

Bearing the Burden

Injured Workers and Workers' Compensation

Some people say that injured workers get too much. We say let's ask some questions about that. We have all been exposed to media stories about compensation 'abuse'. But the real facts give us a different story. For example, did you know that:

- Thousands of workers in Ontario suffer from work-related diseases. However, only 1 out of every 17 victims is receiving compensation from the Workers' Compensation Board (WCB). An estimated 6,000 workers die of occupational disease each year in Ontario.



PHOTO: CONSTANZA DURÁN

- More than 40% of workers with permanent disabilities in Ontario are unemployed.
- Over 5,000 of Ontario's injured workers with WCB disability pensions also need social assistance benefits in order to live.
- The WCB is not in debt. It holds 6 billion dollars in reserve funds according to their 1993 Annual Report.

Are you a bit confused about Workers' Compensation? If you have not been injured at work, you probably are.

This issue was produced with Injured Workers' Consultants, a community-based legal clinic that works with injured workers. Inside, people who are at the centre of the debate — injured workers — tell you about what happened to them and how the system treats injured workers. Decide for yourself.

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The history of Workers' Compensation

Over a century ago, industrialization ushered in tremendous wealth for those who owned the factories and an era of injuries and disease for those who worked in them. By the turn of the century, workers were fed up with being tossed out like bits of broken machinery after they suffered accidents and diseases at their jobs. They began to demand support from the government. In 1915, the Ontario government passed a Workers' Compensation Law which was the result of many years of study by Chief Justice William Meredith. Judge Meredith heard from workers about the terrible poverty they faced after workplace accidents. He heard about how they had to get a lawyer and sue the employer yet they rarely won. He also heard from employers that they did not like to be sued because court decisions were increasingly on the side of workers — forcing employers to pay an unexpected large amount of money which was bad for their business.

The employers were anxious for a system which would save them money and they complained to Judge Meredith that he should not be generous with his system. They said if the system was too costly, it would

drive business out of Ontario. The Judge was firm in saying that the system was not to be based on what employers thought they could or could not pay, but on what workers actually needed.

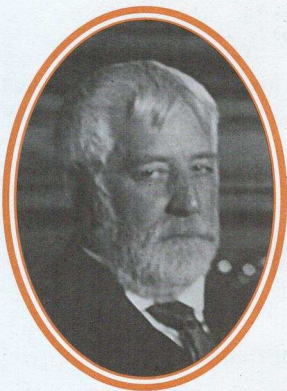
With the passage of the **Workmen's Compensation Act**, injured workers received the right to security of compensation that was to be paid promptly and last as long as the disability persisted. Compensation was to be paid for any disease or accident resulting from a workplace regardless of whose fault it was.

The Act prevented appeals to the court. Judge Meredith had insisted on this provision to prevent wealthy employers from harassing injured workers by forcing them to defend their benefits that had already been determined to be justified by the Board.

With the passage of the Act, employers received protection from being sued. Instead, they would pay yearly assessments to the Board which could be included as another "cost of doing business" and passed on to the consumers.

The fact that workers gave up the right to sue in return for prompt, secure, no-fault compensation is known in the compensation world as the "historic compromise".

Compensation is an important right that workers have. We expect certain things such as: a WCB which tries its best to help us when we are injured; prompt payments; compensation for as long as we have the disability so that we do not end up on welfare; good medical treatment so that we can recover as quickly and completely as possible; good rehabilitation so that we can re-enter the workforce in meaningful, suitable jobs; protection from employers who try to challenge our claims in order to reduce their costs; and resources directed to improving working conditions so that fewer of us will end up suffering the effects of workplace accidents and disease. ■



Judge Meredith

"A just compensation law...ought to provide that compensation should continue to be paid as long as the disability lasts and the amount of compensation should have relation to the earning power of the workman." — from Judge Meredith's final report (Page 13)

Glossary

Throughout this publication, there may be terms that you do not understand. Here are clear definitions for this *compensationese*, the language used by people involved in the world of Workers' Compensation.

Unfunded liability:

The projected cost that will be owed by employers to the WCB.

Experience rating:

A system created by the WCB to promote good health and safety provisions at the workplace by giving cash rebates to employers with low accident records. Many employers now pressure injured workers to not file a claim so that they will qualify for this rebate.

Older workers supplement:

The supplement system awarded to workers before January 1990. Not all injured workers get a supplement, only those that the WCB considers unable to approximate pre-accident earnings.

Pre-1990:

Workers injured before 1990 belong to the old pension system while those injured after January 1990 are governed by legislation known as Bill 162, which changed the pension system.

Initial entitlement:

The decision that determines whether the WCB will or will not accept responsibility for the injury or disease.

Permanent disability:

An injury that becomes permanent. The WCB now calls this an impairment.

Level of disability:

When there is a permanent

So you were injured at work - what next?

disability due to a workplace injury, the WCB assesses how severe the disability is.

Wage-loss: When an injured worker cannot make the same wages that were earned before the injury due to a disability.

Pension awards: When injured workers with permanent disabilities get compensation for life. Awarded according to the level of disability.

FEL award: Future Economic Loss award is an estimation of the long term wage-loss suffered by the worker. The estimation is usually questionable because of the practice of "deeming".

Deeming: When the WCB assesses compensation for a worker according to estimates based on a job the worker does not have.

NEL award: Non Economic Loss award is a monetary award based on an estimation of the pain and suffering caused by the permanent disability.

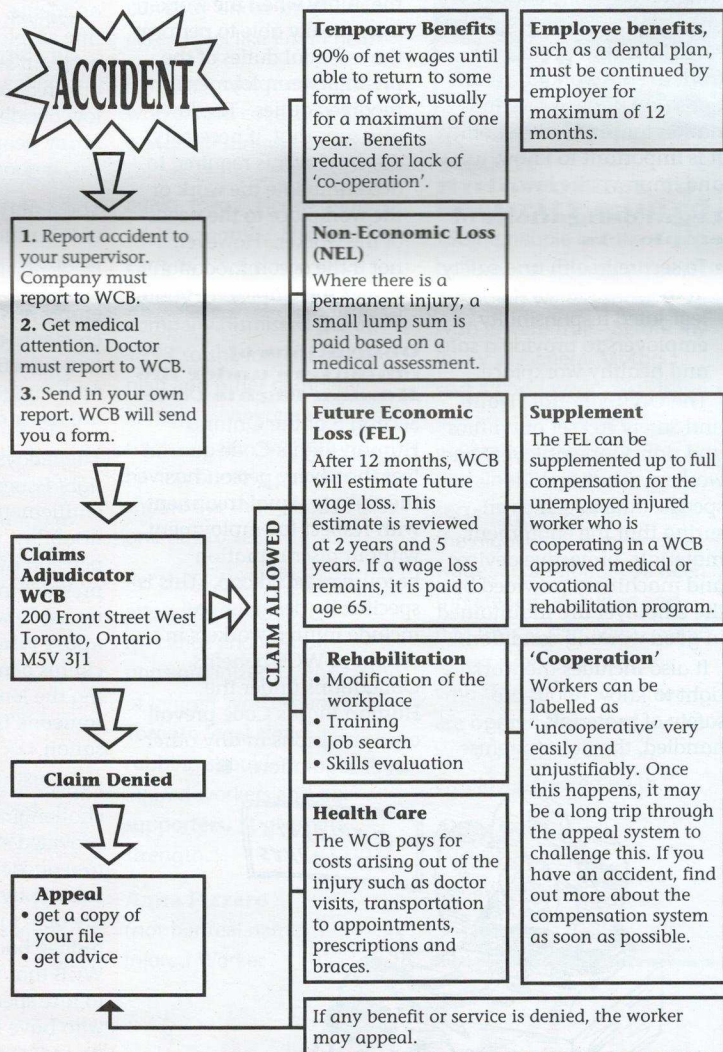
Vocational rehabilitation: The program of job retraining with which the WCB assists injured workers in returning to work.

Law reform: Activities involved in trying to improve the law.

Modified duties: When a worker has a permanent disability due to a workplace injury and cannot perform her/his original job, she/he is supposed to be offered a job that she/he is able to physically perform.

Often workers do not know how they should file a claim for an accident or what benefits and services to expect from the WCB. This is a very simplified chart to give readers the general idea. If you have an accident, be sure to get more information from your union or another reliable source (see Contacts page).

The system is presently under review by a Royal Commission and may change substantially. This chart applies only to accidents after January 1, 1990.



Employers do have responsibilities

We are facing a period of cutbacks to social programs. The well-to-do promote the idea that society can no longer afford these programs. Governments are removing long-standing rights in order to save money. The people who have the least in our society suffer the most. They are being asked to give up even more.

Health and safety on the job and Workers' Compensation are seriously threatened by cost-cutting. We have laws that protect us from unsafe working conditions and against discrimination for physical disability. It is important to know, use and improve the law.

Legal obligations of employers

- To secure health and safety at the workplace. It is a legislated responsibility of employers to provide a safe and healthy workplace.

The Occupational Health and Safety Act set out duties and rights for employers and workers. They include specific duties such as ensuring that the equipment, materials, protective devices and machinery provided by the employer are maintained in good working condition.

It also includes the workers' right to know about the safety of materials being handled, the right to refuse

unsafe work and to participate in health and safety committees.

- To report all accidents.
- To re-employ injured workers. In Ontario, employers of companies where 20 or more people are employed must offer to re-employ injured workers who have been employed continually for at least one year. The employers must re-employ during the period of 2 years after the date of the injury when the worker is medically able to perform the essential duties of the pre-injury employment or modified duties. The law also says that, if necessary, the employer is required to accommodate the work or the workplace to the needs of the worker. However, not if the accommodation causes the employer "undue hardship".

Obligations of employers under the Human Rights Code

Section 5 of the Ontario Human Rights Code guarantees that every person has the right to equal treatment with respect to employment without discrimination because of handicap. This is specifically designed to include injured workers in receipt of WCB benefits. Obligations under the Human Rights Code prevail over provisions in any other Act or regulation. ■

What's wrong with experience rating?

Employers now have a way of getting money back from the WCB through a system called experience rating.

Experience rating was originally introduced to encourage employers to create and maintain safe and healthy workplaces and thereby reduce accidents. The idea is to fine employers with worse accident statistics and to give rebates to those with low accident statistics. Many people thought this was a good idea.

The reality is that experience rating does not promote health and safety in most workplaces. Many employers pressure workers not to claim compensation benefits in order to make it seem that there are fewer accidents.

These days, employers also fight issues such as initial entitlement, level of disability, wage loss and pension awards. They pressure injured workers to return to work before the injury is healed by getting claims denied or shortening the length of time someone is on compensation.

Experience rating and challenging claims have provided employers a way to reduce their compensation payments. They are able to get so much money back from the WCB that they can afford to hire special consultants who have helped create an industry geared to fighting claims. ■



Media stories often portray injured workers as having it easy. Often, though, the story for injured workers is one of unemployment, depression and injuries that last a lifetime. Two injured workers tell their story.

“I can’t believe it happened to me.”

Anna did not know anything about workplace injuries and the Workers’ Compensation Board until it was too late.

Anna came to Canada from Italy in 1964 full of energy, hope and dreams for the future. She started working right away as a piece-worker, sewing for an upholstering firm in Oshawa. She worked hard for 11 years without taking a day off — until she fell down at work in 1976 and injured her head, neck, shoulders and back.

“From January 1976 to October 1991, I started an endless cycle,” Anna recalls. “I would stay off work long enough to get my pain under control. My fear of losing my job and the intimidation, from the WCB and the employer, forced me to go back before I was ready. The result was that I had to stop working again and again because of more pain.”

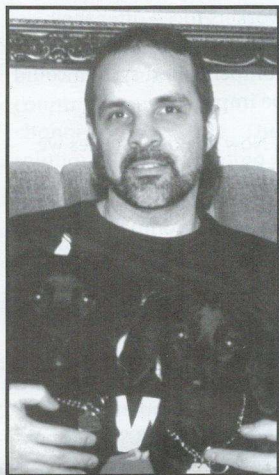
This on again/off again cycle ended in October 1991 when Anna finally broke down. She was pushed beyond her limit and against her will. Her physical injuries had not only become worse, she also developed serious depression.

“Now my life consists of taking all kinds of medication and trying to tolerate the pain,” she says. “I can’t look after my grandchildren, do my chores or have any hobbies. Sometimes I have thoughts of suicide. I am currently under psychiatric care. I feel like I’m in hell.”

For those who think injured workers are collecting a bundle of money, Anna has a simple message: “Think again, folks.” Her pension is \$426 a month. She used to earn this in a single week. To add insult to injury, her company dismissed her in 1993 so she lost her pension plan and other company benefits. “Anyone who thinks injured workers are having one big paid holiday should live in my body for one day to see.”

Recently, Anna has been attending the public meetings and demonstrations organized by the Union of Injured Workers and Toronto legal clinics. “I like rubbing shoulders with other injured workers and our supporters. It gives me strength.”

Anna Pizzaro
(not her real name)
Injured Worker



From autoworker to security guard

“Some people out there believe that injured workers are doing well financially. I wish it were true. Before my injury at General Motors I had a good wage, seniority and an excellent benefits package. Now I have ‘retrained’ myself as a security guard where I work the night shift at minimum wage. In addition, I’ve been threatened, assaulted and had my car damaged. Some career progress! Anyone who thinks injured workers are overcompensated by the WCB is dealing with an employer-created myth.”

Andy George
Injured Worker
Oshawa, Ontario

Will the real facts stand up?

Newspapers used to carry stories about the problems injured workers faced after their accidents and how the compensation system could be improved.

Now the only stories we see in the papers are complaints by employers of how their compensation costs are too high and are going to drive them out of business.

Employers want to change the system by reducing compensation payments by 10%; not pay any more than 6 weeks of compensation for back strains or repetitive strain injuries even though both types of injury can take months or years to repair and can even result in permanent injury; cut people off their permanent pensions; and generally make it much more difficult to get compensation in the first place. And they rarely talk about the importance of health and safety.

Employer organizations go to great lengths to put forward the idea that injured workers are overcompensated while the WCB is going broke. They say that the responsible thing to do is to reduce injured workers' benefits and that failure to cut benefits will mean the downfall of the WCB and the Ontario economy.

Do you believe it?

Believe it?

Employers' WCB rates are skyrocketing.

Not!

Employers' costs have not changed much over the past 6 years and have even gone down in some provinces. These figures, published by the Financial Executives Institute of Canada, are surprising, particularly when you adjust for inflation by looking at them in current 1995 dollars.

Even though WCBs have lowered employer costs, governments brought them down further by initiating cuts to injured workers. In Ontario, the government dramatically reduced the inflation protection that previously guarded the real value of injured workers' benefits. In Manitoba, the government introduced restrictions on entitlements for work-related stress and diseases.

Believe It?

Experience rating helps both employers and workers.

Not!

Experience rating is supposed to provide financial incentives to employers to improve workplace health and safety by adjusting their rates based on the accident "experience" of their company. Many workers are finding that accidents are not being reduced. Instead, accident reporting is being reduced. Workers are pressured to claim private insurance rather than compensation. Workers are pressured to

stay on the job when they clearly need medical attention. Workers are convinced to return to work before they have sufficiently recovered from their injury.

Not many studies have been done, but reports from British Columbia, Manitoba, Ontario and even the Canadian Tax Foundation echo the concerns of workers.

These rebates to employers in Ontario are currently draining the accident fund — supposed to be used to pay benefits to injured workers — by \$200 million every year! This is without a noticeable improvement in health and safety for Ontario's workers — in fact the number of critical injuries has dramatically risen over the past few years. Critical injuries are more difficult to hide.

Believe It?

Ontario's WCB faces a huge debt crisis.

Not!

The Ontario WCB is not in debt. It has never borrowed a cent and pays no interest. On the contrary, according to their 1993 Annual Report, Ontario's WCB has a \$6 billion dollar nest egg, one of the biggest pools of money in the country, to cushion it through hard times. This money is earning considerable interest to add to their coffers (and to lower employer assessment rates).

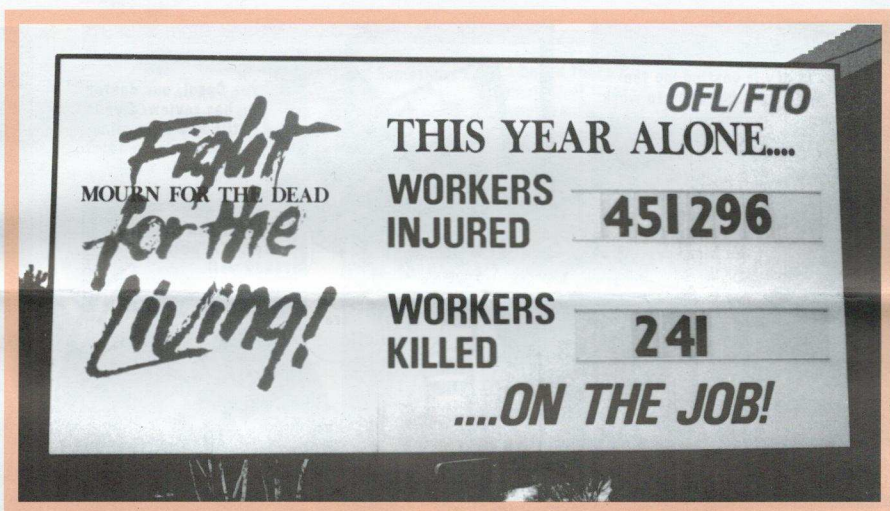
The debt which employers refer to is actually something called the "unfunded liability". The unfunded liability is the expected future costs of current claims, minus what the WCB already has in the bank. In other words, it is what the employers owe to the injured workers of Ontario over their lifetime. Employers never wanted to pay the WCB immediately for the full cost of a workplace injury.

Employers secured the right under Section 102 of the Act to pay for their employees' injuries over time, like paying a mortgage on a house.

If employers want to get rid of what can be considered their debt, they can choose to pay the full costs of a claim up front, which is the usual practice in most insurance schemes. Or they can reduce their debt by reducing accidents

and hiring more injured workers.

Of course, the WCB and the employers of Ontario are having some financial stress and strain along with everyone else in the country as our economy changes dramatically. The solution lies in rebuilding our nation's economic and social vision — not in slashing away at our livelihood as we struggle to get back on our feet. ■



What employers say about injured workers...

"But Bob Sherkin, executive vice-president of United Tire and Rubber Company...said compensation has become a 'free lunch' for slackers and said his firm is considering leaving Ontario largely because of the system's costs." - The Toronto Star, January 9, 1992

"Most important, reform needed is for governments to appoint business representatives only — and none from organized labour — to run and revamp all Workers' Compensation Boards." - Financial Post, January 5, 1995

"The broad purpose of reform, therefore, is to contain the costs of the compensation/-rehabilitation system overall."

- Liberty Mutual Insurance Group, 1995 Canada Study Initiative

"Even after reducing benefits to 85%, overcompensation will occur in some cases."

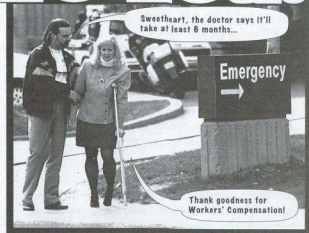
- Ontario Premier's Labour-Management Advisory Committee, 1994 Business Caucus Report

It Could Happen To You!

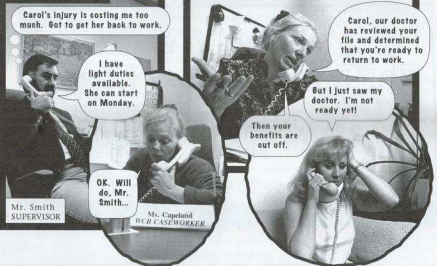
The Story of Carol and her Workplace Injury



Later that day, as Carol heads downstairs to the storage room carrying files...



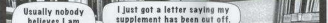
Two months later...



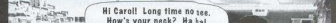
One week later

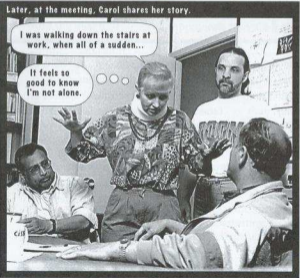


Later, at the meeting, Carol shares her story.



FOUR





Getting back to work – It's not that easy

Most people injured at work fully recover and return to their jobs within 4 to 6 weeks. For those who suffer a significant permanent injury, however, the story is very different.

Statistics show that most people with permanent injuries remain unemployed. Injured workers need good rehabilitation to help them get back to work. Good rehabilitation means providing training and assistance in locating meaningful jobs — jobs which fit the person's interests and abilities and which provide the opportunity for good wages and promotion. Good rehabilitation recognizes the difficult emotional upheavals that an injury causes in a person's life and seeks to help the person through these problems. Good rehabilitation also recognizes and addresses the individual needs of workers and their families.

Even when an injured worker gets a job, it is not always clear that it is going to work out. Sometimes the job makes the injury worse and sometimes the employer does not really intend to keep the worker except for a short period of time, just long enough to meet the letter of the law. Good rehabilitation includes

follow-up by the WCB to ensure that the job still exists and that it remains suitable.

With high unemployment, it is difficult for anyone to get a job these days. For injured workers it is even harder. With the emphasis on high productivity and reducing the workforce, employers only want the strongest and healthiest workers. Good rehabilitation can give injured workers the chances and choices they need. Three workers talk about their experience with rehabilitation.

In the middle of nowhere

"Recently I heard someone from the Board speak about their "great" system of vocational rehabilitation. Sporting a fine suit and sounding like a TV commercial he had a good line about returning injured workers to useful jobs. I felt like screaming. This is not what had happened to me.

To begin with, I was forced to return to a job that made my arm injury worse and needed to go back on compensation. I could not endure the pain but the WCB stopped my benefits. I was left in the middle of nowhere.

It took them one year to re-open my file. But nothing

much changed. One day the case-worker said I was young enough to be retrained, another day I was too old. One day they said I was not learning fast enough, another day I was "too qualified". The WCB closed my file again. What now? I am retraining myself on my own. I am back in school without any assistance from the WCB. I pay for tuition and books but get no financial assistance. It isn't easy. One day, I hope, I will find a job I can do and regain self respect, confidence and dignity."

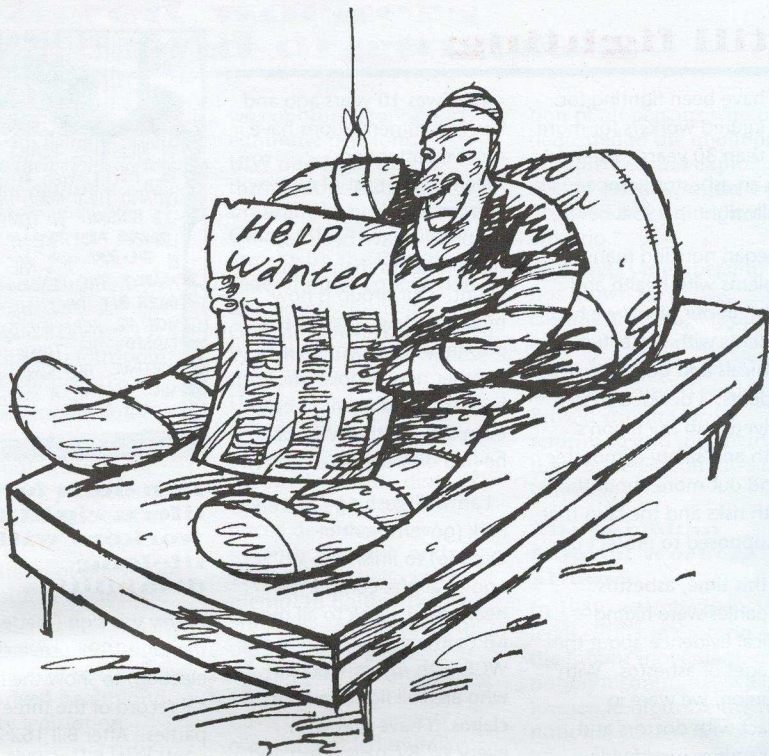
Ana Herida

(not her real name)
Injured Worker

No rehabilitation, no job

"I thought that the WCB would help me get back on my feet after my injury. I hurt my knee so badly when I fell at work back in 1990 that I have never recovered. I have a permanent disability.

Having to deal with the pain of my injury and, I guess, the uncertainty of my future, I became depressed. I cannot shake off the feeling of hopelessness and I am getting a lot of headaches. This depression is now recognized as part of my WCB claim. I would rather be working, but right now I really do not know how I would manage.



Despite the fact that all my doctors say that I cannot work right now, the WCB says that my company has a job for me. I can't work at that job right now but the WCB tells me, "You are not experiencing a wage loss as a result of your accident." **They are only giving me \$1.00 a year!**

The WCB refuses to give me rehabilitation because they consider me to have that job. I do not have a job. My frustrations in dealing with the WCB are making my emotional condition worse. Why can't the WCB see that it's making things worse for me?"

Mary Smith
(not her real name)
Injured Worker

The WCB can really help

"I loved being a nurse but it all ended the day I slipped and fell. Now I have a severe back disability. The WCB recognized that I needed substantial retraining to get a job. After a bit of wrangling, they finally agreed to let me become a teacher even though it would take many years of school. I have now completed 3 years of university. I have one more year to go and then a year of Teachers' College.

I am young and wanted to have children. While I have been in school, I have had 2 children. The WCB did not pay me for maternity leave

like I would have got from UIC if I had not been injured. Other than the problem of maternity benefits, I feel that the WCB is giving me the support and opportunity I need to get back into the working world. This means a lot to me and my family. I know that many injured workers do not get this kind of help. I was lucky — I also had to fight for it and I wish others success in their attempts."

Lena Teacol
(not her real name)
Injured Worker

Still fighting

I have been fighting for injured workers for more than 30 years. I started with an asbestos company as a millwright in 1954.

I began noticing many problems with health and safety. In our plant, we had problems with noise, fumes, chemicals and dust as well as accidents. I decided to get involved with my union's health and safety committee to find out more about the health risks and the laws that are supposed to protect us.

At this time, asbestos companies were hiding medical evidence about the damages of asbestos. With the union, we were in contact with doctors and other unions worldwide.

The people I worked with started to get sick and were dying young. The world discovered what the companies knew all along: asbestos dust kills workers.

We had to fight to get the government to act — to get compensation and proper medical care, to protect the workers and to stop the companies from doing this. I organized a group called the Asbestos Victims Group of Ontario.

The government was forced to call a Royal Commission into the use of asbestos in the workplace. We made the Commission fund the group so we could hire lawyers and do the research that was needed to speak up for injured workers. As a result, the Commission made many good recommendations.

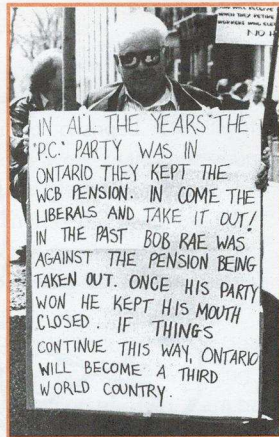
That was 10 years ago and few recommendations have received attention. Meanwhile, most of my co-workers are dead or in the hospital. I have been to more funerals than I can count. Our group is now mostly widows. When the phone rings, too often it is another new widow whose husband died from asbestos even though the WCB said he had only a 10% disability.

I am still pushing Queen's Park (government of Ontario) to finish the job. I go to all the committee hearings. I speak to all the MPPs in my area. I go to the WCB with my co-workers who are still fighting their claims. I have met with every WCB Chairperson and Minister of Labour we have had for 30 years.

My factory shut down and left us all to pay. This is wrong. There are so many injured workers and their families in Ontario. We must all push the government to get justice for injured workers.

Eddie Cauchi

Injured Worker
Asbestos Victim



Pensions for life: a right for workers with lifelong disabilities

I carry this sign (made before the June 1995 provincial election) to show the historical record of the three parties. After Bill 162 nobody gets a pension. We should continue fighting for justice. Even after winning an appeal, the Board continues to give injured workers a hard time. Now that Mike Harris and the Conservatives have been elected, he plans to make it harder by threatening to cut people off permanent pensions.

Domenico Acierno

Injured Worker



Injured workers unite and organize

Across the country, injured workers are coming together to secure their rights. Here is what some of them are doing.

The Union of Injured Workers

The Union of Injured Workers (UIW) was founded on May 19, 1974, and adopted a four-point program for action:

1. Job security or full (100%) compensation.
2. Annual indexing of disability pensions and benefits to the cost of living.
3. Abolition of the WCB-appointed doctors.
4. Increased penalties for employers with unsafe workplaces and improved health and safety legislation.

For 21 years, the UIW has been leading campaigns to reform the compensation system. In 1975, with the support of legal clinic activists, injured workers demonstrated to force the government to index pensions. A persistent campaign finally led to victory in 1985 when automatic annual adjustments were legislated.

A monumental achievement for injured workers took place on June 1, 1983. Three thousand angry workers convinced Ontario's Tory government to withdraw proposals to eliminate disability pensions. Injured Workers' Day now takes place on June 1st every year to celebrate this victory and emphasize the power that workers can exert if they are united and organized.

In October of 1988, injured workers stormed the Ontario legislature and forced the Liberal government to hold public hearings on Bill 162 which

was another proposal to eliminate pensions. The UIW and legal clinics through the Toronto Injured Workers' Advocacy Group (TIWAG) joined forces with the Ontario Federation of Labour and the recently formed Ontario Network of Injured Workers' Groups to oppose the Bill 162. Unfortunately, it passed on July 26, 1989.

The NDP government followed with the disastrous Bill 165 which introduced de-indexation. Recently, the UIW and TIWAG have been instrumental in halting the employer-led administration at the WCB from cutting off older worker supplements. Now we have the Conservative government led by Mike Harris who promise to bring in devastating cuts to Workers' Compensation.

Ontario Network of Injured Workers Groups

In 1988, injured workers from 8 communities across Ontario attended a conference in Thunder Bay to deal with issues around Workers' Compensation. Labour, legal clinics and Workers' Compensation advocates also attended. Conferences were held each following year until 1991 when the Ontario Network of Injured Workers Groups (ONIWG) was formed as a provincial organization to provide a united voice.

In it's constitution, ONIWG says they are "dedicated to helping the injured and disabled and their families past, present and future obtain their rights to justice, dignity, equality, health and safety, and security. To this end, we will invite the coopera-

tion of all persons who are dedicated to the abolition of injustices and exploitation of all those injured or disabled in the province of Ontario."

ONIWG's membership has grown to 34 community-based groups and is still growing. The main thrust of ONIWG is to ensure injured workers have a strong voice reforming and improving the compensation laws in Ontario.

The Canadian Injured Workers Alliance

In 1989, with the help of legal clinics in Ontario and the labour movement, a national committee was formed to organize the first national conference of injured workers groups. The National Conference on the Re-Employment of Injured Workers took place in Ottawa in June 1990.

The conference resolved to form a national network of injured workers organizations that would build the provincial networks, exchange information and analyze common trends.

A steering committee was elected to carry out this mandate. Since then, it has continued to meet to exchange information and plan projects. While compensation is a provincial matter, it has become clear that efforts have to be co-ordinated across Canada to fight the growing threat to injured workers' benefits.

In 1992, CIWA held a second conference called The Voice of Injured Workers to increase the influence of the provincial injured workers groups in this age of 'free trade' and the 'global market'. ■

The North Hastings Injured Workers Group

Dana Graham and Richard Wells of the North Hastings Injured Workers Group were interviewed about their group.

When and how did your group get started?

In January 1993, David Little of the Prince Edward Legal Clinic helped organize our first meeting, attended by 15-20 people. The clinic helped us the first 5 months and then we were on our own. Our message to the community is that injured workers don't have to be alone.

Can you tell us a few things about your meetings?

We meet once a month. Our meetings are attended by up to 40 injured workers. They are informal and usually we invite guest speakers.

What other activities are you involved with?

We have an office that is open every Monday. We've published one newsletter and are trying to use local media to promote the organization. We often advertise our meetings with flyers. We are handling appeals of injured workers. In return, they become involved with the group.

What would you advise other injured workers?

Injured workers should not feel they are alone. They should get involved in their local injured workers group, and if there isn't a group, organize one.

Thunder Bay & District Injured Worker's Support Group

The Thunder Bay & District Injured Worker's Support Group was formed in January 1984 to help workers who have been injured on the job go through the workers' compensation system. The group has been focusing on education, peer support, sharing information and law reform. The group publishes the quarterly newsletter Injured Workers Speak Out.

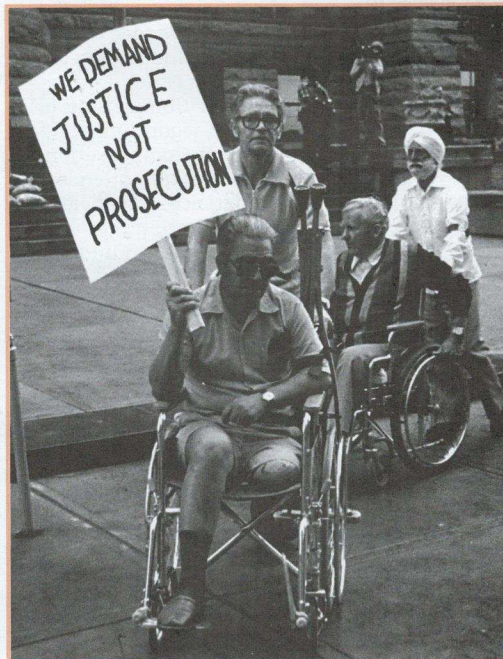
The Injured Workers Resource Centre is the group's office in Thunder Bay. It has been open for a year and a half to provide materials, resources, pre-appeal assistance and advice. The group's policy has always been "No fee for service".

Attention Ontario injured workers!

"Ontario injured workers are called to bail employers out of their future costs by a forced reduction in our benefits. First it was Bill 165 that cut employers' future bill by \$18 billion dollars. Now the new Corporate Board of the WCB has come up with policy changes totalling \$12 billion in cuts to cover the rest of the employers' bills. Injured workers should let the government know we are not going to let these cuts to our compensation happen. We do have rights if we are united. Only we can make them listen. Let's regroup and show them there is a dog and it does bite."

George Caissie

Thunder Bay & District Injured Workers' Support Group



When the government makes changes to Workers' Compensation, injured workers are often left out of the picture. One injured worker, Ana Pavela, decided to let her MPP know how she felt about recent changes.

Tony Ruprecht, MPP Parkdale
1079 College Street
Toronto, Ontario
M4B 1B4

June 1, 1995

Re: The Workers' Compensation Board

Dear Mr. Ruprecht,

As a constituent who has supported you I feel compelled to express my dismay at developments in Workers' Compensation.

I was injured at work and have come to know the pain of dealing with the WCB. I have talked to many other injured workers and I know that we all have similar experiences.

The Workers' Compensation system is important. We workers fought for it decades ago. In order to get quick and uncomplicated assistance after injuries, we gave up our right to sue our employers. Now we do not sue, but we are not getting quick, uncomplicated help. In fact, the decisions by the WCB are so bad that we practically need a lawyer to ensure the delivery of each cheque! The system was supposed to get rid of the need for lawyers. The decisions are so slow that terrible financial pressures are put on families. Sometimes the families fall apart under the pressure. Do you know how many workers who should be getting help from the WCB are on welfare? There are thousands.

Mr. Ruprecht, the employers are complaining that they are suffering under the high costs of compensation assessments. The WCB is responding by cutting benefits and services to injured workers. But who is suffering?

Injured workers believe that employers have a choice — they should invest time and money in minimizing the accidents and disease that occur in their establishments — or they have to pay the consequences in terms of compensation costs.

No compensation system will restore an injured person's health and purpose in life, but it must do the best it can.

I hope that you still understand the problems faced by injured workers and that you will take a strong stand to set the priorities of this government straight.

Yours sincerely,



Ana Pavela, Toronto



Injured workers must be protected by collective agreements

"Many injured workers become second-class citizens after they get injured. A lot of collective agreements don't have any protection for injured workers. I think if we work closely with labour we can get something into collective bargaining that will prevent injured workers from becoming second-class citizens and to prevent them from being discriminated against."

Wayne Desiatnyk, Manitoba Injured Workers Association

Contact Groups and Resource

To find out how injured workers are organizing for change

British Columbia

Don McGregor
North Association of Injured & Disabled Workers
P.O. Box 3035 - Stn B
Prince George BC V2N 4T8
TEL (604) 561-0272
FAX (604) 562-0561

Alberta

Neil Lizotte
11322 - 84th St.
Edmonton AB T5B 3B2
TEL (403) 477-1976
FAX (403) 477-1976

Saskatchewan

Lori Bahelu
Saskatchewan Injured Workers' Association
3043 Carnegie Place
Regina SK S4R 3H3
TEL (306) 543-0252
FAX (306) 352-4999

Manitoba

Helen Woloshyn
Injured Workers' Association of Manitoba Inc.
734 Polson Ave.
Winnipeg MB R2X 1M2
TEL (204) 586-8183

Québec

Liane Flibotte-Uttam
2029 Marie-Anne Est
Montréal QC H2H 1M5
TEL (514) 527-4919
FAX (514) 527-4919

New Brunswick

Wendy McGee
St. John Labour Community Services Inc.
560 Main St. Bld 'A' Ste 210
St. John NB E2K 1J5
TEL (506) 635-0391
FAX (506) 635-0391

Nova Scotia

Wes Maclean
11 Westwood Dr.
Dartmouth NS B2X 1Y3
TEL (902) 434-2683
FAX (902) 466-3300

Prince Edward Island

Charles MacDonald
RR# 4
Mount Stewart PEI COA 1T0
TEL (902) 434-2683
FAX (902) 676-2925

Newfoundland

Judi Edwards
6 Barrows Road
St. John's NFLD A1A 1G8
TEL (709) 576-8788

Clive Hamilton
717 Bartlett Drive
Labrador City NFLD A2V 1Z9
TEL (709) 944-2516

North West Territories

Jim Evoy or Dale Johnstone
P.O. Box 8888
Yellowknife NWT X1A 2R3
TEL (403) 873-3655

Yukon

Heiko Franke
34 Bamboo Crescent
Whitehorse YK Y1A 4V5

Ontario

Ontario Network of Injured Workers Groups
10 Wise Crescent
Hamilton ON L8T 2L5
TEL (905) 387-1894

This group can put you in touch with the group closest to you.

Union of Injured Workers
474 St. Clair Ave. West - Unit #1
Toronto ON M6E 1C6
TEL (416) 657-1215

Thunder Bay & District Injured Workers' Support Group—
Victoria Ville Centre
125 South Syndicate Ave
Thunder Bay ON P7E 6H8
TEL (807) 622-8897

To get help or advice in your dealings with the WCB:

1. Contact your union.
2. Contact your local injured workers' group.
3. Contact your local legal clinic. To find the one nearest you contact:
Ontario Legal Aid Plan
375 University Ave.
Suite 810
Toronto ON
TEL (416) 979-1446
FAX (416) 979-7146
4. Contact the Office of the Worker Advisor
123 Edward Street
Toronto, ON M5G 1E2
TEL (416) 325-8570
FAX (416) 651-3561

Resources

For more resources, contact your local injured worker group.

In print

Community Legal Education Ontario
119 Spadina Ave - Ste 600
Toronto ON
M5V 2L1

Produce pamphlets on workers' compensation covering the following areas: How to make a claim; When to make a claim; Getting your job back after an injury; Your right to appeal; and Vocational Rehabilitation.

On video

"Injured Workers—Their Story"
18 minute video which takes a look at several injured workers and how their lives have been affected by their workplace accidents.

OFL/Canadian Labour Congress
15 Gervais Drive, Ste 202
Don Mills ON
M3C 1Y8

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...and the many injured workers who gave us their stories but could not give us their names for fear of repercussions in their claim.

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