

- Press Release -

April 28, 2021

Injured Workers will File 45 Billion Dollar claim for Violation of Their Charter Rights!

A group of injured workers will bring a national class charter claim for damages, in the amount of \$45 billion. The claim is against all of Canada's Workers Compensation boards & tribunals. The grounds of the class charter claim are based on the issue that the workers compensation boards and appeals tribunals have used many methods to deny legitimate claims for workers compensation benefits. Methods which are immoral, unethical, and most importantly an infringement of their Charter Rights!

It is important to note that workers compensation benefits and the respective workers compensations systems are NOT in any way funded by taxpayers!

The funding of Canada's workers compensation systems and the workers compensation benefits paid to injured workers, are solely funded by premiums paid by employers.

However, when legitimate claims for workers compensation benefits are denied, this then ends up costing Canadian taxpayers and taxpayers of other nations. The true cost with the denial of legitimate claims for workers compensation benefits is unknown. This is due to the complexity of the matters. However, from information obtained from Ontario's Ministry for social assistance it was discovered that more than 4,000 injured workers a month have been forced onto social assistance income programs. There are no known studies for the calculated losses to injured workers being forced to use private savings, private health insurance programs, federal income programs and others due to the denial of their legitimate entitlement to workers compensation benefits.

So, to be clear workers compensation is much like that of private insurance. Where it is privately funded and does not cost taxpayers, or not intended to. However, when legitimate claims for workers compensation benefits are denied, then it does end up costing taxpayers.

This is because the injured workers are forced to use taxpayer funded social programs.

A group composed of injured workers from across Canada have been regularly meeting via ZOOM, video conference for several months. The group of injured workers have met to discuss and ultimately discover the commonality with the denial of their lawfully entitled workers compensation benefits by the various workers compensation boards and tribunals across Canada. The group of injured workers discovered that there are very common methods used across Canada to deny their lawfully entitled workers compensation benefits by the boards and tribunals.

The group identified six specific methods. The first three, Deeming, Pre-existing Conditions, and use of Independent Medical Examiners - IMEs, were so common, that a well-recognized provincial injured worker group, Ontario Network of Injured Worker Groups – ONIWG, in 2017 had created an awareness campaign entitled #WorkersComplisARight.

Deeming, or Determining, is when the workers compensation board and/or appeals tribunals across Canada, denies or reduces a legitimate claim for workers compensation benefits based solely on an assumption an injured worker can perform a specific job or work. This is regardless of if the work is available or not for the injured worker to perform. This is also regardless of serious suitability and safety concerns of the injured worker and their doctor.

As a result, the workers compensation board, and the tribunal, then reduce or suspend the injured worker's lawful entitlement to workers compensation benefits. This then forces the injured worker to use taxpayer funded social assistance income and other programs.

This is done without the workers compensation boards and appeals tribunals to providing any proof to support their allegation.

The use of Pre-existing Conditions is the second method commonly used by workers compensation boards and appeals tribunals across Canada to reduce or deny a legitimate claim for workers compensation benefits based solely on an assumption or allegation that an injured worker has/had a pre-existing condition, even if none exists. Moreover, in many cases injured worker's secondary injuries commonly known as repetitive strain injuries are classified as not work-related pre-existing age-related changes, when they are not.

This is done without the workers compensation boards and appeals tribunals having to provide any proof to support their allegation the injured works recovery is from a pre-existing condition.

The use of Independent Medical Examiners – IMEs is the third method commonly used by workers compensation boards and appeals tribunals across Canada to reduce or deny a legitimate claim for workers compensation benefits. This is when a workers compensation board and appeals tribunal will use a paid doctor or nurse to claim a worker is fine, when the injured worker is not. Often these doctors/nurses do not even see or examine the injured worker, these are further referred to as “*paper doctors*”. This is done without the workers compensation boards and appeals tribunals having to provide any proof to support their allegation that the injured worker is recovered or is better.

Institutional delays within the workers compensations system are the fourth method commonly used by workers compensation boards and appeals tribunals across Canada to reduce, deny, or ultimately delay a legitimate claim for workers compensation benefits. This is when it can take many years. Even decades for an injured worker to go through the entire workers compensation appeal process.

This is done without the workers compensation boards and appeals tribunals having to provide any proof or explanation for the intentional institutional delays.

The use of age is the fifth method commonly used by workers compensation boards and appeals tribunals across Canada to reduce, suspend, or deny, legitimate claims for workers compensation benefits. This is when the workers compensation boards and appeals tribunals will suspend a legitimate claim for workers compensation benefits when an injured worker reaches the age of 65. Additionally, the workers compensation boards and appeals tribunals will allege the worker will receive private funded retirement benefits after age 65; but these retirement benefits, depending on the age of the injured worker, can be dramatically reduced. In the case of workers who choose to work past the age of 65, and suffer a work injury, these injured workers legitimate claims for workers compensation benefits are denied solely based on age.

This is done without the workers compensation boards and appeals tribunals having to provide any proof to support their allegation that the injured worker should have their benefits reduced or suspended based on age.

The final method discovered by the group of injured workers is that often injured workers having to endure the workers compensation system, including the appeal process end up suffering new secondary injuries as a direct result of a failed workers compensation system. These secondary injuries are never accepted or compensated for by the workers compensation boards or appeals tribunals.

The group of injured workers claim that each of the six methods infringes the Charter Rights of all injured workers. Specifically, section 2 - right to a belief; section 7- right to life, liberty, security of person; section 12 – right to be free from cruel and unusual treatment and/or punishment; and section 15 right to equality.

The group of injured workers from across Canada will meet one final time on April 25, before the National Charter Class Claim will be officially filed in court and served upon the defendants, on April 28, 2021. For those injured workers and/or family members of injured workers interested they can attend the meeting by registering on the website www.fightwcb.org.

The organizer of the group of injured workers, Paul Taylor, explains that April 28th was chosen because it is the day recognized across Canada as the Day of Mourning. This is where everyone in Canada mourns those workers who were killed or injured in their workplace.

Mr. Taylor also explains that it is hoped with bringing the National Charter Class Claim, it will raise the awareness of how injured workers have been severely stigmatized by employers, co-workers, and most importantly the organizations that were created to care for them, the workers compensation boards, and appeals tribunals.

Additionally, Mr. Taylor explains that the first National Charter Class Claim will be filed in Hamilton Superior Court of Justice. This is because it is a symbolic gesture to remember those five workers who were killed in a factory explosion in Hamilton in the early 1880's.

The employer was never charged. Worst yet, the workers' families received nothing for their losses. This created such an outrage at the time that the Ontario Legislature passed the *Workmen's Compensation for Injuries Act*, of 1886. The law, commonly known as the employer's liability law, limited the defenses used by employers to avoid. It would take the Ontario Legislature another 28 years to enact the first real workers compensation act in 1914.

For more information about this press release contact Paul Taylor by email at fightwcb@gmail.com.

#WorkersComplsARight