

Dear Member of Provincial Parliament:

Back in June, as part of the Ontario Network of Injured Workers Group's (ONIWG) Injured Workers' Day actions, injured workers and their allies left a letter on the community/Constituency offices of just over 30 MPPs, one of which may have been yours. In that letter, which is attached, we highlighted our three demands included in our Workers Comp Is A Right campaign. We also included demands for justice for victims of occupational disease and migrant workers.

While the previous government and the Doug Ford government have been rebating employers' premiums, injured workers have been faced with dwindling benefits and more actions by the Workplace Safety and Insurance Board meant to cut or outright deny benefits to the very people this agency was set up to provide compensation to. Just as an example, we know, for instance, that the benefits the WSIB paid out to injured workers was cut by a little more than half between 2010 and 2016. During that time, the WSIB was deep into its exercise of eliminating its unfunded liability on the backs of injured workers.

ONIWG was assured by WSIB leadership that when the unfunded liability was resolved, they would make injured workers whole; that they would begin to restore benefits that had been carved away. Instead, when they did resolve their unfunded liability, the government announced a 30 percent rebate in employers' premiums in the Fall of 2018, followed by another 17 percent rebate in 2019. Then, during the pandemic, the government announced all the steps they would take to assist employers with their premiums in 2020, while workers across the province were being told they couldn't prove they'd contracted COVID-19 at work so they were out of luck. And of the ones who were able to satisfactorily prove they contracted the virus, the minute they had a negative test, they were forced back to work and their benefits were cut off, even if they were still dealing with long haulers' symptoms to this day. In one instance, a nurse still dealing with brain fog was ordered back to work. After all, what could go wrong with a nurse suffering from brain fog giving meds to patients? And workers who had been injured prior to the pandemic were still being "deemed", with the WSIB trying to pretend there were jobs out there for them. So while Premier Doug Ford and Health Minister Christine Elliott were telling people to stay home, a government agency was telling injured workers that there's jobs out there; they just had to look. Their benefits were cut because of a perverted policy that allows WSIB to pretend there are jobs out there for them.

Sadly, many of these deemed injured workers never find another job, or if they do, it's a minimum wage job that doesn't pay enough to live on. Many are forced onto Ontario Works before eventually transferring onto the Ontario Disability Support Program. But Workers' Compensation was created so that injured workers wouldn't become a burden to their families, community and charity. Instead, policies like Deeming have created a situation whereby hundreds of thousands of injured workers have become reluctant users of the public purse.



WSIB critic Wayne Gates had introduced a bill, the former Bill 115, which would have gone a long way in correcting this situation by only allowing the WSIB to Deem a worker if they have turned down a suitable job offer. Unfortunately, the government never moved on this bill. We understand MPP Gates intends to reintroduce that bill in the upcoming session. And with the government having done everything for employers up until now—including giving them another \$6 billion back from a WSIB surplus, we believe it's far past time to help injured workers. Passing MPP Gates reintroduced legislation would go a long way in treating injured workers fairly.

Freeze the corporate give-away. Return the WSIB surplus to those of us injured by hard work!

We are doing the work of coming to your office, so the least you can do is meet with us. You can schedule a meeting by emailing workerscompisairight@gmail.com. We hope to hear from you soon.

The provincial election is around the corner and we are closely paying attention to make sure #InjuredWorkersWontBeForgotten. So, do the right thing and #TreatInjuredWorkersNotTrick

Thank you,

Willy Noiles

Acting President, ONIWG

Dear Member of Provincial Parliament,

On the anniversary of Injured Workers Day, we call on the Ontario government to finally take action and stand up for injured workers across this province. The COVID-19 pandemic has highlighted and exacerbated existing systemic issues that consistently place workers at risk of injury and death, and then leave them behind once they are injured at work. We refuse to return to business as usual following this pandemic, and this year, we are letting you know that **Injured Workers Will No Longer Be Forgotten**.

Injured workers and their allies have been pointing out issues in the WSIB system, labour legislation, immigration rules and other related legislative policies for decades now. Most recently, the Workers Comp Is a Right campaign, launched in 2017, has three simple and clearly needed demands which have not been taken seriously. We want you to answer why none of our concerns have been addressed and why the government continues to prioritize profits over workers' lives.

Existing Workers Comp is a Right Demands:

- No cuts based on phantom jobs
- Listen to injured workers' treating healthcare professionals
- Stop cutting benefits based on "pre-existing conditions"

Given the devastating impacts that COVID-19 has had on workers, we urge the government to enact the changes listed below as soon as possible. In addition, we call on the government to ensure full and equal access to all workplace rights and health and safety protections for all workers, including undocumented and migrant workers.

Our immediate demands include:

- 1) Universal coverage for all: all workers in Ontario should be covered by the workers' compensation system, without exception.
- 2) Cover workers who get sick or injured as a result of the COVID-19 pandemic without hesitation or hassle. It is critical that the WSIB not use any "pre-existing condition" the worker may have when determining eligibility for COVID-19 related benefits, and add COVID-19 to the list of presumptive illnesses. This is a vital step not only for the well-being of injured workers, but to encourage those who may be sick to stay home and prevent further community spread. In addition, the WSIB must take proactive measures to ensure migrant workers are immediately compensated if they get COVID-19 and address the specific barriers migrant workers face in accessing support.
- 3) Take care of the extra costs that injured workers will incur while practicing physical and social distancing, including (but not limited to): taxi or alternative transportation to appointments or to acquire medications; delivery costs for groceries and other necessities; any PPEs necessary to keep healthy; any home-health equipment that workers may need to mitigate the problems created by cancelled physio, massage, etc. (e.g. stretching, strengthening, or self-massage tools, TENS machines, etc.). The WSIB should proactively inform injured workers of access to these funds.
- 4) Support Bill 119, Respecting Injured Workers Act (Workplace Safety and Insurance Amendment), 2019, to put an end to unfair deeming practices.

5) Reinstate full loss of earnings for workers who have been deemed** at least until the end of the pandemic and the subsequent economic recovery. As you know, the employment numbers in Ontario in the wake of this crisis are dismal. If there are no real jobs, there can be no phantom jobs.

6) Now more than ever, listen to injured workers' doctors. This pandemic has given the public a new understanding of the importance of science, and of following the advice of medical experts and professionals. This lesson should apply to the WSIB as much as anyone.

7) Demand that the federal government grant full and permanent immigration status for all immediately. Immigration status dictates unequal access to rights and protections for some workers, and this is costing livelihoods and lives, especially in a pandemic. Already this year, 8 migrant farm workers have died from COVID-19 and this is absolutely unacceptable. All migrants, refugees, students, workers and undocumented people in the country must be regularized and given full immigration status now without exception. All migrants arriving in the future must do so with full and permanent immigration status. In the immediate, all migrant and undocumented workers must be given full and equal protection under all provincial employment and health and safety legislation.

8) Provide 10 paid sick days on a permanent basis, with an additional 14 paid sick days during public health emergencies. These paid sick days need to be available to all workers, legislated, and without exemptions. They must be fully paid to ensure workers are not financially penalized for following public health advice. They need to be available during the COVID-19 pandemic and beyond. They must be employer-provided with no barriers to access, disruption of income or unnecessary applications.

9) Fully implement the recommendations of the Demers Report respecting occupational diseases.

<http://www.occupationalcancer.ca/wp-content/uploads/2020/07/Final-Report-Using-scientific-evidence-and-principles-to-help-determine-the-work-relatedness-of-cancer-Final-April2020.pdf>

In these difficult times, we have watched while the Province and the WSIB have speedily delivered a massive relief package to employers, including allowing them to stop their normal payments into the compensation system. It is time to give the same pressing attention to a package for injured workers. During a pandemic of these proportions, no injured worker should be left behind. Do the right thing.

#InjuredWorkersWon'tBeForgotten

Sincerely,

Frustrated injured workers across Ontario

Deeming is when the WSIB pretends a worker has a job that they do not in fact have. The legislation says that these pretend jobs must be "suitable and available." Economic data tells us that unemployment numbers have grown significantly, affecting the availability of jobs. Research tells us many injured workers face health challenges that could compromise their immune systems, meaning that seeking work in the present pandemic is not suitable.* For more info on the problems caused by deeming, visit <http://www.injuredworkersonline.org/emptypockets>.