

ANNUAL REPORT



2007 - 2008 INJURED WORKERS

ACKNOWLEDGEMENTS



www.consequencesofworkinjury.ca



The idea of an injured workers annual report came from the ‘Community Forums’ organized with the support of the Research Action Alliance on the Consequences of Work Injury (RAACWI) to share information between the research and injured worker communities. The injured worker community has heard about many research projects on injured workers’ issues and has also had the opportunity to provide researchers with valuable insights into the workers’ compensation system. The Community Forums have also studied how organizations such as the Workplace Safety and Insurance Board share information through their Annual Reports.

Our goal is promote the sharing of knowledge and information that is of interest to the injured worker community and to encourage the injured worker community to help us continue to collect information and share it in future Annual Reports. This report is presented for discussion at the Ontario Network of Injured Worker Groups 2008 Conference: Using Research to Make Change for the Injured Worker Community.

October 17, 2008

**Annual Report
Injured Workers
2007 – 2008**

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For more information, contact us:
www.injuredworkersonline.org
Steve Mantis, ONIWG, at smantis@tbaytel.net
Injured Workers' Consultants
Community Legal Clinic 416-461-2411

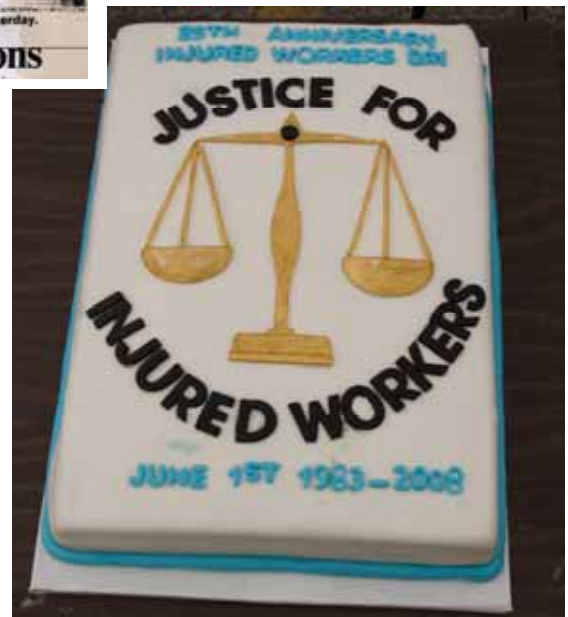
Our History, Our Culture

1983



Some of Ontario's injured workers listen to speakers during a protest demonstration at Queen's Park yesterday.
3,000 injured workers protest over pensions

2008



Injured Workers' Day 2008

25th Anniversary

On June 1st 2008 injured workers celebrated Injured Workers Day for the 25th time. June 1st 1983 was the beginning of Injured Workers' Day but naming a day for injured workers did not come from the thin air. It came as a result of decades of struggle by injured workers for justice.

1915 Workmen's Compensation Act

There is no real starting point for the struggles of injured workers in Ontario. Workers have always complained about dangerous and unhealthy working conditions. If injured at work, they had to sue their employers for compensation. Victories were few and the court awards paltry. A dramatic increase in injuries in the 1900s led workers and trade unions to demand compensation as a right.

The 1915 Workmen's Compensation Act gave workers injured on the job that right. The Act expressed these principles:

- Compensation as long as disability lasts.
- No fault Collective liability;
- Employer funded.
- The WCB a public, independent institution
- Non-adversarial

Disaster



For many of today's workers, the starting point for new struggles began with the 1960 Hoggs Hollow tragedy. Five Italian workers were killed when the tunnel in which they were working filled with fire and mud. Community outrage sparked the calling of a Royal Commission and the passing of new safety regulations. These regulations offered little real protection. When the building boom in Ontario's cities in the 1960s brought more workers into construction and industry, it also brought more injuries. And, more injuries brought more workers face to face with the Workmen's Compensation Board.

Poverty & Humiliation

If a worker had a visible injury, like a broken bone, or worse a severed limb, getting compensation was usually quickly done. It was another matter, though, if the injury was



invisible or it concerned disease. Damaged backs among construction workers and diseased lungs among miners, steelworkers and asbestos workers were the major compensation issues of the 1970s. Large numbers of workers who were permanently disabled from such injuries either had their claims denied or were awarded meagre pensions

that could not support a household. For all disabled workers this was a deeply frustrating and humiliating experience. WCB officials, especially WCB doctors, did not seem to listen to them or believe their pain. For immigrant workers with few English language skills and little formal education, it was also a devastating blow to their dreams both for themselves and their families. There would be no photos in front of a new car to send to family back home.

Justice for Injured Workers

Individual complaints gave way to collective struggle in the mid 1970s. With Italian construction workers leading the way in Toronto, injured workers mounted protests and demonstrations in cities across the Province. In May 1974 injured workers met in Toronto to form the Union of Injured Workers. At its founding meeting, the UIW set out its four basic demands.

1. Job Security or Full Compensation
2. Cost of Living Increases
3. No Board Doctors
4. Better safety on the job

Collective organization and constant protest brought change. With the important support from their local communities, community legal clinics and members of the New Democratic Party, the struggles of injured workers resulted in higher disability payments, the creation of pension supplements, and more claims appeal victories. Injured workers were finally allowed to see their files. Greater justice was being won.

Pensions: To Be Or Not To Be?

The Conservative government and the WCB made these changes only very reluctantly. Ontario's employers opposed them saying that they were increasing their costs, making their products non-competitive, and reducing the incentive for injured workers to return to work. Life was too good on compensation! Their response took the form of a



government inquiry into the entire workmen's compensation system. The government chose Harvard University law professor, Paul Weiler, to conduct this inquiry. In the fall of 1980 Weiler issued his report and the battle lines were drawn. Injured workers found some of Weiler's recommendations satisfactory. For example, he called for an independent appeals process and for more emphasis on

rehabilitation. But his central recommendation drew their outrage. In place of a lifetime pension for workers partially and/or permanently disabled, Weiler suggested the introduction of a two part compensation system. One part was a lump sum payment to account for pain and suffering. The second part was the establishment of a wage loss system that Weiler claimed would be better than the pension system because it would compensate workers for the wages they would actually lose. The Weiler Report brought the many injured worker organization together. From 1980 to early 1983, injured workers and their supporters held countless meetings in cities across the Province to explain the changes being proposed and to organize a response. The government refused to listen and proposed a draft bill that included the dual compensation scheme proposed by Weiler.

A Day In Queen's Park



Injured workers did force them to listen. On June 1, 1983, over 3,000 injured workers, their families and supporters showed up for a meeting of the government committee charged with fashioning the new compensation act. The meeting room in the Macdonald Building at the corner of Bay and Wellesley streets in Toronto could hold a few hundred people. Not 3,000! Worried committee members gladly accepted the

suggestion of injured worker supporters to shift the meeting to the grounds of Queen's Park. It was an historic and momentous event. Historic because never before had a government committee meeting been held on the grounds of the Legislature. Momentous because when the government introduced the new compensation act a year later, the dual award plan was not included. Instead, the pension plan was maintained. A year later, in 1985, the long-standing demand of injured workers that their pensions be indexed was

implemented. And, in the midst of these events there was another moment of recognition: the proclamation of Injured Workers' Day!

Celebrating 25 Years of Struggle

June 1st 2008 marked the 25th anniversary of that day of victory. Each year, injured workers have returned to Queen's Park on June 1st, rain or shine. It is a day where injured workers, the labour movement and injured worker advocates remember the struggles and celebrate the victories of the past year. Peter Page, President of the Ontario Network of Injured Workers' Groups, welcomed the crowd this year. Issues of the day included the experience rating scandal that has been documented in the Toronto Star. This year, events included a 25th Anniversary cake and special recognition of the men and



women who were there in 1983 and continued to return every year. There was a display of props used by injured workers to illustrate their points, like the golden toilet that symbolized the excesses of a former WCB Chair and the goddess of justice in chains, which was part of a successful campaign against changes to the Workers' Compensation Appeals' Tribunal.



Acknowledgement

This short history of Injured Workers' Day has been adapted from an information bulletin written by members of the Injured Workers History Project (IWHP). The IWHP is a group of injured workers, advocates and researchers who are uncovering and writing the history of injured workers in Ontario. The bulletin was the group's first publication. To find out more contact The Bancroft Institute for Studies in Workers' Compensation and Workplace Health and Safety (care of Injured Workers Consultants 416-461-2411) or Robert Storey, Labour Studies & Sociology, McMaster University (905-525-9140, x24693).

Accomplishments of the Injured Workers Movement (from a northern perspective)

Submitted by Steve Mantis
October 9, 2008

In order to understand where we are at today and the struggles we have fought over the years, it seems fitting to review some of our history. This report will tell some of that story (from one person's point of view) and conclude with our present campaigns and some future challenges.

1983 - Parliamentary Committee holding hearings at Queen's Park on changes to the Workers Compensation Act, 3-4,000 injured workers show up. The Committee moves out on the lawn at Queen's Park as there is no room big enough to fit everyone. The Bill Davis Conservative government has second thoughts on taking away pensions.

1984 – Thunder Bay & District Injured Workers Support (TB&DIWSG) formed with the help of community legal clinic workers. We held our first public meetings and presented a brief to the Parliamentary Committee holding hearings on Bill 101. With all the activism across Ontario, Bill 101 has dropped the plan to eliminate pensions and brings positive changes to the WCB including an independent appeal body - WCAT, The Industrial Diseases Standards Panel (IDSP), and the Office of the Worker Advisor (OWA).

1985 – Injured Workers win annual full cost of living increases to their pensions. Prior to this, the government brought in ad hoc increases to address rising inflation.

1986-87 – TB&DIWSG toured NW Ontario providing information to injured workers and helping to start four local injured workers groups (IWG). Thunder Bay gets a regional office of the WCB. Injured workers can now meet their adjudicators.

1988 – TB&DIWSG holds a provincial conference at the Prince Arthur Hotel. Eight IWGs attend and talk about forming a provincial organization.

1989-90 – the number of Injured Workers Groups (IWGs) across Ontario grows steadily to sixteen. Provincial gatherings are held in Sudbury, Niagara, Toronto and Hamilton. IWGs work together to oppose the Liberal government's Bill 162 that changes from a pension system to a wage-loss system with "deeming". Workers presently receiving a WCB pension get to keep it but future injured workers subjected to the new dual award system (NEL & FEL).

TB&DIWSG helps (along with staff from IWC and USW) host a national conference where a national group is formed, the Canadian Injured Worker Alliance. Injured workers campaign against the Peterson Liberal's in the provincial election because of Bill 162. Liberals lose and NDP win.

1991 – Ontario Network of Injured Workers Group (ONIWG) formed with 20 IWGs as members. TB&DIWSG has strong representation on ONIWG Board of Directors. ONIWG is successful in getting their representative appointed to the WCB Board of Directors.

1992-94 – ONIWG with its community and labour partners has a campaign on pension supplements targeting injured workers receiving pensions who are unemployed. The result is 20,000 more injured workers get the “older worker” supplement of about \$5,000 per year. This comes to \$100,000,000 per year for the most vulnerable injured workers. Most of these workers are still getting this supplement today. We are beginning to get a picture of what is happening to the newly injured workers – 78% are unemployed getting an average 30% benefits payment (FEL).

ONIWG and the Thunder Bay group get core funding from the Ministry of Labour. The number of local groups in ONIWG grows to over 30.

1995 – The NDP government brings in Bill 165 which gives unemployed pensioners another \$200 per month but introduces the “Freidland” formula which reduces the cost of living protection.

1996-97 – Harris Conservatives get elected and promise to eliminate entitlement to chronic pain.

1998-99 – ONIWG works to stop Bill 99, the Conservative’s changes to the WCA that further reduces cost of living protection and restricts benefits for injured workers. Bill 99 becomes law.

TB&DIWSG & ONIWG begin lobbying for more health & safety protection for young workers, works with local MPP to introduce Bill 10, “the young worker protection act”. ONIWG launches a community campaign to maintain coverage for chronic pain under WSIB.

2000–2001 – The government creates the Young Worker Health & Safety Advisory Committee with Ross Singleton from TB&DIWSG representing injured workers. High school curriculum changed to include OH&S and major advertising campaign begun. Following public hearings, the government agrees that “chronic pain is a real disability and should be treated as any other disability”, another victory for Injured Workers.

2001-03 – Conservative government plans to eliminate the Tribunal (WSIAT), the final level of appeal and create a “mega-tribunal” that would remove the focus on injured workers. ONIWG launches a campaign to save the WSIAT including a major march down University Avenue on June 1st. The government backs down.

Conservative government cuts funding for ONIWG and TB&DIWSG. The WSIB starts a funding program for Injured Workers Groups (IWGs) with restrictions on their political action. A number of IWGs leave ONIWG.

2004 – ONIWG launches a campaign to restore full cost of living protection for injured workers. Province wide demonstrations happen on June 1st and November 30th. TB&DIWSG meets with the Minister of Labour in Thunder Bay asking him to restore the balance to the WCB/WSIB. Community and labour supporters host the successful Platform for Change conference in order to help ONIWG, four new groups join ONIWG.

2005 –After a very long campaign, we win one around CPP-D benefit integration – the WSIB change their policy on June 1st to allow injured workers receiving a partial FEL or LOE to keep their CPP-D benefits.

Small improvements for injured workers happening in policy at the WSIB. Canadian Institute of Health Information reports that injuries to young workers have dropped 45%.

WSIB accepts the Occupational Disease Advisory Panel recommendations (Chair’s report) which promises positive changes in how they handle occupational disease claims.

2006 – Members of the Injured Worker Community join with a group of academic researchers to form the Research Action Alliance on the Consequences of Work Injury (RAACWI). This helps to broaden our base of support in the larger community while giving us facts and figures to help us lobby for better benefits for injured workers.

2007 - There were some positive changes announced for injured workers in the Provincial Budget - the best of which are an increase in pensions/ FEL by 2.5% on July 1st, then again in Jan. 08 and 09. After 2009, Cabinet can decide on annual increases as they see fit.

As you can see, we have won some and have lost some over the years. The fact is that when we have lots of support from injured workers and our families and supporters; we can win a few and provide real help to injured workers.

We now need your help!!

We need your help in three ways:

1) Make your views known in a public way. Join us on June 1st at Queen’s Park for Injured Workers Day or December 4th at the Ministry of Labour for the annual Christmas Rally. Bring a friend/s or family members and show you want Justice for Injured Workers!! Posters are available to pass out or put up on local bulletin boards.

2) Talk to your friends, family and co-workers about our issues. Use our vision and/or our demands for June 1st as a guide to highlight what we want.

Write letters or visit your MPP to express your views. Write a letter to the editor talking about how your benefits are being eroded by inflation while your disability is getting worse.

3) Get more involved. Support your local groups. Build your skills to become a better advocate. Participate in training. Get involved on political action.

Poetry

The Injured Workers

Antonio Mauro

O Canada, we gave you the very best
This we say with pride
We gave you nothing but the best
We gave you our blood, our bones, our flesh

We made you the most beautiful
We made Toronto the queen of cities
We built all the office tours and homes
O Canada, you are the envy of all

O Canada, we built you up
Our blood is mixed into your cement
We are but innocent victims
Of a progress we paid dearly for

Mothers destroyed by pain
Spouses staring at loss
Children without a parent –
What else do you want?

The day of our injury
Was the loss of human rights
Not even our pension plan
Wants our contributions now

No compensation for the pain

Charity from month to month
Looked upon from provincial lenses
But are we not perfectly Canadian?

A life of hell
Confined to the margins of society []
Why was justice denied?
Why the trip from pride to begging?

O Canada, we gave you so much
Why so much cruelty in return?
Are we just an old tool
Good yesterday, garbage today?

Gli'infortunati sul lavoro

Mauro Antonio

O Canada ti abbiamo dato il meglio,
E questo lo diciamo con orgoglio,
Ti abbiamo dato il meglio di noi stessi,
Ti abbiamo dato sangue carne ed ossa.

Abbiam fatto di te il piu' bel paese,
Una Citta' Regina di Toronto,
Abbiamo costruito uffici e case,
Ti guarda con invidia tutto el mondo.

Sui posti di lavoro abbiam lasciato,
Il sangue col cemento mescolato,
Siam vittime innocenti del lavoro,
Ed il progresso c'e' costato caro.

Madri che son distrutte, dal dolore,
Mogli che non si fanno rassegnare,
Bimbi che han perso il loro genitore,
Cos'altro ancora ti possiamo dare.

Da quando l'incidente abbiam subito,
Abbiam perduto ogni diritto umano,
Nemmeno alla Canadian Pension Plan,
Possiam contribuir se lo vogliamo.

Son mal ricompensati i nostri mali,
Ci dan la carita' mese per mese,
Ci guardano con occhio Provinciale,

E siamo dei perfetti Canadesi.

Viviamo noi l'inferno della vita,
Costretti agli orli della societa',
E' stata impavagliata la giustizia,
Viviamo con la sola carita'.

Dopo d'averti dato con amore!
Perche' ci fai trattare cosi male?
Siam come un vecchio arnese di lavoro,
Che piu' non serve, e lo si puo' buttare.

Antonio Mauro is an injured worker who has been struggling with both the Workers' Compensation Board and the consequences of his injury for many years now. He has not given up even today. He attends a Toronto group of injured workers known as the Bright Lights. This poem was read at the Injured Workers' Day (June 1st) celebrations

POEM FOR AN INJURED WORKER

By Constanza Duran

I remember when you descended from the airplane,
Many years ago,
You came to the land of opportunity,
Leaving your mother, father, brothers and sisters, behind
Your loved one weeping goodbye,
"I don't know when, but I will return", you cried
A decent life is what you longed for
I remember you descending from the airplane,
Many years ago
Snow flakes covering your face,
Homeland was so far away now,
You walked on the streets of the big city,
You came to the land of opportunity
Seeking a decent life
"I will work hard to bring them with me", you cried
"Life is so beautiful here" you thought
Hard work was in your heart
Strong hands, brittle by work

but in your mind hope was the only truth
I remember you descending from the airplane
Many years ago,
I didn't even know you then
Hard work was in your mind
Your boss was happy,
His business was growing, you worked hard
Remembering your loved ones, your heart filled with joy
Your hands moving faster, your back stretching over the limit,
Your legs extending where they could no longer rich
Your neck swollen,
I remember when you descended the ambulance
Snow flakes on the ground
Tears falling down your cheeks,
"Will I ever bring them to the land of opportunity"? was your only trepidation
"Will I ever work hard again"? Was your only doubt
I remember when you descended the airplane
many years ago
I didn't even know you then,
Only hard work was in your mind.

The IWC Lunchroom

George Caisse

Many year's have passed
Since I sat here last.
Talking with my close friends from the past.

I smile well thinking of things from then.
Fighting the Government for change, with my friends.

It was called WCB then,
But now its WSIB
And they are now less our friends,
Because Injured Worker's get even less now than then.

Our plight is right.
Don't give up the Fight.

The pain of our injuries has not changed since then.
This holds true for both women and men.

Stand together, to march, to fight, 'till the end.

Remember these thought from an old injured worker, George,
Your good friend.

George Caisse
1 August 2006
Toronto
On a visit from Coal Harbour, Vancouver Island



Shimmy, the universal injured worker, brought into this world by injured workers.

Community Building

Injured Workers in Law Reform:
at the Supreme Court of Canada



And in popular education at Queen's Park



Knowledge Mobilization: The RAACWI Injured Worker Speakers' School

Speakers School – the Speakers School is an evolving program designed to build leadership and communication skills for community members in an atmosphere of mutual aid and support. It also includes an educational component that integrates research, particularly from the RAACWI History Theme, in each session. Our fourth school is set to start in Toronto on October 15. It will run one evening per week for 14 weeks. Each session is 3 hours in length and has between 10 and 15 participants.

Our graduates have been active in knowledge exchange to a wide range of audiences including elected officials, policy makers, workers' organizations and community groups, university classes, conferences and the media.

The Speakers School is part of our strategy to have an active knowledge mobilization initiative as a key component of our project. We believe that injured workers have a self-interest in sharing the knowledge created throughout the research component of RAACWI in order to improve the workers compensation system in Ontario and Canada.

The Speakers School is spreading. The Thunder Bay & District Injured Workers Support Group held a twelve week school in the Spring of 2008 and is hosting their second school this Fall in partnership with other social justice groups and local unions. We are excited by the great reception this program has received from both the participants and community members. If you want to start a Speakers School in your community, we can help.

In February 2008, 11 participants graduated from the second Speakers School in Toronto. Each graduate made a short speech to a panel comprised of the local Member of Provincial Parliament, a University Researcher, a Union Leader and the President of the Ontario Network of Injured Workers' Groups. We are including a written copy of one of the speeches presented that evening for you to judge if our strategy has potential.

Injured Workers Speak:

Good evening. My name is Wendy Knelsen. I was injured at work and I now suffer from Repetitive Strain Injury or RSI. Almost ½ of all lost time claims at the Workplace Safety and Insurance Board, the WSIB, are for Repetitive Strain Injuries. They not only affect the worker, but they are devastating to our families and communities, and they place a huge burden on many systems. We ALL lose when someone is injured on the job.

Now, if you would please indulge me, I'm going to ask you to close your eyes. Imagine if you will.... that I am describing your life.

You are a loyal, hardworking, honest employee, an active lifelong member of your community and a taxpaying citizen, a volunteer for several charitable organizations. You

play baseball, volleyball, golf, you love to bike, you enjoy fun activities with family and friends, enjoy laughing and you are always smiling, you are a happy well-rounded, healthy person.

Now..... That's what I call a GOOD LIFE!!!

Now imagine if you will...that you are being called a LIAR and a CHEAT. You are being treated worse than a criminal.

(Pause)

Please open your eyes now.....we all need our eyes open for this critical issue.

You see, you were hurt and maimed at work. Your life is in ruins. You have permanent physical impairments and chronic pain, you have lost your independence and your financial security, lost your self esteem and all enjoyment and passion for life. You are unable to care for and contribute to your family - and then you are re-victimized by the system! Your employer claims they doubt your injury was work-related and WSIB believes the employer.

This is my story and the story of so many injured workers suffering across the Province.

A story of hard-working, loyal employees who work through our injury until we can't function any longer from the pain; who don't have our accommodation restrictions adhered to by our employer; who are being harassed on the job, who are even being fired.....and who have all attempts to obtain help from the WSIB ignored.

We used to define ourselves as a mother, a father, a daughter, a son, a team-mate, a friend, a lover, a confidant and NOW.....now we define ourselves as injured workers.....left broken, hopeless, depressed, isolated: emotionally and financially bankrupt.

WELL, I DON'T KNOW ABOUT YOU, BUT THIS IS NOT THE LIFE I DREAMT OF NOR WOULD I EVER HAVE CHOSEN TO BE LIVING THIS NIGHTMARE.

The reality is, this is the life that many injured workers face in the current WSIB system, which treats injured workers as liars and gives rebates to employers for intimidating workers and hiding work-related injuries. What happened to the Meredith Principles of full justice for injured workers, which established the Workman's Compensation Board in 1915? What happened to the principle of no fault? What happened to the principle of compensation as long as the disability lasts?

Some people die at age 25 and don't get buried till they are 70.

Think about that for a moment.....that's how it feels to be an injured worker abused by the system. My life has been destroyed and I want my life back.

NOW is the time for change. Please remember, justice delayed is not justice. Things change when we change and not before.

I am challenging you all to get involved and help injured workers get our justice and start living again. I urge you – our union brothers and sisters, local MPP's, and researchers to leave a legacy as groups willing to work together for change. Pressure the Minister of Labour to take immediate action to implement ergonomic legislation, and restore the compensation system to the spirit of Meredith's Act: full and swift justice for injured workers, and for us all.

Thank you.

Anyone interested in having some of our graduates present at one of your upcoming meetings or interested in attending a school or starting a school in your area, please contact Orlando at 416-461-2411 or Steve at smantis@tbaytel.net.

Honouring Injured Workers

The Ron Ellis Award

Honouring Steve Mantis, Injured Worker

The Ontario Bar Association presents an annual award named after Ron Ellis, the founding Chair and Chair for the first 12 years of the Workers' Compensation Appeals Tribunal. The award is given to recognize a significant contribution to the development of workers' compensation law, including teaching, writing and lobbying; outstanding advocacy or adjudication; leadership in the workers' compensation bar through sharing knowledge, experience, skill and commitment with lawyers and the worker, employer and neutral communities; and enhancement of the practice of workers' compensation law.

This year, the award was presented to Steve Mantis, a long time injured activist from the Thunder Bay Injured Worker Group. Steve is also currently a member of the Ontario network of Injured Groups (ONIWG) executive and the co-chair of the leading research project on worker compensation in Ontario known as the Research Action Alliance on the Consequences of Work Injury (RAACWI). Many leaders of the workers' compensation community paid tribute to Steve including Alec Farquhar, Laurie Hardwick, Odoardo DiSanto and Marion Endicott, who have all known him for more than twenty years.



Steve Mantis has served as a member of the Board of Directors of the Workers Compensation Board, he was the leader of CIWA, the national injured worker alliance, he has been the make-it-happen person for numerous manuals, videos, and programmes for injured workers across the country, he has been a Board member of the Ontario Health Clinics for Ontario Workers (OHCOW), and a member of the Research Advisory Committee of the WCB.

Ms. Endicott observed that Steve's fundamental motivation comes from wanting to see a better life for those who have been hurt through workplace accident or illness. She advised that we can see his principle contribution in two main areas: his recognition of the importance of research, and his recognition of the importance of the voice of the injured worker, and the integrity of that voice.

Steve had barely become the head of the Canadian Injured Workers' Alliance in 1990 when he organised a national study of the employment experience of injured workers. He found that across the nation, injured workers were experiencing high levels of unemployment. Significantly they found that an initial return to work was not indicative of sustained employment.

When he was appointed to the Board of Directors of the Workers' Compensation Board from 1991 to 1994, Steve was the voice for research. With these earlier studies before him, Steve insisted that the Board study its own data to discover what happened to these workers. What sort of compensation were they getting? Was the wage-loss system properly taking into account the narrowed employment field and reluctance of employers to hire injured workers? One study was done, which showed that wage-loss payments fell far short of actual wage loss. Steve has not stopped pursuing that gap and discusses it regularly with the WCB.

While on the RAC, the Research Advisory Committee. Steve worked hard along with some others to have more research encouraged and funded that looked into the actual situation of injured workers. Very recently under his guidance, the Thunder Bay Injured worker group, presented a research report on the situation of injured workers in Thunder Bay: Poverty in Motion, the Rippling Effects. Again the astonishing level of unemployment and poverty of injured workers was uncovered.

Steve views research as a critical element in understanding the effects of our compensation laws and in giving us tools to make changes for the better. His leadership in this area has led him to leadership of the RAACWI, a five-year Community-University Research project, looking at Ontario's compensation legislation and policy, financial and health issues for injured workers, and the history of the injured workers movement. His key role is to bring the injured worker community into the project and there to help injured workers feel comfortable with academics who speak such a different language; and for the academic researchers to be able to hear the injured workers who also speak so differently and sometimes so emotionally.

This illustrates the other great contribution which Steve has made: The voice of the injured worker. Ms. Endicott talked about Steve's outstanding contribution in this area. He finds the opportunities to help people speak. He makes people feel comfortable. In the injured worker community he has coined the phrase "building on . . ." --building his idea, his input, upon what has been already said by others. He has played an invaluable role in establishing Peer support groups across this country—where injured workers can come out of their isolation and find answers, friendship, courage—and their

voices. He did much of this work while at the helm of CIWA and there also established a Speakers School for injured workers which carries on as a project of RAACWI. In these schools, injured workers learn to hone their experience into a compelling example of the need for a policy or for a policy change, or new legislation.

Community Champion Award

Honouring ONIWG The Ontario Network of Injured Workers' Groups

In 2008, the Association of Community Legal Clinics of Ontario (ACLCO) created the "Community Champion Award" to recognize individuals or groups that champion the causes of their communities. The award will recognize a group or individuals who fight tirelessly in support of the low income and vulnerable that community clinics work with and represent. These individuals and groups often work in partnership with legal clinics to provide supports that low income communities need and that legal clinics are not equipped to provide. Without their contribution, the work of legal clinics in supporting their clients and in securing access to justice would be much more difficult if not impossible to achieve.

The inaugural community champion award was presented to the Ontario Network of Injured Workers Groups in May 2008. Many legal clinics have worked closely over the



years with the Ontario Network of Injured Workers Groups. Alberto Lalli of the Industrial Accidents Victims Group of Ontario (IAVGO) and Constanza Duran from Injured Workers' Consultants (IWC), the specialty legal aid clinics in workers' compensation, gave a tribute to ONIWG. The award was accepted by Karl Crevar, past president of ONIWG.

The ACLCO noted that ONIWG is a provincial network founded in 1991 that provides opportunities for injured worker groups to join together to share information and learn new skills, and to advance a common agenda for reform of the workers' compensation system. ONIWG advocates for a fair and just workers' compensation

system and is dedicated to helping injured and disabled workers and their families obtain their rights to justice, dignity, equality, health, safety, and security.

The Association also recognized that ONIWG members are local injured worker groups who are democratically governed by their membership. ONIWG also has non-voting associate members from organizations such as unions and legal clinics who share a common concern for systemic reform.

The Award recognizes that ONIWG has assisted the injured workers of Ontario for almost two decades. ONIWG organizes an annual conference which brings together injured workers and community partners (including legal clinics) to educate and organize its membership. In addition, ONIWG endorses four province-wide injured worker actions each year – February 28, Repetitive Strain Injury (RSI) Day; April 28, National Day of Mourning for Workers Killed or Injured on the Job; June 1, Injured Workers' Day; and a December demonstration (held at WSIB or Ministry of Labour offices depending on the city).

ONIWG has recently worked with the legal clinics and has had intervener status on two Supreme Court of Canada cases: Martin and Laseur, the landmark case regarding benefits to injured workers with chronic pain disorder; and Keays v. Honda Canada Inc.

The Association recognizes that ONIWG has survived on volunteer and donated time since it was defunded by Ontario's Conservative government in the late 1990s because ONIWG refused to give up its advocacy mandate and commitment to creating a fair and just compensation system for the workers of this province.

In Memory

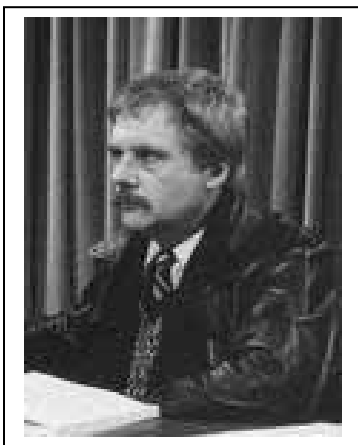
The injured worker movement lost two leading activists in 2008.

Dan Ublansky, Toronto Workers' Health and Safety Legal Clinic

Dan passed away from a sudden and unexpected heart attack on August 6, 2008 at the age of 61. Dan was legal counsel and health and safety coordinator for the Energy and Chemical Workers' Union for many years until he came to work with the Toronto Workers' Health and Safety Legal Clinic in 1993. Since then he was active in casework, law reform and community development in the fields of health and safety and workers' compensation law. Many also remember him as the master of ceremonies at the annual June 1st and Christmas rallies and remember his portrayal of Sir William Meredith in the skit on the history of workers' compensation. There is a memorial tribute to Dan in the September 2008 Newsletter of the Toronto Workers' Health and Safety Legal Clinic



Phil Biggin, Union of Injured Workers



Phil passed away peacefully at home on July 28, 2008, at the age of 69. Phil was active in the opposition to the Vietnam war in the United States in the 1960s. He helped organize the Union of Injured Workers in Toronto in the 1970's and was the president for many years. Phil was active in the early years of the development Ontario Network of Injured workers.

Experience Rating

What is Experience Rating?

Recently the Premier of Ontario, Dalton McGuinty, was forced to concede that the Province's workers' compensation rebate program was an "embarrassment." At issue is the fact that a number of Ontario corporations had received hundreds of thousands, even millions, of dollars in rebates despite the fact that these same companies had been found guilty of health and safety violations that had led to serious injury— including deaths.

What is this rebate program? The origins lay in the late 1970s and early 1980s when compensation costs began to rise because of an increase in the number of claims and because injured workers were increasingly successful in getting their claims recognized and in winning their appeals. According to Workers' Compensation Board (WCB) officials at this time, a major reason why more workers were getting injured lay in the fact that as all employers in a given classification paid the same assessments, there were no real incentives for them to address health and safety problems in their workplaces. This was not only unfair to those employers with good accident records, it did nothing to promote better corporate health and safety behaviour. Their solution? The expansion and further development of existing experience rating programs. Taking their cue from such programs in the United States, where most worker's compensation systems operated on private insurance principles, WCB officials pushed for changes whereby employers who had good accident records would be financially rewarded, while those with poor accident records would be punished financially. "Employers should be rewarded," a WCB document argued, "for investing time and money to make their workplaces safer and reduce injuries." Interestingly, much like the Early and Safe Return to Work policy that came into existence with Bill 99, there was no research demonstrating a clear and consistent relationship between experience rating programs and better health and safety behaviour by employers. Even such an advocate as Paul Weiler, the Harvard University Law professor commissioned by the Conservative government of Bill Davis to investigate the operation of the worker's compensation system, had to acknowledge the weaknesses of studies investigating the relationship between experience rating and the incidence of accidents. Such studies did not prevent Weiler, however, from urging the government to press ahead with such a

program. “[W]hen one looks at the studies cumulatively,” he wrote in his 1983 report, *Protecting the Worker from Disability: Challenge for the Eighties*, “and when one recalls that we are starting from an intuitively plausible assumption in any event, this evidence provides more than enough support for the policy judgment that we should experience rate the system of workers’ compensation in Ontario in order to take advantage of this market incentive to make the workplace safer.”

The Pitfalls of Experience Rating

Not only was there little or no evidence linking experience ratings programs and improved health and safety outcomes, there was ample room to critique existing programs. Terence Ison, who in the mid 1980s was a professor of law at Osgoode Hall Law School at York University, listed some of the problems. Under such plans, Ison argued, employers:

- discourage workers from reporting claims
- either refuse to complete Form 7 or submit it with missing information
- institute safety programs that reward lower management and workers for not making claims
- contest and closely monitor claims
- establish “light work” jobs where the injured worker does little or nothing
- press injured workers to return to work too soon

Experience? Rating?

One example of the disparity, between actual workplace health and safety and the incentives under experience rating, is the International Nickel Corporation - INCO. A worker was killed at its Copper Cliff site. The company was fined \$375,000 by the Ministry of Labour for failing to provide adequate information, training and supervision to the worker regarding valves on an oxygen system. For the time period in which this death occurred INCO received \$2,424,406 in rebates from the Workplace Safety and Insurance Board.

In his critique, Professor Ison also wrote that “given the economic incentive for employers to ignore, hide or contest claims,” it was wrong to assume a positive relationship “between claims data and accidents.” Ultimately, he concluded, “experience rating probably has a negative influence on health and safety.”

We’ll be watching you

Experience rating programs that offer sizable rebates to companies for good health and safety records promote suspicions and adversarial actions on the part of employers towards their workers. According to injured workers, while suspicion has always been present in the Ontario workers’ compensation system, the situation has worsened since the widespread introduction of experience rating and deeming. When they talk about their accidents and injuries

they recall, with surprise and dismay, how their employers and WCB officials either did not believe them - they were frauds - or thought that they were exaggerating their injuries. They were, in a phrase coined by the private insurance industry, a “moral hazard.”

Squeezing Injured Workers

A young man from Iraq, only recently arrived in Canada, injured his shoulder lifting heavy plates on an assembly line. In an interview with the IWHP, he talked of how his pain was immediately downplayed by the company doctor. After being on compensation for a year, he was shocked to learn that his benefits were being terminated based on a video tape taken of him secretly by his employer. The tape showed him gardening, an activity suggested by his doctor but which the company claimed indicated that he had recovered. Humiliated and depressed, he has since struggled to recompose his life and his sense of trust in others.

Spurred on by the financial incentives of experience rating, the company has succeeded in having worker compensation funds transferred from the worker to the company. There is no evidence that the workplace has since become safer.

A woman suffers from repetitive strain injury that according to her doctor was caused by her job as a drill press operator. Her employer's response was to suggest that she apply for the company's private insurance. She put in her claim to the workers' compensation board but the employer refused to fill in the claim form. To add insult to injury, she was fired from her job. Seven years after her injury, she has not yet received any form of compensation. She has not been able to return to work.

By challenging the worker's claim the money is taken away from the worker and the company may receive a hefty cheque from the Board. There is no evidence that the workplace has become safer.

A woman worked as a cashier in a department store and broke her leg in a fall at work. The company called the worker every day to say that it had a job for her. The compensation board refused to pay any benefits to her because the company informed the Board it had “suitable work.” Despite the pain and the fact that she was supposed to rest with her leg raised, she finally returned to work where she finds herself alone in a room with a shredding machine. She has a chair but no place to put her leg up. As a result, her leg is taking much longer to heal than it should and her doctor says she needs physiotherapy.

Her employer's insistence that she be on the worksite may be making her condition worse, however, the company's chances of receiving a substantial rebate from the workers' compensation board are increased.

Body and Soul

The *moral hazards* at work in present day workers' compensation systems are not those of fraudulent or malingering workers. The *moral hazards* lay with those employers, government and WCB officials who have designed an incentive system that has redirected, over the past decade, almost two billion dollars away from injured workers into the pockets of large corporations even as it depletes the bodies and robs the souls of injured workers.

The disastrous nature of the experience rating programme has received media attention in 2008 and caused the government and the Board to finally sit up and listen to the experiences of injured workers. A review of the system is being held during 2008 and part of 2009.

Let the compensation board, the Minister of Labour, and your Member of Provincial Parliament know how incentives to employers have affected you. This is an important time to have your experiences and your suggestions for improvements heard. If you are not sure of the relationship of how you were treated by your employer after your accident and experience rating, please do not hesitate to call an injured worker group or legal clinic to explore the relationship.

Adapted from: Injured Workers' History Project Bulletin # 6

You can contact the IWHP and the Bancroft Institute for Studies in Workers' Compensation and Health and Safety at 416-461-2411,; Robert Storey, Labour Studies & Sociology, McMaster University 905-525-9140, Ext. 24693; storeyr@mcmaster.ca

The Perils of Experience Rating: Exposed!

Report by the Ontario Federation of Labour October 2007

For many years the Ontario Federation of Labour (OFL) has called for the elimination of experience rating programs in Ontario.

Experience rating adjusts premium rates based on an individual employer's claims history. In theory this provides an incentive for safety and injury prevention in the workplace. In theory, employers receive rebates on their premiums for good claims records and are penalized for poor claims records.

Experience Rating is touted as a major incentive to improve workplace health and safety by its employer advocates. To date there is absolutely no evidence to support this claim.

But there is evidence that experience rating promotes many negative practices. Premium costs can be reduced by covering up or misreporting accidents, by forcing workers back to work before they are ready, by paying sick employees wages rather than have them receive benefits, or by simply contesting all claims, including the most well-documented and well-founded cases.

Experience Rating has a very negative effect on injured workers. It undermines the basic principles underlying the compensation system. It weakens the collective liability system; burdens smaller employers for the gain of the bigger ones, effectively denies injured workers their legitimate benefits; produces nightmares instead of peace of mind for injured workers and their families; and increasingly makes the system more and more adversarial.

Tens of millions of dollars are drained out of the WSIB's accident fund each year by employers who have learned how to play the game of experience rating. In fact, according to WSIB figures, rebates have exceeded penalties by more than **half a billion dollars** in the last four years alone – \$114 million in 2006, \$124 million in 2005, \$115 in 2004 and \$169 in 2003, for a total of \$522 million. That is not the total amount of rebates, but the amount by which rebates exceeded penalties!

Wayne Samuelson, President of the Ontario Federation of Labour, raised the

alarm about this lavish boondoggle for large employers at the expense of injured workers at the Standing Committee on Government Agencies on February 27, 2007. He tendered the challenge to anyone in the government to provide analytical data that supported the theory that experience rating programs in any way contributed to workplace investment and improvement of health and safety practices. The response has been a deafening silence.

Undaunted the OFL continued its own research on the effectiveness of experience rating programs. First they obtained financial records from the two most recent years available for individual firms participating in the WSIB's experience rating programs. Remember that the WSIB claims that these programs pay rebates or impose surcharges (penalties) based on the firm's health and safety record.

Next, law students from the Advocates for Injured Workers student legal clinic (associated with the University of Toronto Faculty of Law and the Industrial Accident Victims Group of Ontario) obtained Ministry of Labour press releases regarding prosecutions under the *Occupational Health & Safety Act* that affected the rebates and surcharges contained in the financial records.

The results confirmed what the OFL had already known a shocking disconnect between the declared goals of experience rating and the way that bad performing employers were taking advantage of the program.

The press releases referred to a total of 88 incidents in workplaces covered by WSIB experience rating programs which lead to the injury or death of a worker and resulted in a guilty plea or conviction for one or more offences under the *Occupational Health & Safety Act* by the end of May 2007.

In reference to the 88 incidents and the firms involved, 63 or 72% of the firms received a rebate in at least one of the two years covered by the financial records. 20 incidents or 23% related to firms that received rebates in both years.

Of the 88 incidents noted, 40 cases involved convictions which lead to fines of \$100,000 or more; a certain indicator of the seriousness of the health and safety violations. Yet in the two years covered by the financial records obtained by the OFL nearly one third of these employers received experience rating ***rebates that exceeded the amount of their fines.***

Let us examine some specific examples:

INCO

- The death of a worker at INCO's Copper Cliff site led to a fine of \$375,000 for failing to provide adequate information and/or instruction and/or supervision to a worker regarding the operation and/or testing of valves on the oxygen system.
- • The amount of the fine reflects not only INCO's size, but its terrible record of past convictions for workplace safety offences. - 2 -
- Yet INCO's experience rating rebate for the Copper Cliff site alone of \$2,424,406 for the corresponding period was over six times the amount of the fine.

Williams Operating Corporation

- As a result of an accident, which involved the loss of a worker's leg, the Williams Operating Corporation was convicted of failing to provide adequate supervision to the workers and fined \$80,000.
- Through experience rating the same firm received rebates in corresponding years totalling \$2,114.96, more than 26 times the fine.

Weston Bakeries Ltd.

- A worker, whose duties included unloading baked goods from an oven, suffered heat stroke and later died after collapsing on the bakery floor. The air temperature at the bakery was 36 degrees Celsius at a distance from the oven.
- The employer was convicted for failing to take the reasonable precaution of implementing a heat stress management plan or program in the workplace and subsequently fined \$215,000.
- Through experience rating this same firm received a rebate of \$715,023.45 more than triple the cost of the fine.

If the theory of experience rating programs is to encourage investment in health and safety, why are so many employers with a history of serious violations and convictions rewarded with significant rebates?

If employers can obtain significant rebates from a seriously flawed experience rating scheme, what incentive is there for them to invest and promote good health and safety practices?

The following appendix provides details of the 18 firms with fines under the *Occupational Health & Safety Act* of more than \$100,000 who still managed to receive experience rating rebates big enough to pay those fines.

Examine the facts; examine the proof; experience rating does not

promote good health & safety practices!

APPENDIX A

1. WASTE SERVICES (CA) INC. (FORMERLY CAPITAL ENVIRONMENTAL RESOURCE INC.) Fine: \$160,000 Year: 2001 Incident: A worker was standing on a riding step at the back of a reversing loading truck. He fell off and was run over by the truck, breaking his foot, ankle, collar bone and ribs. He suffered permanent ligament damage to his knee and neck. The Ministry of Labour investigator also found that only two seatbelts were available, but three workers were assigned to the truck.

The employer was convicted on three charges – failing to provide instruction to the injured worker on the correct use of the rear riding step, failing to take reasonable precaution of ensuring the injured worker did not ride the rear riding step while the vehicle was reversing, and failing to ensure seat belts were available for all workers.

Experience Rating details:

Waste Services (CA) Inc. participates in the NEER program. This incident would still be relevant to their 2004 calculations (but not 2005). In 2004, Waste Services (CA) Inc. received a rebate of **\$247,995.58**, more than enough to reimburse them for their considerable fine.

2. NORTHERN SAWMILLS INC. Fine: \$65000 Year: 2003 Incident:

There was a log jam on an out-feed conveyor belt of a debarker machine. A worker locked the out-feed machine and stood up on the conveyor belt, trying to clear the log. Even though the machine was locked, a log was somehow pushed through, and it knocked the worker unconscious, causing a fractured cheekbone, crushed sinus, dislocated jaw, cracked left forehead and a concussion.

The employer was convicted of failing to ensure that cleaning/maintenance work was not performed on the conveyor until motion that may endanger a worker was stopped.

Experience Rating details:

Northern Sawmills Inc. participates in the NEER program. This incident would still be relevant to their 2004 and 2005 calculations. In those two years, they received a net rebate of **\$198,053.30**, off-setting their fine by over three times.

3. NEWMONT CANADA LTD. Fine: \$120,000 Year: 2004 Incident:

Two workers were performing electrical work on a starter motor. The side electrical contacts short circuited and resulted in critical flash burns to both workers. The first received first, second and third degree burns to the face, hands and arms, and the second received first and second degree burns to the hands.

The employer was convicted of failing to provide the workers with/ensure the use of personal protective equipment.

Experience Rating details:

Newmont Canada Ltd. participates in the NEER program. In 2005 – the first relevant year following this incident – they received a rebate of **\$476,016.49**, almost four times the amount of their considerable fine.

4. SEMPLE-GOODER ROOFING LTD. Fine: \$150,000 Year: 2001

Incident:

A construction worker was killed by a reversing tractor-trailer when he was struck and trapped under the wheels, and dragged 10 meters. The employer was convicted of failing to ensure that operators of vehicles were assisted by a signaller when the operator's view is obstructed.

Experience Rating details:

Semple-Gooder Roofing Ltd. participates in the CAD7 and NEER experience rating programs. In 2005 and 2006 (the last two years that this incident would be relevant to their CAD7 calculations), they received a net rebate of **\$648,182.90**, more than four times the amount of their considerable fine. They also received a rebate of \$336.38 for NEER 2004.

5. GENERAL ELECTRIC CANADA INC. Fine: \$50000 Year: 2003

Incident:

At a GE light bulb manufacturing plant in Oakville, a worker was caught in the rotating spindles of a fluorescent light bulb making machine while trying to clear some bulbs that had gone askew. The worker suffered lacerations and tendon damage to the right forearm. A Ministry of Labour investigation found that it was standard operating procedure at the time to clear bulbs while the machine was in operation. The employer was convicted of failing to ensure the high-speed horizontal line was properly guarded to prevent access to moving parts.

Experience Rating details:

General Electric Canada Inc. participates in the NEER program. Both years (2004 and 2005) should reflect this incident (which itself is reflective of systemic unsafe practices). Nonetheless, they received a net rebate in these two years of **\$704,096**, over 14 times the amount of the fine levied for this incident.

6. WILLIAMS OPERATING CORPORATION Fine: \$80,000 Year: 2003

Incident:

A worker, who had been hired to do surface labour jobs such as repairing fences and clearing brush, was working in a pit mine, stemming blast holes with an excavator. The worker was not trained to work in open pit mines. The excavator shifted suddenly after coming into contact with a large boulder, causing a bucket full of rocks to swing quickly into the workers foot. The resulting injury required the worker's leg to be amputated.

The Ministry of Labour found that the stemming of blast holes at the Williams mine pit wasn't usually done with an excavator, but the normal machine was insufficient for this job due to the large number of blast holes and the rough terrain in the area. No supervisor was present to approve the use of an excavator as an alternative, or to ensure that the stemming procedures were carried out in a safe manner. The employer was convicted of failing to provide adequate supervision to the workers.

Experience Rating details:

Williams Operating Corporation takes part in the NEER program. In 2004 and 2005, the first two years for which this incident would be taken into account, they received a net rebate of **\$2,114,961.19**, over 26 times the amount of their fine for this incident.

7. QUEBECOR WORLD INC. Fine: \$130,000 Year: 2003 Incident:

While inspecting a paper compactor for an oil leak, a workers legs were crushed and partially severed when the compactor's ram press unexpectedly cycled. A Ministry of Labour investigation found the injured worker was not given specific information and instruction on lockout procedures for the compactor, which would have prevented the ram from moving.

The employer was convicted of failing to provide proper information and instruction.

Experience Rating details:

Quebecor World Inc. participates in the NEER program. In 2004 and 2005, the first two years that this incident would be taken account for, they received a rebate of **\$300,734.90**, more than twice as much as their considerable fine.

8. PLACER DOME (CLA) LTD. Fine: \$350,000 Year: 2004 Incident:

A worker who was performing underground gas checks in a mine was killed when he fell about 12-15 meters into an open hole. The Ministry of Labour found that there were no standard safe procedures for these gas checks that the workers were following.

The employer was convicted on two charges – failing to develop standard safe procedures for gas checks, and failing to ensure that such procedures were followed.

Experience Rating details:

Plaer Dome (CLA) Ltd. participates in the NEER program. In 2005, the first year (of three) that this incident would be taken into account for, they received a rebate of **\$681,730**, nearly twice as much as their very large fine.

9. AECON GROUP INC. Fine: \$300,000 Year: 2003 Incident:

Two workers were welding a steel end cap onto a pipe, when a large fireball suddenly engulfed them. One worker was killed and the other suffered serious burns. Two nearby workers were also injured. Not to mention the property damage!

The employer was convicted for failing to take the reasonable precaution of ensuring that the workers were wearing fire retardant clothing while cutting and welding on a natural gas pipeline.

Experience Rating details:

AECON Group Inc. participates in the CAD7 experience rating program. In 2005 and 2006, years where this incident should still be taken into account, they received a net rebate of **\$594,719.60**, almost twice as much as their very large fine.

10. BRENNAN PAVING & CONSTRUCTION LTD. Fine: \$50,000 Year: 2002 Incident:

A large flatbed truck was parked across the street from a construction project and was obstructing the roadway. A citizen suffered cuts to the scalp when he collided with the truck. While the flatbed truck was operated by an independent moving company, Brennan Paving & Construction Ltd. was convicted with failing to ensure that a supervisor at the project site supervised the work at all times.

Experience Rating details:

Brennan Paving & Construction Ltd. participates in the CAD7 program. In 2005 and 2006, years where this incident should still be taken into account, they received a net rebate of **\$112,430.60**, over twice as much as their fine.

11. DAGMAR CONSTRUCTION INC. Fine: \$55,000 Year: 2005 Incident:

A worker was patching holes in asphalt when a traffic accident occurred, resulting in the worker being pushed along concrete barriers for some distance. The worker suffered a double fracture to the right ankle and cuts, scrapes and bruises.

The traffic accident occurred in part because the worker's supervisor had left a truck parked partially in the right line. The Ministry of Labour found no traffic control measures such as barriers, barricades, flashing lights or warning signs were used. The employer was convicted for failing to ensure that the necessary traffic control measures were taken.

Experience Rating details:

Dagmar Construction Inc. participates in the CAD7 program. In 2006, the first year (of five) that would reflect this incident, they received a rebate of **\$88,709.28**, more than enough to cover the cost of the fine.

12. WOODBRIDGE FOAM CORPORATION Fine: \$175,000 Year: 2003

Incident:

A worker died when he entered a foam shredder, which had a safety assembly designed to stop it from operating when a certain amount of weight was placed on the plate that led into it. The Ministry of Labour found that the safety assembly was not working and had not been properly maintained. The employer was convicted of failing to ensure the safety limit overweight assembly on the shredder was maintained in good condition.

Experience Rating details:

Woodbridge Foam Corporation participates in the NEER program. In 2004 and 2005, the first two years that this incident would be taken into account, the employer received a net rebate of \$277,954.50, more than enough to cover the cost of their considerable fine.

13. WESTON BAKERIES LTD. Fine: \$215,000 Year: 2001 Incident:

A worker whose duties included unloading baked goods from an oven, suffered heat stroke and later died after collapsing on the bakery floor. The air temperature at the bakery was 36 degrees celsius at a distance from the oven.

The employer was convicted for failing to take the reasonable precaution of implementing a heat stress management plan or program in the workplace.

Experience Rating details:

Weston bakeries participates in the NEER program. In 2004, the last year for which this incident would affect their experience rating, they received a rebate of **\$715,023.45**, covering the cost of their very large fine more than three times over.

14. LAFARGE CANADA INC. Fine: \$150,000 Year: 2001 Incident:

A worker, who was on a wooden platform in a silo, was killed after falling 21 feet through an uncovered opening. The employer was convicted for failing to ensure that there was a guardrail around the perimeter of the opening.

Experience Rating details:

LaFarge Canada Inc. takes part in the NEER and CAD7 programs. In 2004, the last year for which this incident would affect their NEER rating, they received a rebate of **\$1,033,690.71**, almost seven times the amount of their fines, though they did receive a small net surcharge for their CAD7 ratings of \$43,158.67.

**15. DYNATEC CORPORATION (INCIDENT 1) Fine: \$45,000 + \$55,000
Year: 2002 Incident:**

A miner was removing loose rock slabs from the walls and roof of a “stope” (an excavated mining area), when some rock fell from the roof pinning the miner under three slabs weighing more than two tones. The area had been blasted the previous night. The Ministry of Labour found that the miner had not received specialty training for working in stopes, even though such a program was available and the worker had been working in stopes for nine weeks.

Dynatic received two separate fines arising out of this incident – one for failing to ensure the worker was properly trained in the appropriate specialty modules, and then another when they subsequently interfered with the Ministry’s investigation and were charged with obstructing a ministry inspector.

Experience Rating details:

Dynatec Corporation takes part in the NEER program. In 2004 and 2005, the last two years for which this incident would be reflected, they received a rebate of **\$1,475,359**, covering the cost of their fine almost 15 times over.

**16. DYNATEC CORPORATION (INCIDENT 2) Fine: \$100,000 Year: 2004
Incident:**

A miner was on a ramp trying to single-handedly hold back a moving “scoop tram”, to prevent it from hitting two other miners in its anticipated pathway, when the first miner’s right foot became pinned underneath the tram’s bucket. The tram dragged the mine with it down the ramp. The worker suffered multiple fractures to the right leg and a crushed ankle.

Dynatec Corporation was found guilty of failing to ensure that wheel chocks were used to block the tram’s movement when it was left unattended.

Experience Rating details:

Dynatec Corporation takes part in the NEER program. In 2005, the first year for which this incident would be reflected, they received a rebate of **\$239,949**, more than twice the amount of the fine.

17. INCO LTD. Fine: \$375,000 Year: 2001 Incident:

A shift foreman was testing a shutoff valve in an oxygen piping system when an explosion occurred. The worker suffered critical burns. A Ministry of Labour investigation found that the most probable cause of the explosion was the ignition of hydrocarbon grease in the valve. The valve had not been cleaned prior to delivery in 1996 by a contractor, and no formal procedure was in place for the testing or operating of oxygen line valves. Inco Ltd. was convicted of failing to provide information/instruction/ supervision to a worker regarding the operation/testing of valves on the oxygen system.

Experience Rating details:

INCO Ltd. participates in the NEER program. In 2004, the last year for which this incident should be reflected, they received a rebate of **\$2,424,406**, more than six times the amount of their fine.

18. PRIESTLY DEMOLITION INC. Fine: \$200,000 Year: 2003 Incident:

Workers were in the process of demolishing the main auditorium of a theatre when the entire roof structure collapsed, thrusting masonry walls outwards onto surrounding buildings. Debris resulting from the collapse fell through the roof of an adjacent English Academy, killing one student and injuring 12 other people. In addition, five people in a nearby bank were also injured.

Priestly demolition was convicted for failing to ensure a competent person inspected the internal roof structure, failing to reference hazards or include options for safely dismantling roof, failing to review or examine the internal roof structure prior to starting the demolition, and failing to have the engineer of record attend the project.

Experience Rating details:

Priestly Demolition Inc. takes part in the CAD7 program. In 2005 and 2006, both relevant years that should reflect this massive incident, they received a rebate of **\$362,768.11**, more than covering the cost of their considerable fine.

Research in Action

RAACWI – WSIB activities: Stigma faced by Injured Workers

One of our primary goals for our knowledge mobilization within the Research Action Alliance on the Consequence of Work Injury (RAACWI) is to work with the government and the WSIB to improve the economics and health outcomes for injured and disabled workers.

In 2007, RAACWI took a number of steps to begin building a long term relationship with the WSIB. In February, the RAACWI steering committee met with senior management at the WSIB. The key messages were:

- The WSIB is committed to improving its use of evidence in policy and decision making;
- WSIB senior management are prepared to have ongoing, direct communication with RAACWI including through half-day sessions;
- There are ongoing opportunities to convey our research findings to the WSIB, such as through in-house professional development sessions, “Learning Exchanges”;
- RAACWI needs to be organized and focused on what we want to achieve with the Board so that we make efficient use of senior management’s time (i.e., develop our list of questions and areas of enquiry in advance).

Since then, we have been exploring opportunities to work together to gather and share evidence. The WSIB has assisted us in the recruitment of 500 injured workers with a permanent impairment using a randomized selection process and ensuring the privacy and confidentiality of the workers is protected. These injured workers will be taking part in the health survey being led by Dr. Peri Ballentyne.

We have received updates on some of the research the WSIB is undertaking concerning the consequences of work injury, have advised them on a couple of their projects and have been invited to work together in the future. Two of our researchers– Dr. Lippel and Dr. MacEachen - have made presentations on some of their recent research to staff at the WSIB in the Fall of 2007.

We have come to understand that it is not only formal research presentations and tools that are effective in knowledge transfer and exchange, but building relationships and credibility with our target audiences. This creates an atmosphere where people both hear and understand the information and knowledge we have to offer. It also provides an opportunity for the participants to convey to RAACWI their research interests and needs.

In discussions with senior management of the WSIB, we identified the issue of the stigma experienced by injured workers. A number of the RAAWCI researchers had written on this topic and community members regularly reported experiencing the negative impacts of stigma. It was decided to have a Blue Sky discussion to explore this topic together.

In January of 2008, we held our first session with 5 RAACWI members and 7 WSIB senior managers. We had a stimulating and wide ranging discussion where everyone in the room reported that they knew first hand of some of the negative impacts of stigma and we agreed to meet again to learn what the research says and develop action plans to improve the situation.

Our RAACWI subgroup did a review of the literature on stigma, prepared a reading list of scientific articles and provided three peer reviewed papers to the WSIB management in preparation for our next discussion. Our meeting in March of 2008 included presentations by two of our researchers followed by discussions. We then spent the last 90 minutes on what can we do to improve. We covered the walls with suggestions we recorded on flip charts. At the close of the meeting the WSIB President announced her intention to integrate these suggestions into the strategic and operational plans.

On September 18, 2008 the WSIB President in a meeting with the RAACWI Community Lead requested our assistance in expanding the discussion on stigma throughout the WSIB in order to improve their service delivery, policies and practices in order to improve long term outcomes.

Stigma – An Injured Worker Perspective

The following presentation was made by an injured worker at a RAACWI – WSIB meeting:

Stigma: a brand, a mark of disgrace, a stain on one's character

Date: May 20, 2008.

Stigma is real; it is alive. It is destructive. It stains the reputation of the injured workers and the consequence is devastating. I believe most injured workers have been branded liars, thieves, lazy, trouble-makers and free-loaders who are ripping-off the system or who want to rip-off the system such as WCB/WSIB, Social Services, other service providers and employers. Stigma is the main cause of every negative experience that the injured workers experience in dealing with their WCB claims. The claims are denied by the Compensation Board as not being compensable claims, not enough medical evidence, even though the family doctors and specialists and other health service providers such as Chiropractors and Physiotherapists submit their findings as valid.

Not only that the claims are being denied by the Workers Compensation Board but the claims are dragged-out for several years before they have a hearing which too often are not in favour of the injured workers but the employers which make the injuries chronic

and leaving the injured workers in frustration, disbelief, humiliation and poverty. Then to appeal, the Tribunal can take more years. Here, there is finally a chance at justice but so late; so much harm has been done in the meantime. Of course, here too, many a just claim is still denied.

I have similar experience. It's almost nine year since my claim was submitted and I am still waiting for full recognition and compensation for my disability. I was stigmatized as not having a valid claim despite medical evidence. I was told that my injury was not work related and that I have no merit in pursuing. Since my diagnoses of Repetitive Strain Injury (RSI) combined with the long drawn-out process by the WCB in dealing with my claim, my life has been changed drastically. My injury has now become chronic and I have also developed secondary medical conditions such as high blood pressure and depression. In addition, my situation has put severe strain on my family as they have to take on added responsibility which they were not prepared for as I was already independently established. Although I am grateful for my family's love and help, I feel frustrated and ashamed to be dependent on others as I was always an independent person.

Many of us (injured workers) do not have visible injuries but our lives are crippled by our injuries and the way we have being stigmatized. Many of us cannot return to normal living. We have exhausted all our financial means such as savings, RRSP's, borrowing from our families and friends, some injured workers are force to sell their home or have to give up their rented apartments because they could not afford the mortgage or rent payments. They become homeless or dependent on their families or relatives for shelter or they end up in shelters. I lost my rented apartment and was on the verge of living in a shelter or who knows, maybe on the streets but my brother came to my rescue and took me in.

Worse than the injuries, are the disrespectful ways in which some injured workers including myself are treated by some of the adjudicators and other workers in the various departments that handle the issues of injured workers. Injured workers are judged just by submitting a claim of their injuries; they are categorized as thieves. Stigma/stigmatization is real; it is alive; it is devastating. Injured workers are treated like notorious criminals on many occasions by the systems that were set-up to help them. Injured workers gave up their rights to sue the employers in exchange for prompt and fair compensation from the WCB. What do the injured workers get in return? They are branded thieves and therefore are denied fair compensation. While some are lucky to receive social assistance, some are not so lucky because they are not qualified or some have succumbed to their injuries while others gave up hope and ended up in mental institutions, shelters or living on the streets where they are further dehumanized.

The stigma that over-shadows injured workers can be corrected or lessened when the systems that was set-up for the benefit of injured workers honestly re-evaluate the initial mission of the system by treating the injured workers with dignity, fairly and promptly honouring their claims, making sure that they have access to prompt and right medical or alternative treatments and in making sure that the employers abide by the rules that govern them etc. STIGMA DOES TO THE INJURED WORKERS WHAT TERMITES

DO TO TREES/BUILDINGS. STIGMA IS REAL. THE INJURED WORKERS EXPERIENCE ITS EFFECT EVERY SECOND OF EACH DAY. IT DESTROYS LIVES.

Reporting Workplace Injuries

Injured worker advocates have long expressed the concern that the WSIB's experience rating program for employer assessments appears to miss the mark because its incentives produce non reporting and underreporting workplace injuries rather than actual safety improvements in the workplace. Research studies have attempted to quantify the failure to properly report workplace injuries. We have summarized some of these below:

How many injured workers do not file claims for workers' compensation benefits?

a study by Harry S. Shannon and Graham S. Lowe

Professors Shannon and Lowe noted that anecdotal evidence suggests that there are injured workers who do not file claims for workers' compensation. Several recent studies in the United States support this, and they aimed to quantify the extent of under-reporting in Canada.

A cross Canada survey asked about work injuries in the previous year, and several questions established eligibility in their workplace for workers' compensation and whether a claim had been filed. Of those suffering an injury eligible to receive workers' compensation and working in an industry with compulsory coverage, 40% did not file a workers' compensation claim. Of 2,500 respondents, 143 had incurred an eligible injury, of whom 57 (40%) had not filed a workers' compensation claim. Even among cases with lost time, 30% did not submit a workers' compensation claim. There was no evidence that claims rates were lower in those whose companies had paid sickness plans.

The authors noted that in contrast with public attention on alleged fraudulent over-claiming of workers compensation benefits, their research showed a substantial degree of under-claiming of WC benefits.

The authors also noted that in Canada, failure to submit a workers' compensation claim involving medical treatment means that the cost of such treatment is shifted from employers onto the universal public system which is funded by taxpayers.

The authors recommend that policy makers should ensure that all relevant parties are aware of their obligations to report work injuries. This would help to ensure that public

funds in Canada do not pay for treatments that should be paid for by employers and to create a more accurate picture of workplace safety.

The authors note that the survey did not ask why claims were not filed when eligible and that further research would be useful. They advise that workers' compensation claims rates, as indicators of safety, must be used cautiously.

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How Many Work Related Injuries Requiring Hospitalization in British Columbia Are Claimed for Workers' Compensation?

a study by Hasanat Alamgir, Mieke Koehoorn, Aleck Ostry, Emile Tompa and Paul Demers

Workers' compensation claims data is an important source of information on work related injuries. However, the researchers noted that they are based on reported and accepted claims only and several recent studies in the USA have identified underreporting of work related injuries to the workers' compensation systems. These studies have identified several reasons for not reporting injuries: discouraging supervisors and co-workers, legal status, job insecurity, high odds of having a claim rejected, procedural complications, lack of awareness of the system, injury not considered serious enough and social stigma.

Since the injuries admitted to hospital through the urgent and emergency departments are usually acute and severe in nature, the researchers hypothesized that the workers' compensation system should be sensitive enough to capture most of these injuries. Injuries requiring hospitalization should have a very high claims reporting pattern. They compared workers compensation records and hospital discharge records for a group of 6512 saw mill workers in British Columbia.

The study findings suggest that workers' compensation claims data underreport serious and acute injuries by about 10%, even in a population actively working in a large unionized industry. The more serious injuries, defined by hospital records, had higher claiming rates. Lower reporting was found among non-whites and older people. The researchers hypothesized that may be due to factors such as lack of awareness about the system, prior unpleasant experience, higher job insecurity and greater peer/employer or social pressure.

According to their findings, the provincial workers' compensation board underreported serious and acute work related injuries by 10 to 15%. The researchers noted that payment for the cost of hospitalization of work related injuries is the financial responsibility of the workers compensation system funded by the employers and non payment of these costs shifts them onto other parts of our social safety net such as the publicly funded health care system.

Early Return to Work: Hurt vs. Harm

Over the past decade, theories that ‘hurt does not mean harm’ and ‘healing happens at work’ have been embraced by workers’ compensation policy makers in the development of early return to work policies. Coupled with the shift from a pension to a deemed wage loss system in 1990 and the elimination of temporary disability benefits in 1998, many injuries which were once accorded time to heal are now considered to be ‘no lost time’ injuries. A recent research paper examines the evidence for this approach.

A deliberation on ‘hurt versus harm’ logic in early-return-to-work policy

a study by Ellen MacEachen, Sue Ferrier, Agnieszka Kosny and Lori Chambers

The researchers noted that the practice of ‘early return to work’ before full recovery is put forward in many countries as a sensible and therapeutic approach to work injuries but there has been limited analysis of the evidence in support of this and the effectiveness of this approach.

The ‘hurt versus harm’ concept proposes that hurt (i.e. pain experienced before recovery is complete) does not necessarily imply that the activity producing the pain is harmful and that the activity may actually be therapeutic.

The researchers look at the scientific literature that appears to have provided the origins of the ‘hurt versus harm’ policy towards return to work. They found some evidence in the back pain literature that exercise helps recovery from back pain, leading doctors to recommend activity, as opposed to bed rest, for recovery from back pain. Since work involves activity, some work activities could be medically authorized for people recovering from back pain. However, there is no evidence that supports extending this to injury in general. The logic of the approach to back pain rehabilitation (that activity is restorative) has been distorted into a generalized medical logic that early return to work is rehabilitative. In practice, ‘hurt versus harm’ logic is applied to breaks, sprains, cuts, arthritis and any other health problem. Statements in WSIB documents such as “Research has demonstrated that the best recovery occurs in the workplace” are not in fact supported by the research. The researchers also note that the scientific literature that does support activity and early return to include a number of cautions or caveats that limit this to specific and ideal conditions but these are not taken up in the early return to work policy statements.

The researchers also did a qualitative study of return to work problems faced by injured workers with long term workers compensation claims. They did in-depth interviews with 48 injured workers and 21 service providers. The purpose was to understand hurts and harms in context. They looked at hurts that include not simply physical hurts (e.g. severe pain) but also process related hurts (e.g. strain associated with long waiting periods for decisions to be made). They found that the dominant 'hurt versus harm' discourse does not take into consideration certain hurts that do in fact lead to harms.

The research identifies five 'hurts' that lead to 'harms.' The hurt of pain leads to the harm of further injury performing unsuitable work and the harm of addiction to pain killers to be able to work through pain. The hurt of waiting for an acceptable diagnosis that meets the level of proof requirements of workers' compensation decision makers leads to delay in treatment and chronicity. The hurt of long waiting for claims processing leads to the harms of mental distress and poverty. The hurt caused by incomplete communication with adjudicators leads to the harm of flawed entitlement decisions. The hurt of improper employer action such as not reporting the injury properly, or at the right time, or challenging a claim for financial rather than entitlement reasons leads to the harm of denied or delayed claims.

The researchers suggest that the dominance of the 'hurt does not mean harm' logic is not supported by the evidence but has become a discourse that has taken on a life of its own and makes it difficult to acknowledge that there are hurts and related harms that affect injured workers. They propose that extended workers' compensation claims may develop partly in response to a framework for understanding workplace injury which under-recognizes, and can therefore worsen, the nature, extent and impact of hurts on workers. When harms relevant to costly long term workers' compensation claims are not recognised, this affects the handling of claims in a way that hinders workers' ability to return to sustainable work.

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Short Summary of research findings on Workers Compensation and Return to Work (RTW) in Ontario

May 2008

1. 1981 – WCB Survey of Pensioners

Survey of injured workers in Ontario collecting partial permanent disability benefits found 40% unemployed and another 5% underemployed.

2. 1988-90 – Survey of 11- 12,000 injured workers in Ontario collecting partial permanent disability benefits.

Done in preparation of the changes from a pension system to a wage loss system (Bill 162 in 1990). Looked at employment experience following disability and a separate survey concerning rates of diminished loss of quality of life experienced by workers with various impairments.

- Returns to Work by Ontario Workers With Permanent Partial Disabilities (1993) Johnson & Baldwin

Examined factors that influence RTW. Found 71% employed three years post injury.

- Managing Work Disability: Why First Return to Work is not a Measure of Success (1995) Butler, Johnson & Baldwin

Analyzed data further – found over 50% unemployment 5 years post injury.

- Quality of life research done by John Burton and Sandra Sinclair – points out that the AMA guides (and the pre -1990 WCB meat chart) undervalue the extent of the impact of most impairments – particularly back injuries, chronic pain, heart disease and respiratory disease. Was to be used to develop a new meat chart for NEL ratings. Thrown out because it was too expensive.

3. WCB Future Economic Loss (FEL) Study 1993 Found 78% unemployed at first review (R1) 3 years post injury.

4. Vocational Rehabilitation and Re-employment from the Injured Worker's Perspective (1995) Canadian Injured Workers Alliance

This report compiles the results of a research study. In this study, it was found that 74.3% of workers with a permanent disability are chronically unemployed, that 60% are re-injured upon their return to work, and more.

5. Participatory Research by Injured Workers: From Reflection to Action on Compensation and Return-to-Work Issues (2001)

Involved over 300 injured workers. Found that the compensation system and RTW process is perceived as problematic and unsatisfactory by a large proportion of IW in Southern Ont. Lots more detail as well.

6. Pre 1990 Claims Unit study – Peri Ballantyne (2001)

“Injury and Return to Work” 40 IW were interviewed – all pre 1990 – on average 17 years post injury. Most workers had chronic employment instability following injury – 60% unemployment at time of interview.

Prior to their injuries, the workers in this study had stable employment histories, were committed to their work, recognized the difficulties, and in some cases, the danger and risks involved in their work, and they described the benefits of their work, related to income and financial security, and a favourable standard of living.

Many said their injury was not immediately recognized. In some workplaces, regular heavy and painful work prevented them from realizing a significant injury had occurred. Some injuries occurred during a “traumatic event” and were indisputable, while others occurred over time. Others were the result of a discrete event that was sometimes misinterpreted by a worker or challenged by an employer. The workplaces had a range of informal and formal procedures for reporting an injury.

After being injured, most found it difficult to retain employment. Those who had a “secure job” prior to their injury were more likely to be employed. The definition of “secure employment” for this study means a job in a larger-sized firm or company, or one in a unionized environment. Less than half of the injured workers interviewed were in jobs of this nature at the time of their injuries. However, even those having a “secure” position did not necessarily retain their pre-injury level of employment. As well, union membership didn’t ensure protection of a worker’s position. Workers in less secure workplaces or occupations often had limited opportunities for work after they were injured and they were more likely to become unemployed or take jobs that under-used their skills/education. Many retired well before the “normal” retirement age—only two did so voluntarily.

Some workers in the study described successful rehabilitation, retraining and return-to-work experiences. However, many workers who returned to work after injury discussed the risks of their disabilities getting worse, and of re-injury. Many felt their workplaces did not fully protect them, and in some cases, they felt the work they did made their injuries or disabilities worse.

Quality of Life Issues

The progress of an injury and recovery was central to how workers’ felt about their quality of life after an injury. Most people had a reoccurrence or worsening of their injury, while many others experienced new injuries. Several developed other illnesses which made their original disability worse and which limited their chances for successful

return-to-work. Many workers spoke of living with chronic pain and several were concerned their long-term use of medications to control pain.

Many workers struggled over losses related to the inability to support their families and several described family breakdown. The financial consequences of the loss of employment following injury were of great concern for injured workers. They described greatly reduced incomes, as well as the loss of benefits such as extended health, life insurance, retirement pension contributions, etc.”

7. Return to Work in Small Workplaces: Sociological Perspective on Workplace Experience with Ontario’s ‘Early and Safe’ Strategy

Joan M. Eakin, Judy Clarke, Ellen MacEachen (2002)

“Results: When delegated to the workplace, the implementation of ESRTW is superimposed on and becomes part of the everyday social organization, interactions and customs of the workplace (‘how things are done around here’). The requirements of ESRTW are filtered through the logic of the workplace and ‘adapted’ to the needs and standpoints of the parties involved. For employers, ESRTW is a business problem, with significant administrative and managerial challenges, that can draw them, often involuntarily, into the disciplinary and medical management of RTW. Compliance with ESRTW and compensation regulations can impose an administrative burden, conflict with workplace norms, undermine their managerial authority, and damage relationships with the injured worker and with other employees. For workers, ESRTW can be a struggle to protect their personal credibility and integrity, and to reconstruct their physical and working lives within the ambiguous and contested terms of ‘co-operation’. Workers suffer under what we call the ‘discourse of abuse’ – persistent, pervasive imputations of fraudulence and ‘overuse’ of rights. Surveillance and its effects can extend into the injured workers’ homes and family life. During the vulnerable and fragile stage of bodily injury and recovery, workers confront a range of social difficulties in determining when they should return to work, in managing issues of loyalty and commitment to the firm and employers, and in engaging in modified work that can be meaningless or socially threatening. For both employers and injured workers, damaged moral relationships and trust can trigger snowballing of social strains, induce attitudinal ‘hardening’ and resistance, and impede the achievement of mutually acceptable solutions to the problems of injury and return to work.

Conclusions: The study has produced some important concepts and insight into the process of return to work in small workplaces which can be used to reflect on current policy and practice and to inform other research. Findings bring into question some the assumptions and principles of ESRTW, suggesting that the strategy might be transferring costs to workers and their families, and to employers, and that the notion of ‘safe’ needs to include social as well as physical security. The study also points to some paradoxical perversities in the strategy of self-reliance in small workplace settings, and cautions against a one-size-fits-all approach to RTW. Some issues – such as the disturbing implications of the discourse of abuse for the experience and disability of injured workers

– transcend the matter of size and deserve consideration with respect to all workplaces and the system as a whole.”

8. Workers Without Work: Injured Workers and Well-Being
Sharon Dale Stone (2002)

Injured Workers and Worker Identity

Although the question of identity was not the primary focus of the research, interview data show that injured workers who are unable to return to work are forced to re-evaluate their sense of identity. Following workplace injury, a number of changes take place: the loss of gainful employment challenges a worker’s own internal sense of well being; it is frequently cause for friends and family to regard them differently; and it leads to new people intruding into their lives. These changes, along with the necessity of dealing with health professionals and claims adjudicators, serve to reinforce the sense of having a new and less socially valued identity to get used to — the identity of injured worker.

The strength of the worker identity, and the way it is tied to a sense of well being, is apparent as focus group participants talked about what it meant to them to no longer be able to go to work. For several participants, being unable to work made their experience of workplace injury one of the most devastating of their lives. One man, for example, did not like to dwell on the implications of his injury, and became overwrought after talking about the issue in the focus group. He reflected:

- You know, I haven't cried a whole lot in my life, I've cried a few times, I cried when I couldn't go to work, you know, I cried when my boy got hit last year by a car, almost killed, and I cried today. (man, former construction worker)

Summarized by Steve Mantis – smantis@tbaytel.net

Glossary of Research Terms

1. **HALS/PALS:** The Health and Activity Limitations Survey (HALS) is a cross-sectional, post-censal disability survey that was used to identify the numbers and distribution of disabled persons in Canada and the barriers experienced by them. The target population of HALS consisted of all persons with a physical or psychological disability who were living in Canada at the time of the Census, including residents of the Yukon and the Northwest Territories, and permanent residents of most collective dwellings and health care institutions. The first survey was undertaken in 1986, and the second survey in 1991. The survey was replaced with the Participation and Activity Limitations survey, which was first administered in 2001.
2. **NPHS:** The National Population Health Survey (NPHS) is a national longitudinal survey administered by Statistics Canada that is used to collect information on the health of the Canadian population and related socio-demographic characteristics. The survey has three components: the household survey, the Health Care Institution Survey and the Northern Territories survey. The survey is administered every two years. The first cycle was undertaken in 1994.
3. **SLID:** The Survey of Labour and Income Dynamics (SLID) is a national longitudinal labour-market survey administered by Statistics Canada consisting of six-year overlapping panels. Every year for a period of six years the survey asks a representative sample of the Canadian population about their work experiences and income sources for that year. The period of the first panel is 1993-1998, the second panel 1996-2002, and the third panel 1999-2004. The fourth panel began in 2002.
4. **CCHS:** The Canadian Community Health Survey (CCHS) is part of a recent federal initiative designed to provide regional and provincial health information. The data consists of a cycle of two cross-sectional surveys conducted over a two-year period, with the cycle repeated yearly. The first survey of a cycle provides a broad range of health information from a sample large enough to provide data at a health region level. The second survey of a cycle focuses on specific health topics and has a sample large enough to provide data at the provincial level.
5. **LFS:** The Labour Force Survey (LFS) is a national cross-sectional household survey carried out monthly by Statistics Canada. The survey divides the working-age population into three categories—employed, unemployed, and not in the labour force. Data from the survey provided information on labour-market experiences and trends such as labour-force participation and unemployment rates.

6. **Descriptive and multivariate analyses:** Descriptive analysis refers to analyses that describe the relationship between two variables. Generally, in descriptive analysis there is no assessment of a cause and effect relationship between the two variables. Multivariate analysis refers to any statistical technique that quantitatively analyses the relationship between more than two variables simultaneously. Regression analysis (defined below) is one statistical approach that would be labeled as multivariate analysis. The two types of analysis (descriptive and multivariate) are often undertaken in tandem in studies. A researcher will often begin with descriptive analysis and then move to multivariate analysis.

7. **Modified grounded theory:** Grounded theory is a method of analyzing qualitative data in which themes and patterns are developed from the data (such as interviews or observations) with the goal to develop theory. A modified grounded theory approach broadens the analysis by considering themes that emerge from the qualitative data in relation to the broader contexts from which the data is drawn. For example, qualitative data from interviews with injured workers will lead to themes which reflect their direct experiences. These themes are then related to additional research on the broader social and economic conditions in which these injured worker experiences have occurred in order to develop theories about the relationships between the phenomena observed.

8. **Critical realist theoretical framework:** This theoretical framework assumes that a deeper understanding of phenomena can only be attained if we go beyond what is observed, since not all aspects of a situation are directly observable and/or measurable. This is done by considering the more fundamental conditions for aspects of the phenomena under study. For example, rather than focusing directly on intentions or the knowledge of individuals, a researcher will also focus on broader social, economic, and political conditions for social interaction.

9. **Reliable and validated instruments:** Reliability describes a measurement instrument that gives consistent results time after time for some phenomenon that one would expect not to change. Validity describes a measurement instrument that gives meaningful results, i.e., it measure correctly what it is suppose to measure. Reliability and validity are terms that are often used together, since one would want a measurement instrument that gives both consistent and meaningful results.

10. **Event-control matched cohort analysis:** This term refers to a cohort analysis (see definition of cohort below) in which individuals who are exposed to a particular variable (the event cohort) are matched with individuals who are not exposed to particular variable (control cohort). Matching of event individuals with control individuals is undertaken based on characteristics that a related to the key factor under

study. For example, the impact of disability on labour-market earnings might be investigated by matching individuals who have experience a work-disability with individuals who have not. Education and earnings prior to the disabling event might be used as matching characteristics.

11. **Cohort:** For research purposes, a cohort is any group of people who are linked in some way and followed over time. Researchers often observe what happens to one group that has been exposed to a particular variable—for example, the effect of company downsizing on the health of office workers. This group is then compared to a similar group that has not been exposed to the variable.

12. **Descriptive and comparative analysis:** Descriptive analysis refers to an analysis in which a researcher simply describes what is observed or how a program works without evaluating strengths or weakness. With comparative analysis a researcher will describe two programs concurrently across certain common variables in order to provide insight in how the programs are similar or different.

13. **CIHR:** The Canadian Institutes of Health Research (CIHR) is the primary federal agency responsible for funding health research in Canada. It aims to support the creation of new health knowledge, and the translation of that knowledge from the research setting into real world applications.

14. **Critical discourse analysis:** The term ‘discourse’ refers to a set of understandings, assumptions, and relations that are embedded in texts, words, images and in practices (what people actually do). 'Critical discourse analysis' is the examination of the structure of spoken and written texts, images, material objects or situations with the purpose of identifying prominent features that indicate the power relationships between individuals and groups. It is the deconstruction of discourse that focuses on understanding the elements and operation of power (both coercive and destructive power, and productive, enabling power).

15. **Bi-furcated system:** The term “bi-furcated” in the context of workers’ compensation refers to a wage replacement system which is two pronged, in that one can receive benefits based on one of two different methods of benefits determination. Prior to 2002, the long-term disability program in British Columbia was bi-furcated-- benefits receipt was based on a permanent impairment based system or a loss-of-earnings-capacity system, whichever was larger.

16. **LAD:** The Longitudinal Administrative Databank (LAD) is a 20% sample of the T1 Family File (T1FF). Both the LAD and T1FF are maintained by Statistics Canada.

The T1FF is a yearly cross-sectional database of all Canadian tax filers and their census families. The data is gathered from information available on personal income tax returns provided annually to the Canada Customs and Revenue Agency. Both the T1FF and the LAD have been created for every year from 1982 with new years are added as the data become available.

17. **Regression analysis:** Regression analysis is a statistical approach used to investigate the quantitative relationship between one or more explanatory variables on a key outcome variable. To use the approach, one requires data that contains information on the same characteristics from a number of individuals. The statistical approach is used to estimates how much of the change of the key outcome variable is associated with changes in the explanatory variables. For example, one might want undertake regression analysis to assess the relationship between explanatory variables such as gender, age, education, and disability status and an outcome variable such as labour-market earnings.

18. **Longitudinal analysis:** Longitudinal analysis is undertaken with databases that have repeated (over time) observations on particular attributed and experiences of individuals. Longitudinal data is important in many social sciences because they make it possible to investigation issues related to social change and social stability. Such investigations are not possible with data from surveys that are only undertaken at one point in time, i.e., cross-sectional data.

19. **Constant comparative method:** The constant comparative method is a method of analyzing qualitative data. The purpose of the constant comparative method is to generate theory in a systematic way, by constantly comparing data at different levels of abstraction in order to establish an understanding of the relationships between the phenomena observed.

20. **Precarious employment:** The term “precarious” is used to describe work experiences that are associated with instability, lack of protection, insecurity across various dimensions of work, and social and economic vulnerability.

Submitted by Steve Mantis – smantis@tbaytel.net

Financial Report

Workers' Compensation Funding and Financial Integrity

Discussions about restoring the full adjustment of workers' compensation benefits for inflation or improving benefits for injured workers often leads to the question of whether the workers' compensation system can 'afford it.' This section deals with the Board's funding strategy, the level of funding, the cost-neutrality of adjusting benefits for inflation and the beneficiaries of the de-indexation of injured workers' benefits.

WSIB Funding Strategy: Full Funding vs. Current Account

The WSIB is not required by law or actuarial principles to be fully funded. The private insurance industry is required by law to fully fund all claims because, as a business, it could close down or move away at any time and those with an allowed claim in pay must be guaranteed security of future payment. Unlike a private business venture, a statutory, publicly administered workers' compensation system will continue to exist as long there is industry and employment in the province.

The former administration of the Board set a target date of 2014 to eliminate the unfunded liability, meaning to accumulate enough assets to cover the costs of all WSIB claims 'on the books' for the lifetime of the claimants. However, WSIB Chair Steve Mahoney has said on several occasions that the date of 2014 is not mandatory, just a target that was set by the Board some years ago.

The workers' compensation system was established to give the Board the discretion to determine the appropriate level of funding. Sir William Meredith did not recommend a fully funded workers' compensation system. In fact, the actuarial evidence presented to the Meredith Royal Commission by the Canadian Manufacturers' Association was that annual premiums in a fully funded system are more expensive. They said that in a 'current cost' or 'pay as you go' funded system, the annual payments of employers would always be less than or equal to the annual payments of employers in a fully funded system. Meredith concluded "The act should not lay down any hard and fast rule as to

the amount which shall be raised to provide a reserve fund and that it is better to leave that to be determined by the Board.” (William R. Meredith, Final Report, 1913)

The disadvantage of a fully funded system is that it takes a huge amount of capital out of circulation in Ontario’s economy. Right now, the WSIB is sitting on \$16.3 Billion provided by Ontario’s employers. That will be increased to \$22.3 Billion by 2014 if the Board stays on the old target. That \$22.3 Billion dollars has to be invested by the WSIB in safe, ‘blue chip’ investments which means very little is invested into Ontario businesses. In a ‘pay as you go’ system where the Board collects enough money each year to pay the cost of claims in the coming year, that \$22.3 Billion would remain in the hands of Ontario employers where it would be put to use in Ontario’s economy. It is hard to imagine that Ontario’s employers would choose full funding, if given the option to use that \$22.3 Billion until it is actually needed to be paid out by the WSIB.

Unfunded Liability: How Much Reserve Funds Are Enough?

The impact on the unfunded liability has been raised as reason for not returning to full inflation adjustment. Injured workers do not question the wisdom of the WSIB in having a reserve fund in case of a disaster such as we have seen with asbestos or uranium miners. However, the WSIB is actually much better off financially than it was in 1985 when there was all party consensus for annual full cost of living adjustments to workers’ compensation benefits.

In 1985, the government legislated annual adjustments for injured workers equal to the increase in the cost of living. According to the Annual Report for 1984, at that time the WCB was 44% funded, meaning it had a reserve fund of 44% of the amount needed to cover all future payments.

The WCB has continued to collect more in premiums than it pays out each year. Now the WSIB is 73.2% funded, according to its most recent (2006) Annual Report. The impact on the unfunded liability was not a concern in 1985 when Labour Minister Bill Wrye introduced full adjustment to keep pace with inflation. It is much less of an issue today.

1984 WCB Annual Report (Figures in \$ Millions)

Assets	2,164
Liabilities	4,874
Funding Ratio – assets divided by liabilities = 44% funded	
(Unfunded Liability	2,710)

2006 WSIB Annual Report

Assets	16,398
Liabilities	22,395
Funding Ratio – assets divided by liabilities = 73.2% funded	

(Unfunded Liability 5,997)

The WSIB is well enough funded to begin paying full cost of living adjustments to benefits immediately.

Full Cost of Living Adjustment Has No Cost to Employers

Research done for the Ontario government in the early 1980's by Harvard Law Professor Paul Weiler noted that cost of living adjustments do not cost anything to employers. Employers pay a percentage of their payroll for workers' compensation coverage. When there is inflation, higher prices lead to higher wage demands. The size of an employer's payroll in dollars increases when wages increase in response to higher prices faced by the employees. As the size of the employer's payroll increases, so does the dollar amount collected by the WSIB without changing the percentage charged. This allows the WSIB to adjust injured workers' benefits for inflation without increasing the employers' assessment rates.

Prof. Weiler further observed that if the system is not adjusting benefits for inflation, then someone else is effectively making a windfall gain from this at the expense of the injured worker:

Once we decide as a community what the appropriate level of compensation for injured workers is to be ... our refusal to keep the monetary amount of his pension in line with the changing rate of inflation must mean that someone else in the economy will receive a net increase in his share of real goods and services. In effect, someone will reap a windfall profit from inflation at the expense of the disabled worker. In the case of workers' compensation benefits, the immediate beneficiary of such inaction would be business."

Reshaping Workers' Compensation for Ontario, Paul C. Weiler, A report submitted to Robert G. Elgie, M.D., Minister of Labour, November, 1980

WSIB statistics show that Prof. Weiler was correct. It has been employers who gained from the cuts to inflation adjustment by way of a 25% reduction in premium rates and more than \$2 Billion in net rebates under the experience rating system.

Off –Balance Rebates to Employers Over \$2 Billion

Since the end of full indexation of injured workers’ benefits, the WSIB expanded its “experience rating” program. Employers with relatively poor WSIB claims records are required to pay penalties and employers with relatively better WSIB claims rates receive rebates. The problem is that ever since injured workers lost full inflation adjustment, the experience rating program has continually paid out more in rebates than it receives in penalties. Where does the extra money come from? The extra funds come out of the accident fund, the money collected by the WSIB for injured workers. This is referred to by the WSIB as an “off-balance” or a “net refund.”

In the latest Annual Report, 2006, the WSIB paid to employers all of the penalties collected plus an additional \$114 Million was taken out of the injured worker accident fund. Since the legislated cuts to inflation adjustment of injured workers’ benefits in 1994, the net refunds to employers (refunds paid in excess of penalties collected) under experience rating now exceeds \$2 Billion from 1994 to 2006.

<u>Year</u>	<u>Net Refunds to Employer (in \$ Millions)</u>
1994	359
1995	247
1996	297
1997	350
1998	125
1999	90
2000	109
2001	4
2002	51
2003	169
2004	115
2005	124
2006	114
<u>Total:</u>	<u>\$2.154 Billion (All figures from the WSIB website: http://www.wsib.on.ca)</u>

WSIB Chair Steve Mahoney recently estimated that the cost of restoring full adjustment for inflation to injured workers’ benefits would be \$2.3 Billion (COCA Newsletter, March 2008). It is not coincidental that this projected cost is roughly the amount paid out of the accident fund to employers in rebates since the cuts to inflation adjustment began in 1994.

Average Employer Premiums Progressively Reduced by 25%

Employers received an additional windfall benefit in the form of a 24.7% rollback in their cost for workers' compensation coverage over the past 13 years. Not coincidentally, employers' average assessments were \$2.17 in 1984, just before cost of living adjustments became 'the law' for injured workers. After cost of living adjustments were cut in 1994, employers' rates were quickly reduced by the WSIB from \$3.00 to \$2.13. Employers are getting a bargain paying 1984 prices while the workers who are injured are forced into poverty because their compensation is not adjusted for the impact of inflation.

Average assessment per \$100 of payroll:		change from year before
2008	\$2.26	-
2007	\$2.26	-
2006:	\$2.26	+3%
2005:	\$2.19	-
2004:	\$2.19	-
2003:	\$2.19	+3%
2002:	\$2.13	-
2001:	\$2.13	- 7 %
2000:	\$2.29	- 5.4%
1999:	\$2.42	- 6.6%
1998:	\$2.59	- 9.1%
1997:	\$2.85	- 5.0%
1996:	\$3.00	-
1995:	\$3.00	-
Total:		24.7% reduction of employer premiums for workers' compensation coverage over the past 13 years (All figures from the WSIB website: http://www.wsib.on.ca)

Average Injured Workers' Benefits Progressively Reduced

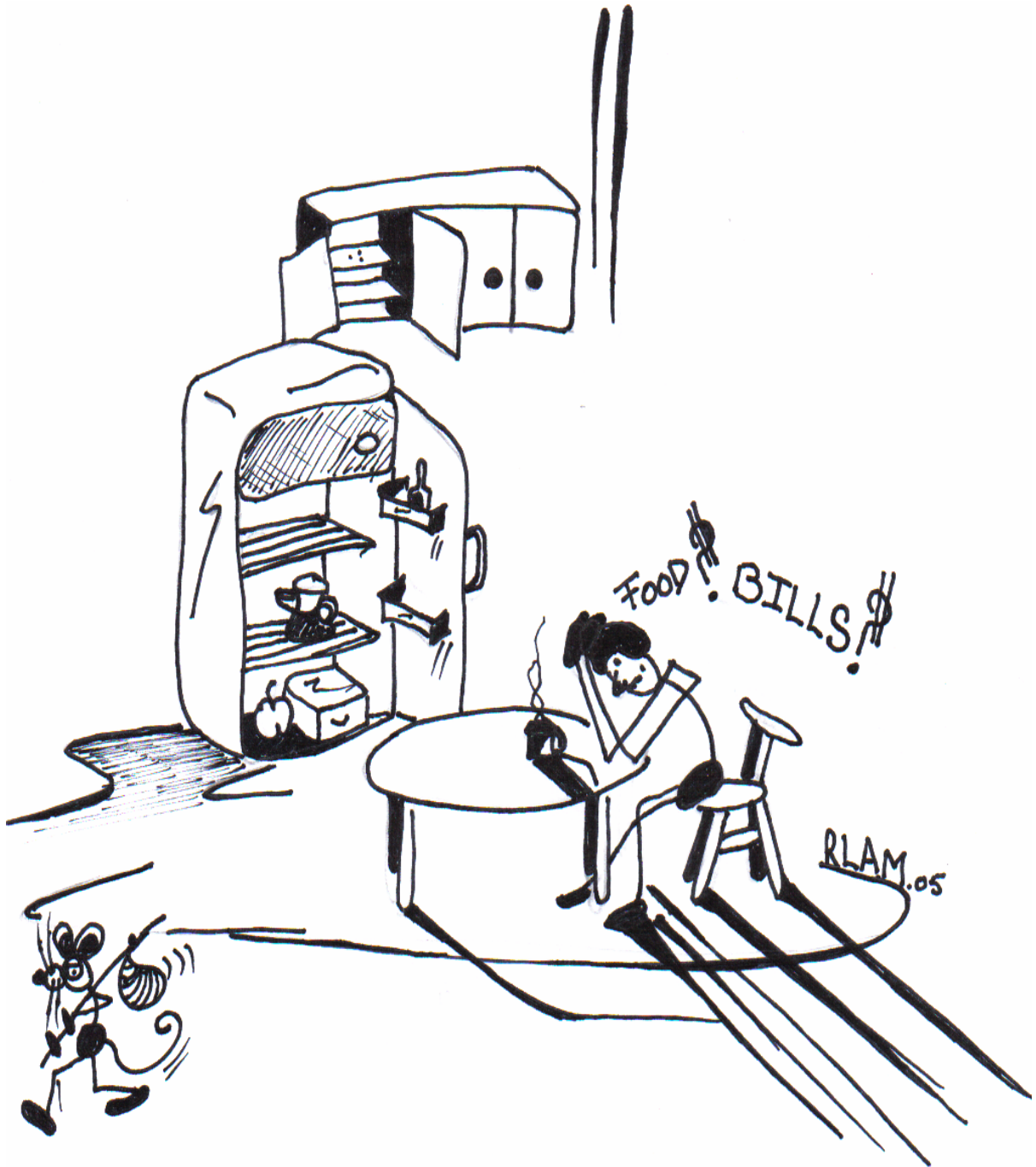
Injured workers have received two 2.5% increases from the 2007 legislative amendments, but these have been barely enough to keep pace with inflation. Injured workers remain nearly 20% more poor than they were in 1996.

Year	Benefits Up	Inflation Up	Lost To Inflation
2008	2.5%	2.0%	(-0.5)%
2007	2.6%	2.1%	(-0.5)%
2006:	0.3%	2.6%	2.3%
2005:	0.2%	2.3%	2.1%

2004:	0.0%	1.6%	1.6%
2003:	0.6%	3.2%	2.6%
2002:	0.0%	1.9%	1.9%
2001:	0.4%	2.8%	2.4%
2000:	0.2%	2.3%	2.1%
1999:	0.0%	1%	1%
1998:	0.0%	1.5%	1.5%
1997:	0.3%	1.7%	1.4%
1996:	<u>0.8%</u>	<u>2.4%</u>	<u>1.6%</u>
Totals:	7.9%	27.4%*	19.5 %* reduction of injured workers' benefits in 10 years

Despite recent increases, injured workers have lost nearly 20% of their poverty level incomes over the past 12 years. *The actual figure is higher due to the cumulative effect.

Poverty in Motion



The Rippling Effects

Acknowledgements

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Lastly thank you to the participants who graciously shared their experiences with us.

For more information contact the Thunder Bay & District Injured Workers' Support Group.

Thunder Bay & District Injured Workers' Support Group
Lakehead Labour Centre, Room 17
929 Fort William Road
Thunder Bay, Ontario
P7B 3A6

Telephone: 807 622 8897
Fax: 807 622 7869
Email: info@tbayinjuredworkers.ca
<http://tbayinjuredworkers.ca>

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Introduction

The inspiration for this study grew out of a similar study that was conducted in downtown Toronto that found that 57% of those who were living on the streets had experienced a workplace injury at some point in their lives.

There are some 344,000 workers in Ontario who have suffered from a workplace injury or disease, which has left them with a permanent disability. Somewhere between 50 and 80% of these workers are chronically unemployed as a result.

Since 1995, the cumulative increase in the cost of living has been 29%. During the same time period, disabled workers' benefits have gone up only 4.9%. Permanently injured workers have lost almost 24% of their pensions.

The purpose of this small pilot study is to determine the relationship between workplace injury and poverty in Thunder Bay. While not representative of the experience of the whole population of injured workers in Thunder Bay, ideally this study could be used as the basis for a larger, more inclusive study in the future.

Further objectives of the report are:

- To identify the impact of workplace injury on workers
- To identify the extent workplace injury effects income
- To explore the unique challenges of impoverished injured workers in Thunder Bay
- To identify characteristics of those injured workers in our community who are particularly vulnerable to poverty

It also attempts to identify gaps in research that need to be explored. Given time and resource constraints, it would be impossible to explore all relevant themes. However, these gaps reveal a serious need for additional study and provide an opportunity for further research.

The research for this report began in the spring of 2007 as an undertaking of the Thunder Bay & District Injured Workers' Support Group. The TBDIWSG is a registered, non-profit, non-funded organization dedicated to advocating for the rights of injured workers.

Methodology

The research for this study began in the spring of 2007 when the initial survey was designed with the aid of Dr. Liu, a Statistics professor in the Sociology department at Lakehead University. The survey was designed in such a way as to examine the relationship between workplace injury and poverty indicators such as decreased income and food bank usage. The survey consisted of Likert scales, multiple choice questions, and some open ended questions designed to allow the participants to identify their own concerns, without attempting to fit their responses into a pre-defined paradigm. The survey went through various manifestations and was adjusted slightly after its initial implementation.

The sample is purposive in that all those who participated were previously identified as injured workers.

Initially the survey was distributed at an event put on by the Thunder Bay Injured Worker's Support Group. Four facilitators were on hand to answer questions and to aid in the completion of the surveys. All participants were given a stipend for their participation.

The refined survey was given to social service workers at the Thunder Bay Shelter House and the John Howard Society and workers were told that a facilitator would be available should anyone need assistance in completing the questionnaire; no assistance was needed.

In total, 40 surveys were completed, with 20 coming from participants who attended events hosted by the Thunder Bay Injured Workers Support Group and 20 who were utilizing services of the Street Reach Ministry, the Shelter House and the John Howard Society.

Every participant did not answer all the survey questions so total responses may vary per question.

Sample

At the time of the survey, the largest group of respondents were between the ages of 50 and 59. Most of the respondents were male (n=33), only 18% being female (n=7)

Current Age	Frequency
1-19	1
20-29	6
30-39	3
40-49	8
50-59	12
60-69	6
70-79	2
TOTAL	n=38

The average age when workplace injury occurred was 50 years old.

Injured Age in Categories	
Age	Frequency
1-19	1
20-29	6
30-39	3
40-49	8
50-59	11
60-69	6
70-79	2
TOTAL	n=37

Twenty-eight percent were single (n=11) but no other distinction was made for those who identified as being in a relationship. The number of marriages, common-law living arrangements, or similar relationships was not tallied.

Nearly 30% percent of participants had less than a high school education (n=11). As well, 30% had finished high school. Just over 12% had completed some postsecondary (n=5), and 25% hold a trades' certificate. Twelve percent (n=5) have a college diploma. None of the participants in this study had a university education.

The fact that none of the participants had a university education may be significant.

Effects of Workplace Injury

Income

Ninety percent of respondents believe their income would have increased or stayed at a comparable level, had they not been injured at work. In reality, nearly all respondents reported a significant decrease in income as a result of their workplace injury. The most drastic decrease in income came from an individual who reported once making between \$60,000-\$69,000 and now has a yearly income of approximately \$10,000.

Pre Injury Income	Frequency
No income	1
Less than \$5,000	2
\$5,000-\$9,999	5
\$10,000-\$14,999	1
\$15,000-\$19,999	2
\$20,000-\$29,999	6
\$30,000-\$39,999	6
\$40,000-\$49,999	8
\$50,000-\$59,999	2
\$60,000-\$69,999	2
\$70,000-\$79,999	1
\$80,000-\$89,999	1
TOTAL	n=37

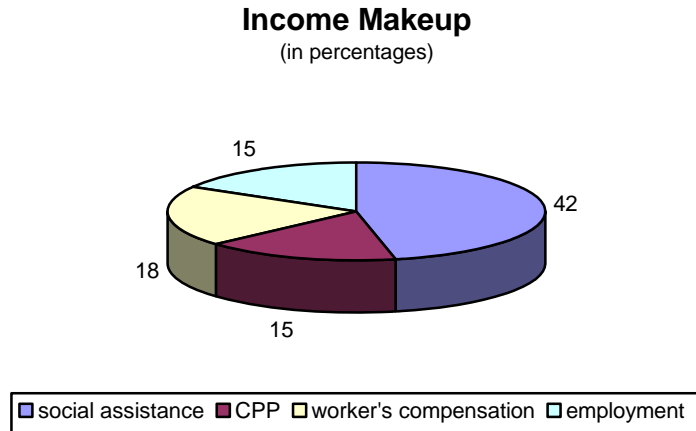
Post Injury Income	Frequency
No income	3
Less than \$5,000	3
\$5,000-\$9,999	9
\$10,000-\$14,999	6
\$15,000-\$19,999	3
\$20,000-\$29,999	4
\$30,000-\$39,999	3
\$40,000-\$49,999	1
\$50,000-\$59,999	2
TOTAL	n=34

71% reported living below the low-income cut off, or "poverty line."¹
Income Makeup

¹ Canada currently does not have an officially recognized poverty line. Nonetheless, many anti-poverty groups speak of the "poverty line" as calculated using Statistic Canada's Low Income Cut Off amounts. Statistics Canada holds that the LICO is not a poverty line, but in absence of any other suitable measure, many organizations refer to it as such. The LICO for a single individual in Thunder Bay is \$17,895.

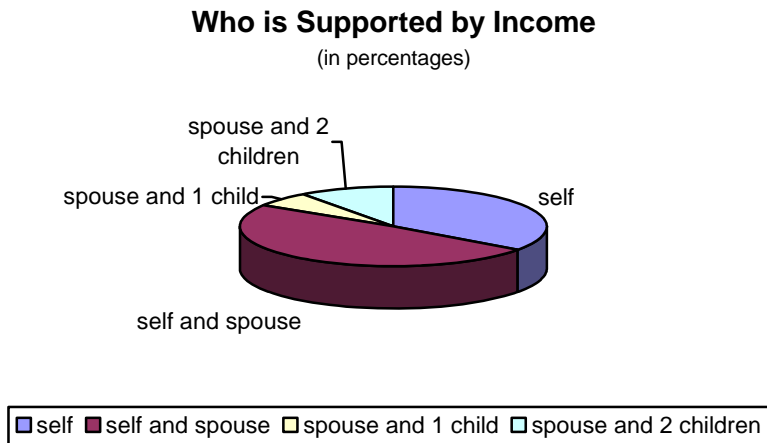
Income Makeup

42% of respondents reported their income consists of welfare (Ontario Works or Ontario Disability Support Payments) 15% reported receiving CPP support payments. 18% receive worker's compensation, and 15% reported employment income. Comparatively, more individuals collect social assistance than they do a pay cheque.



It should be noted that 41% of respondents reported at least two sources of income.

28% of participants supported only themselves on their income. Nearly 39% supported themselves and their spouse (or significant other). 5% (n= 2) supported their spouse and child, and nearly 8% (n=3) supported their spouse and two children. One respondent reported being supported by his spouse's income only, and 3 reported being supported by the income of their spouses and children.



The lack in adequate income has lead to strategies such as utilizing food banks or shelters in order to make ends meet. Nearly 27% reported visiting a food bank, and 20% had reported staying in a shelter. Five percent reported having to move into affordable housing due to decrease in income.

Industry and Injury

Prior to their injuries, most (72%) individuals were working in full time positions (n=28), followed by those in contract positions (n=9). Only a small number of the participants were engaged in part time work (n=5). Some people were working at more than one job.

Most workplace injuries occurred to individuals in manual labour positions, which were in the construction, forestry and trades/transportation sector. This is not surprising considering Northwestern Ontario's dependence on this type of industry.

Industry	Injured Age in Categories						
	1-19	20-29	30-39	40-49	50-59	60-69	70-79
Agriculture	0	0	0	0	1	0	0
Forestry, Fishing, Mining, Oil and Gas	0	1	0	2	3	1	1
Construction	0	2	2	1	3	2	0
Trade	0	1	1	0	1	2	1
Transportation and Warehousing	0	1	0	3	2	0	0
Professional, Scientific and Technical Services	0	0	0	0	0	1	0
Accommodation and food services	1	1	0	1	0	0	0
Public Administration	0	0	0	1	0	0	0

Reporting Injury

Interestingly, only 64% of workplace accidents were reported to the Workplace Safety and Insurance Board. Unfortunately, researching reasons for this were outside the scope of this study. Recommendations for future research would include exploring why workplace injuries are not reported, what actions were taken, and do injured workers believe their experiences would have resulted differently had they been reported to the WSIB?

For those who did report their injuries, again 64% experienced difficulties with the process. Recommendations for future research would be examining the types of difficulties workers experience and suggestions from applicants on how to make the process more effective.

When asked about the experience reporting injury, many had negative comments. One felt that the process was too invasive, and that “lots of people asking many questions – too many”, and that claims were “refused after nothing.” They found the process to be complicated and demeaning.

One participant described his distress at his employer’s “disbelief that work was a causal relationship to injury suffered.” Another reported that the WCB “treated [me] like a criminal and made me jump through hoops.”

Employment Prospects

Of the sample, 78% reported being unemployed. Nearly all were actively looking for a job, but half (n=20) acknowledged that their prospects of finding a job as “unrealistic”. Twenty-three percent reported not having a suitable job to apply for.

Post injury, 18% (n=7) reported having to work at a “worse” job than their previous job.

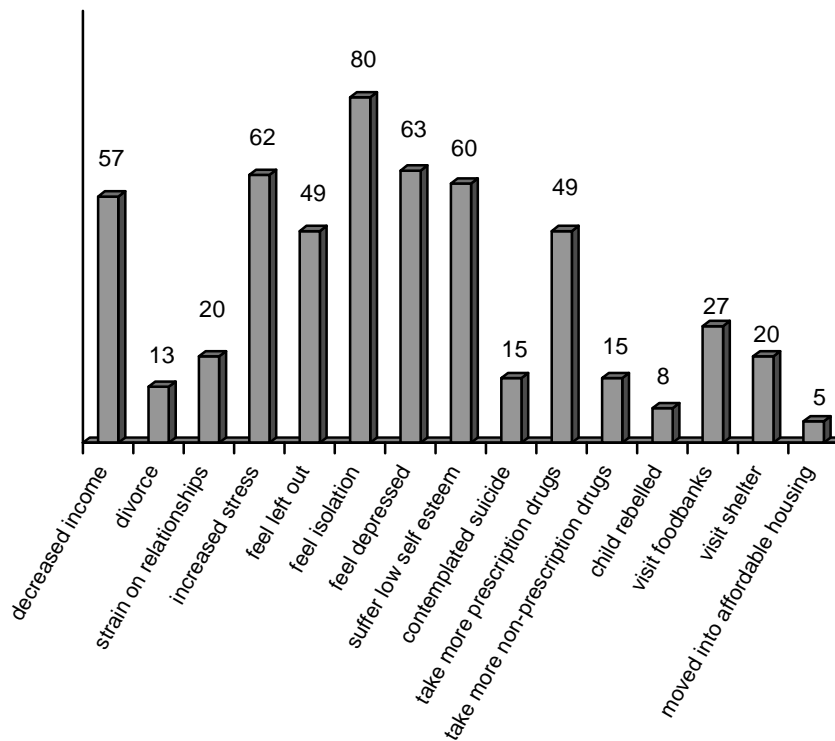
Personal results of injury

For those who believe their accidents have resulted in permanent injuries nearly 45% reported their spouses had either sought employment or work more hours. One respondent even reported his child having to engage in paid employment in order to supplement the household income (n=1). Twenty-two or 57% reported a decrease in household income due to injury.

Most respondents who reported a change in their relationships found that workplace injury negatively impacted their relationship with their spouse. 13% reported divorce or separation as a direct result of the effects of workplace injury (n=5). Close to 20% reported a strain in their relationship due directly to workplace injury (n=8). Nearly 8% reported a partner becoming withdrawn due to injury, and 13% noted problems stemming from the injury but reported staying together in attempts to work it out.

Most respondents reported an increase in stress resulting from workplace injury. Participants told of their fears and concerns, with one saying, “All I think about is money, money, money and my pain.” Another reported feeling extremely anxious wondering, “Will anyone help me? Will I be fired? Will I be covered?” One participant expressed his feelings of being misunderstood: “I wish for more understanding about what I experience. Esteem issues and injury get so bad that I can’t get a job. I wish for people to understand the hidden aspects of the pain and humiliation. It is not easy.”

Effects of Workplace Injury (in percentages)



An incredibly high number of participants reported negative feelings stemming from their injury and subsequent inability to work. Sixty-two percent reported feeling stress. Forty-nine percent feel “left out” and 80% feel isolated. Considering that injury often results in decreased income, many are unable to participate in events that require money, even in small amounts. Sixty-three percent reported depression and 60% suffer from low self-esteem. Especially troubling is that 15% report feelings of helplessness and 15% have contemplated suicide.

Forty-nine percent reported taking more prescription drugs. Whether this use was recreational or non-recreational or abusive was not specified. A total of 15% reported using non-prescription drugs as a result of their injury.

Some participants found that the workplace injury has had a positive effect on their life. Interestingly, 10% of respondents reported that workplace injury has strengthened their relationship with their spouses. One respondent noted: “My spouse and I have become closer because we made a choice to deal with my injury together. We attend meetings and doctors’ appointments together as much as possible.” For others, the support they received while dealing with their injuries has enriched their lives. For one respondent, the anger and frustration he felt has turned into motivation to better his situation. For others, the helping individuals they encountered at the Thunder Bay District Injured Workers Support Group were a source of support. One individual even reported that being close to death as a result of his injury helped him re-evaluate his life, and acted as a the catalyst to life a better life, physically, psychologically and emotionally.

Family and Children

Eleven participants reported having children, and nearly 73% (n=29) reported having a family that consists of either a spouse, children, or both.

The effects of workplace injury and subsequent loss of income affects familial relations. Twenty percent reported a strain in their relationship directly related to work place injury. Stress inevitably spills over into relationships between spouses and children. Changes in lifestyle, necessitated by lack of income and feelings of uncertainty add to family stress levels. Children rebelling (n=3) and dropping out of school (n=1) were reported by participants, albeit in small numbers. Thankfully, most respondents felt they did an adequate job in dealing with their stress internally and did not allow it to spill over to their families. Thus, 84% felt that their situation did not lead to increased stress for their children (n=31). Nine percent reported that their children are unable to participate in extra circular activities due to lack of money. (n=3)

Suggestions

When asked for their input on what could be done to better the situation for injured workers, the respondents provided many suggestions. Many participants suggested that the government forge a working relationship with workers' rights groups, such as the TBDIWSG.

Some suggestions centered on increased education regarding workers' rights, and increasingly, the responsibility of employers to provide safe workplaces, thus reducing the likelihood of an accident occurring in the first place. Some participants felt that workplace safety should be taught to young children in school.

Other suggestions included increasing services for those living on low incomes. Participants also suggested a raise in the rates for social assistance and compensation to reflect the actual rise in the Cost of Living.

Another suggestion was increased research into Canada's high rate of occupational illness and deaths. Respondents also suggested that there be stiffer penalties for employers who knowingly neglect to clean up dangerous workplaces.

Some participants felt that the process of applying for social assistance and compensation was unnecessarily complicated and humiliating. Some participants suggested having policy makers "jump through the hoops" that injured workers are required to, in order to make them understand. One participant felt that case workers for WSIB, ODSP and Ontario Works should take sensitivity training, and change their sometimes derogatory attitude towards clients. Most also wished for more understanding of their situations.

Areas for Further Research

It is important to note that this study is not representative of the experience of injured workers in Thunder Bay on the whole. Due to limited time constraints and budget, this study was limited to a small sample size. It is useful in demonstrating some trends that we can assume extend to injured workers on the whole, and provides the basis for a larger, more inclusive study in the future.

Demographic information

A breakdown of the number of injured workers living in the city would be useful. Having a breakdown, which gives the number of individuals who are disabled, and a breakdown of disabilities, such as physical or mental, and the number who are poor would help draw much needed attention to the poverty faced by those who are disabled. The current lack of information for this segment is troubling, especially considering people with disabilities are far more likely than those without disabilities to be living in poverty.

Numbers of injured workers receiving OW or ODSP would also be useful. Support programs such as these are designed for individuals who are unable to work.

Reporting of Injuries

Given that only 64% of injuries suffered by this sample group were reported to the WSIB, recommendations for further research could include exploring why injuries were not reported, what action was taken, and do workers feel their situation would have been different had it been reported?

Income Levels

This study asked injured workers to speculate as to whether or not their income would have increased had their injury not occurred. Actual study needs to be undertaken which provides a detailed picture of employment wages, and this number should be compared with actual incomes of injured workers to demonstrate the dramatic effect workplace injury has on income.

Also, actual average incomes for injured workers in the city would be useful for demonstrating the devastating economic impacts of workplace injury, and would aid in arguments regarding increasing social assistance rates. It is clear that injured workers are living far below the poverty line and are turning to the welfare system to help, while there are specific systems in place designed to help those injured at work. These programs are failing injured workers, and numbers of injured workers who rely on social assistance are demonstrative of that fact.

Occupational Illness

Given that two thirds of fatalities reported to WSIB are related to occupational disease much future research needs to be dedicated to the topic. Research on the frequency of illness in specific industries, such as paper mills which has been noted as an industry of concern, needs to be undertaken.

Recommendations

1. Benefit levels for WSIB, Ontario Works and ODSP should be restored to pre-1995 levels and fully indexed to inflation on an annual basis, both retroactively and going forward.
2. The practice of “deeming” an injured worker by the WSIB to have a job following injury – and subtracting the hypothetical wage from their wage loss benefit – must stop.
3. The Experience rating programs developed by the WSIB for employers over the last twenty years must be changed to actually support safe workplaces. At present, the programs foster “claims management”, not reporting injuries and hiding claims.
4. All workers in Ontario should be covered by Workers’ Compensation in the case of a workplace injury or disease. At present, less than 70% of the workforce is covered.
5. Change the name of the Workplace Safety and Insurance Board (WSIB) back to the Workers’ Compensation Board (WCB) and put support to workers injured or diseased at work, or their survivors, as their top priority.
6. Life long compensation for a life long illness or injury
7. Injured workers should not become a financial burden on their families or other agencies

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For more information, contact us:

www.injuredworkersonline.org

Steve Mantis, ONIWG, at smantis@tbaytel.net

Injured Workers' Consultants

Community Legal Clinic 416-461-2411