue, Suite 411
Toronto, Ontario M4J 1L2

¹² Ibid.

¹³ WSIB Corporate Reports: <https://www.wsib.ca/en/corporate-reports>.

ADDENDUM

Remarks delivered by Marvin Mulder, an injured worker from Hamilton, to the Standing Committee on Finance and Economic Affairs, March 13, 2026

Good afternoon,

My name is Marvin Mulder, I am here today not just as an injured worker but as father and a grandfather that has 16 years' experience dealing with our compensation system, but as a warning Bill 105, specifically the devastating impact also the life-altering impact on injured workers.

Right now, if you are injured and incurred an injury the wsib pays 85% of your net income. This bill proposes to increase to 90%. In theory that sounds like progress. But let's look at the math of a real life person. I made \$35,000 when I sustained a lifelong debilitating injury. My job today pays a salary of \$56,000, because of the way the system calculates loss of earnings, I now receive \$26,000 from wsib. While the world moves on, and inflation has soared my income is frozen in time and is in a financial downward spiral. A 5% increase, while is greatly appreciated but this is not a "BENEFIT", it is a distraction from the fact the system is leaving injured workers decades behind the cost of living and we live below the poverty line.

The most terrifying part of this legislation is the uncertainty it creates for older workers. The proposed rules states that at age 65, your Loss of earnings are cut off unless you can prove you intended to work until the age of 70. Let's take a look at my situation. At the age of 40, I incurred a crippling spinal cord injury, My question is and Please let me let me know how to prove this when I would be working to 70 when EVEN WSIB is saying that due my medical condition I am not able to gain any kind of employment. I am facing the fact that I have a mortgage that is more than I had originally bought my house for. This is due to the fact my income is substancially less than when I bought my house, also the fact my income was more reduced by WSIB by deeming me capable of finding employment even though 8 yrs. later another case manager reviewed my case and reversed the original decision and even apologized because the original decision was so wrong. I now will have a decision AT 65 to make, either lose my home, due to the fact I will have less income or end my life because my wife who has worked all her life, now faces a real reality that she will not be able to retire because she has to carry the financial weight of my injury. Now I don't know about any you but, I would not be able to bare to see her have to struggle anymore and the simple fact I would be worth more to her dead than alive.

I would now like to address the issue of the 72 month lock-in elimination and the psychological effect it has. I also suffer from major clinical depression which wsib awarded as a secondary entitlement which was caused not only the physical pain but the way wsib had handled my case by deeming me even though while in the return to work program while attending school, I was sent to the emergency room 3 times during a 4 month period due to the fact my body could not handle going to school. During my last time in the emergency room, I had reach my mental breaking point in which I had made the decision to end my life because I was told by wsib if I could not do the back to school they were going to just have me find a job. If it wasn't for the fact

that while in the emergency room we got a call that my granddaughter was going to be born, I would not be here today. After being deemed my 72lock in period came into effect. This was such a mental relief due to the fact I knew wsib could no longer punish me and my financial situation would remain stable.

Eliminating that lock-in period destroys that peace of mind. It also keeps us in a permanent state of fear. When you take away a person's financial stability and their hope for a dignified retirement, you are pushing injured workers to the brink. I AM TELLING YOU TODAY and speaking from experience injured workers are considering ending their lives because they see no other way out of debt and the bureaucracy.

I am pleading with you to reconsider bill 109 section 9. Do not trade away our long-term security and dignity in order to save employers a few dollars.

I want to thank you for your time today, before I go, I would like to ask you, If you had a spouse or a loved one sitting where I am today, also would this this legislation as it stands today would it take care of them and put them in a basic standard of living. Premier Ford stated during a press conference that if a person is unable to work the government will take care of you.

Thank you.