

altered lives project

Don's Story

Don worked in the Greater Toronto Area (GTA) as a delivery driver for a large manufacturer. One day, he injured his right knee while performing work duties.

He knew that the injury would be front and centre, 24/7, and his quality of life would be affected until the injury healed sufficiently. He expected constant pain, frustration, moodiness and difficulty performing daily activities. Walking, standing, sitting, bending, lifting, concentrating, and sleeping would be a challenge. What Don did not expect was the difficulty he faced with things that were out of his control.

Initially, the WSIB allowed Don's claim for a right knee strain. His employer gave him a new job at the factory at the same pay rate. Securing his job and income allowed Don to focus on healing. But everything changed when a diagnostic test identified that his knee injury was more serious than a strain.

This new diagnosis was reported to the WSIB and, promptly, the WSIB closed the claim. The WSIB argued that Don's knee strain should have resolved and any further knee issue was due to a pre-existing medical condition. Then, his employer told Don that the job they gave him was only temporary and not sustainable. The employer offered him another job that required a lot of stair climbing, which Don couldn't do because of his injury. Almost overnight, Don went from having steady employment and income, to having no job and no compensation benefits. He was very frustrated.

The Union filed a grievance and assisted in appealing the closure of Don's claim. He hoped that his employer would find a suitable job for him. But, that did not happen.

Over several years, Don's compensation claim went through all levels of the appeals process. At Tribunal, which is the final stage of appeal, his injury was recognized as work related. The Tribunal directed WSIB to allow the claim and pay out any benefits owed to Don.

It took another seven months before Don received any benefits from the WSIB.

In addition, the WSIB deemed his loss of earnings. Deeming



is a process where the WSIB determines an injured worker as capable of working in another type of employment, even though the worker may not have another job. Then, the WSIB deducts the expected wages of that phantom job from any money owed by the WSIB, retroactively.

Like many people, Don had no idea this type of thing happened in Ontario. He lost his livelihood because of a workplace injury and he knows that any compensation he has received doesn't make up for what he lost.

Don has done his best to make ends meet. He tightened his budget but also had to use money he'd saved for retirement. He credits his family for being so supportive throughout his ordeal.

"The compensation system is broken and doesn't fairly compensate workers injured on the job," said Don. "The WSIB's complete lack of respect and dignity for me is incredibly upsetting. People need to know what the WSIB is really doing."

"I know that many people aren't as fortunate as I am when it comes to support and having money saved," he said. "There are many injured workers who rely on social assistance and the charity of others because the compensation system has failed them so miserably."

Don's advice to others: "Stay healthy, stay working, and make safety count in your workplace. Put away some finances for a rainy day. You never know when life is going to throw you a curve ball."