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IN UNITY THERE IS STRENGTH



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Dear Minister McNaughton,

Members of the Ontario Network of Injured Workers Groups (ONIWG) understand the WSIB has brought the latest KPMG Value for Money Audit Report of the Appeals to your attention and is requesting that you change legislation to allow its passing. It is for this reason that we decided to make our submission to you as well as the appeals process feedback and we hope that you take the time to consider how the process as well as the outcomes will destroy the lives of thousands of workers every year.

Minister, on behalf of the hundreds of thousands of injured and ill workers across Ontario as well as workers who will become injured or ill today and every day after, we trust that you will stand up for all of us and tell the WSIB no to this report when considering the impacts of these recommendations for all workers. While we agree there are changes needed in the appeals process at the WSIB, limiting access to workers with a disability is not the answer. Better and more thorough decision making, with the time needed for a complete information gathering by WSIB staff, would be a good start.

The truth is that this is an outright attack on every worker's right to fair and just compensation following a workplace injury or illness and we do not understand the WSIB's willingness to accept the recommendations, given the very apparent outcomes for all workers in Ontario.

The WSIAT recently started tracking outcomes for the WSIB's negative decisions. From July 1, 2022 to December 31, 2022, 956 hearings were held and 64.2% of the WSIB decisions were overturned in full, 16.5% of the WSIB decisions were overturned in part, 18.9% of the decisions were denied and .4% were abandoned. That means that 80.7% of the 956 decisions made by the WSIB, affecting 772 persons with workplace injuries or illnesses, have had to face unnecessary denials and lost opportunities for recovery.

Research shows that the window for recovery is greatly reduced the longer the injury or illness is left untreated. That doesn't include the impacts from the loss of financial benefits for the worker and their family members and the mental health issues that come from dealing with the compensation system. Currently, approx. 10,000 people each year with a work acquired disability receive a mental illness from their dealings with the WSIB.¹

¹ [The Association Between Case Manager Interactions and Serious Mental Illness Following a Physical Workplace Injury or Illness: A Cross-Sectional Analysis of Workers' Compensation Claimants in Ontario](#)

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A positive decision at the WSIAT doesn't guarantee that the WSIB will rectify the situation. How is it that the WSIB can allow so many of their adjudicating decisions to be wrong and yet they are still allowed to carry on with no responsibility for the damage they are doing to so many workers and their families.

We do not believe for a moment that these are mistakes in their decision-making, given they keep making the same decisions over and over and don't learn from them. We also know that from January 1 to March 31, 2023, of the 450 hearings that the WSIAT held, 219 or 49% were fully overturned, 117 or 26% were overturned in part and 112 or 25% were denied.

It is up to you, Minister McNaughton, to advise the WSIB that it is their responsibility to follow the WSIA legislation. You must remind the WSIB that their mission is not to guarantee the success of the employers but to ensure that workers who suffer workplace injury and / or illness will receive all the benefits that they are entitled to according to legislation to maximize their recovery to live their best life. The WSIB must be held responsible for their decision-making!

We now have the WSIB lobbying the government to change legislation brought forward by the KPMG in their Value for Money Audit Report on appeals. The KPMG's recommendations only focus on money-saving tactics for the WSIB and ignore the WSIB's responsibilities to workers injured, ill or dead from their workplace injuries, accidents or exposures. We question the use of the KPMG for this Value for Money Audit as it is apparent that they have no idea what the WSIB's mandate is.

Following the KPMG's suggestions will only create chaos in the appeals system right up to the WSIAT. The lives of workers and their legal representatives, if they are fortunate to find one in the short time proposed to submit the Intent to Object form, will be further damaged. Ultimately, the workers' legal representatives will be unable to maintain the rigid pace suggested in the report with their usual proficient, thorough and professional manner due to these short, unrealistic deadlines and it will be the workers who suffer the intended consequences.

Additionally, most workers won't be able to provide the medical to support this objection because the proposed 30-day time limit does not provide adequate time to determine the resulting medical issues. How will the lengthy waits to access appointments for physicians, medical diagnostics and specialists if necessary be accommodated in this process?

Many factors are involved for those workers who do not heal in the prescribed times and result in permanent injuries or illnesses. How will these claims be handled, given that secondary injuries are often involved over time? A real threat would be that the appeals system would become piece meal as well.

All workers, not only those injured or ill now, need to know that you will truly be there for all workers in Ontario as you have stated many times that you are. The KPMG Value for Money

Audit of Appeals will ultimately damage the appeals process and the WSIAT and any opportunities for workers, particularly those who have suffered permanent and life-altering injuries or illnesses, to reach recovery.

We believe that the KPMG had no jurisdiction to propose the recommendations that they made under the guise of the Value for Money Audit. We also question what the WSIB requested of them in this audit.

All workers in Ontario, including those currently injured and ill in Ontario, need you to:

1. Stand up for them.
2. Make the only decision that will retain the rights for workers to a fair and just hearing.
3. Tell the WSIB that the KPMG Value for Money Audit Report has no business being in any part of the WSIB or the WSIA legislation.

ONIWG would like an opportunity to meet with you to further discuss the KPMG report and the potential consequences that implementation of their recommendations would create for the appeals system. The use of the KPMG Value for Money Audit is a true waste of the WSIB's assets as there is little or no consideration for the well-being of injured and ill workers anywhere in this audit.

Respectfully submitted,



Janet Paterson

President

Injured & Ill Workers and Allies Demand Help With Skyrocketing Cost Of Living

I/we are writing you to express support for ONWIG's holiday demands.

People from all sides of the political spectrum agree that there is an affordability crisis in Ontario, and this holiday season nearly everyone is experiencing the crunch. Injured & ill workers – along with many of our marginalized allies – have spent years feeling a disproportionate amount of the pressure from austerity, cuts to services, and of inflation, making this a particularly difficult time of year for us.

The Ontario Network of Injured Workers' Groups (ONIWG) wants to take this opportunity to remind the Government of Ontario of some of the basic steps they could easily take to ease the awful poverty experienced by those who have been hurt on the job. **The easiest thing the government could do is simply honour its election promise of raising Loss of Earnings benefits to 90% of pre-injury wages, as a first step.** Additionally, the government must remember and act on the core demands of ONIWG's *Workers' Comp Is A Right* campaign:

- **End Deeming** – No more phantom jobs. Stop cutting injured and ill worker benefits by pretending they have a job when they are unable to work or to find suitable work. The previous legislature sat on a private members bill that would end deeming (Bill 119) for years without even calling it for a vote. A new version of the bill will be introduced soon and the government must do the right thing and pass it, or introduce anti-deeming legislation of their own.
- **Listen to our doctors** – Stop ignoring the advice of workers' treating physicians in favour of the clearly flawed opinions of "paper doctors" who never meet or examine the injured or ill worker.
- **Stop cutting benefits based on asymptomatic pre-existing conditions** – This practice – imported from the insurance industry – cuts workers off benefits by blaming so-called "pre-existing conditions" for workers' injuries, even if the condition never caused the worker to feel any pain or miss a single day of work for their entire pre-injury life.

The current Government of Ontario often speaks about their fiscal concerns and constraints, and preaches the need to be financially responsible. We would like to remind you that in the last few years alone, the WSIB has simply handed billions of dollars in refunds to employers, all while cutting workers benefits by deeming, ignoring workers' doctors, and blaming unrelated pre-existing conditions. When the WSIB uses these excuses to cut compensation benefits, injured & ill workers often end up in the publicly funded health system, and on OW/ODSP, creating a cost to taxpayers and unnecessarily depleting public resources, rather than being cared for by the employer funded workers' compensation system.

Year after year, the Ontario Government, Ministry of Labour, and WSIB just keep giving generous gifts to Ontario's wealthy employers. **Don't you think it's time to give injured workers their rights this year?**

For more information, visit: injuredworkersonline.org/workers-comp-is-a-right-campaign