

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**FREASH AS AMENDED
STATEMENT OF CHARTER CLASS CLAIM**

BETWEEN:

GREGORY TOOMBS, GEORGE KAVALLIS, NORM RYDER, PATRICK JARDINE,
DAVID HAMILTON, CHRISTOPHER SUMMERS, GLEN GREIG, TERRY FEDORAK,
RODNY BARRETT, JENNIFER BAKER, BRUCE JUNKER, BLAINE GILBERTSON,
BLAINE GILBERSTON, BLAIR KREITZER, KEN GRYSIUK, RICHARD LAST, DARREN
SCHLAMB, CHRISTOPHER LAWSON, SARAH LAWSON, EUGENE LAHO, NORMAN
TRAVERSY, DAVID CURTIS, GIUSEPPE MARCELLINO, JAMES ROLLO, GEORGE
HARDING, KAREN PERREAULT, DAVID LAWSON, ROBERT DRINNA, JOE KNIPFEL,
ANDRE MARTIN, ARMAND DURELLE, GILLES MARTIN, GORDON SKINNER,
CHERYL AMUIR, AND PAUL TAYLOR.

(On behalf of Canadians & others injured at work, while working in Canada)

Lead Plaintiffs

- and -

WorkSafeBC, aka *Workers Compensation Board of British Columbia*; Workers' Compensation
Appeal Tribunal of BC – WCATBC; Workers Compensation Board of Alberta – AWCB;
Appeals Commission of Alberta – AAC; Saskatchewan Workers Compensation Board – SWCB;
Saskatchewan Board Appeal Tribunal – SBAT; Workers Compensation Board of Manitoba –
WCBM; The Appeal Commission of Manitoba – ACM; Workplace Safety & Insurance Board –
WSIB, aka *Workers Compensation Board of Ontario*; Workplace Safety & Insurance Appeals
Tribunal – WSIAT, aka *Workers Compensation Appeals Tribunal of Ontario*; Commission des
normes, de l'équité, de la santé et de la sécurité du travail – CNESST; WorkSafeNB, aka *Workers
Compensation Board of New Brunswick*; New Brunswick Workers' Compensation Appeals
Tribunal – NBWCAT; Workers Compensation Board of PEI – WCBPEI; Workers'
Compensation Appeal Tribunal of PEI – WCATPEI; Workers' Compensation Board of Nova
Scotia – WCBNS; Workers' Compensation Appeal Tribunal of Nova Scotia – WCATNS;
Workplace Health, Safety and Compensation Commission – WHSCC, aka *Workers
Compensation Board of Newfoundland & Labrador*; Workplace Health, Safety & Compensation
Review Division – WHSCRD; Yukon Workers' Compensation Health and Safety Board –
YWCHSB, aka *Workers Compensation Board of Yukon Territory*; Yukon Workers'
Compensation Appeal Tribunal – YWCAT; Northwest Territories Workers' Safety and
Compensation Commission – NWTWSCC, aka *Workers Compensation Board of Northwest &
Nunavut Territories*; AND the NWT and Nunavut Workers' Compensation Appeals Tribunal –
NWTNWCAT

Defendants

**FRESH AS AMENED
STATEMENT OF CHARTER CLASS CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the lead plaintiffs. The Lead Plaintiffs intend to claim a remedy on behalf of a Class of Plaintiffs, under section 24(1) of the *Canadian Charter of Rights and Freedoms* in relation to an act or omission of the governments and agencies of the Governments of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland & Labrador, Yukon Territory, Northwest Territories, and Nunavut Territory, here after referred to as the Defendants. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the lead plaintiff's lawyer or, where the lead plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$1,500 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: _____.

Issued by: _____.

Local registrar

Address of
court office: John Sopinka Courthouse
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Workers Compensation Board of Prince Edward Island, Workers Compensation Appeal Tribunal of PEI, Workers Compensation Board of Nova Scotia, Workers' Compensation Appeal Tribunal of Nova Scotia, Workplace NL, The Workplace Health, Safety & Compensation Review Division (NL), Yukon Workers Compensation Health & Safety Board, The YWCHSB Appeal Tribunal, Workers' Safety & Compensation Commission (NT & Nunavut), and the Northwest Territories & Nunavut Workers' Compensation Appeals

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Lawyer for the Government of Canada

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FRESH AS AMENDED STATEMENT OF CHARTER CLASS CLAIM

1. The Charter Class Claim:

1. The Lead Plaintiffs, on behalf of the class of plaintiffs, claim the following:

- a. A declaration certifying this to be a Charter Class Claim under s. 24.1 of the *Charter of Rights and Freedoms* and any other applicable legislation.
- b. A declaration that provincial/territorial workers compensation programs are unconstitutional under s. 6 of the *Charter of Rights & Freedoms*, and also under s. 91 and s. 92 of the *Constitution* of Canada. As such, a federal workers compensation program be established and administered. Composed of a workers' compensation board and appeals tribunal based on the Meredith Principles as stated below.
- c. A declaration that the *Meredith Principles*, commonly known as the *historic trade off*, be adopted into to common law, as well as into a new federal workers' compensation law and that the *Meredith Principles* are be understood and to be stated as follows:
 - i. **That the workers compensation system be a No-Fault System.**
This is interpreted to mean that no individual employer shall pay increased premiums for workplace accidents incidents and/or exposures that was found to be in good faith. Nor shall an employer benefit from reduced or rebated premiums as a result of not having, or having reduced workplace accidents, incidents, and/or exposures. This also means workers MUST not be punished in any way for their injuries as a result of the workplace accidents, incidents, and/or exposures.
 - ii. **That Employers Pay for the system.**
This is interpreted to mean that all employers are to pay a premium into a fund and that fund is to be called the workers compensation fund. That the

fund is used to compensate workers for their injuries as a result of the workplace accidents, incidents, and/or exposures. That for further clarity a worker is defined as an individual who receive or does not receive compensation for performing work. That compensation can be monetary or non-monetary. That an employer is defined as any individual or organization that has control over a worker while that worker performs tasks, work for them. The length or type of work performed is irrelevant. That support services also be fully funded for workers in the form of support groups and representation before the board, tribunal/commission and/or courts.

iii. **That workers, when injured, MUST receive Workers Compensation For as Long as Their Disability Lasts, regardless of the age of the worker.**

This is interpreted to mean that if a work suffers an injury prior to age 65 they will continue to receive workers compensation past age 65 as long as their disability lasts. Also, that if a worker choses to work past age 65 they will receive workers compensation for as long as the disability lasts. That the determination of a disability and any recovery from disability shall be solely determined by the worker's treating healthcare professional. That workers compensation is to FULLY and immediately compensate the worker for all of their losses as a result of the workplace accidents, incidents, or exposures.

iv. **That the workers compensation system be a Collective Liability system.**

This is interpreted to mean that all employers MUST accept that they are all equally liable for all workplace injuries as a result of the workplace accidents, incidents, and/or exposures. As such, all employers are deemed to be collectively liable as a result of all injuries from workplace accidents, incidents, and/or exposures. That no individual employer is liable for their good faith actions resulting in a as a result of any workplace accidents, incidents, and/or exposures. That workers can never be liable for their injuries as a result of their good faith actions.

v. **That the workers compensation system be administer by a Fair, Impartial, Public, and Independent Board**

This is interpreted to mean that the board of directors of the workers compensation board and appeals tribunal/commission MUST be composed of 55% of representation of injured workers, 45% employer representation and 5% represent the appointment of leader by the provincial/territorial governing legislature. That those injured workers be democratically elected by injured workers;

vi. **That the workers compensation system be one that is Non-Adversarial**

This is interpreted to mean that rather than having a system creating confrontation. Instead, the system must be one that gives the benefit of the doubt to injured workers. Meaning that the system does not presume injured workers are faking or malingering.

- d. General Charter damages in the amount of \$25 billion, or as otherwise calculated on an aggravated basis for infringement of the Class Plaintiffs' *Charter* rights.
- e. Punitive, aggravated, and exemplary, Charter damages in the amount of \$20 billion, or as otherwise determined by this Honourable Court.
- f. Prejudgment and post judgement interest calculated in accordance with sections 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended.
- g. The costs of this proceeding on a substantial indemnity basis, plus all applicable taxes.
- h. The cost of administering the distribution of any amounts recovered on behalf of the Class of Plaintiffs for this Charter Class Claim.
- i. An interim, interlocutory, and final mandatory order directing that the Defendants perform their public office duty of ensuring workers injured at and from their work, while working in Canadian workplaces are cared for financially, medically, and in a fair, just, and immediate manner.

- j. Such further and other relief as this Honourable Court may deem just.

THE FOLLOWING ARE THE MATERIAL FACTS GIVING RISE TO THE FRESH AS AMENDED CHARTER CLASS CLAIM:

2. The Parties to this Charter Class Claim:

A. The Lead Plaintiffs

2. The following: Gregory Toombs, George Kavallis, Norm Ryder, Patrick Jardine, David Hamilton, Christopher Summers, Terry Fedorak, Rod Barrett, Jennifer Baker, Bruce Junker, Blaine Gilbertson, Ken Grysiuk, Richard Last, Darren Schlamb, Chris Lawson, Sarah Lawson, Eugene Laho, Norman Traversy, David Curtis, Giuseppe Marcellino, James Rollo, George Harding, Karen Pereaault, David Lawson, Robert Drinna, Joe Knipfel, Andre Martin, Armand Durelle, Giles Martin, Gordon Wayne Skinner, Cheryl Amuir, and Mr. Paul Taylor (the “**Lead Plaintiffs**”) are a group of individuals who have suffered injuries because of workplace accidents, incidents and/or exposures where working in Canada.
3. The Lead Plaintiffs, in addition to suffering injuries from workplace accidents, incidents and/or exposures, have also suffered additionally physical, emotional, and financial harms, because of the Defendants’ intentional actions and/or inactions that infringed the Lead Plaintiff’s *Charter of Rights & Freedoms*.
4. The Lead Plaintiffs are all Canadian Citizens, residing in various Provinces & Territories across Canada, all of whom have suffered *Charter* infringements at the hands of the Defendants.

5. That the Lead Plaintiffs have a commonality to their claims for Charter damages, such that this ought to be certified as a Charter Class Claim.

6. That each of the Lead Plaintiffs have filed a claim with a provincial/territorial workers compensation board. After doing so each of the Lead Plaintiff have had their lawful entitlement to workers compensation reduced, denied, and/or suspended based on several unlawful means used by of the Defendants. Those unlawful means are deeming, pre-existing conditions, ignored the Lead Plaintiff's doctors' orders, intentionally allowed institutional delays, use of our age, and caused secondary injuries.

7. For simplicity and ease the Lead Plaintiffs have agreed to have Mr. Taylor act as the spokesperson and the main contact for the Lead Plaintiffs. Mr. Taylor will also be acting as the Lead Plaintiffs' self-representative representative. This is only until such time as counsel can be found and approved by the Lead Plaintiffs to represent the Class Plaintiffs.

B. The Class of Plaintiffs

8. The Lead Plaintiffs brings this Charter Class Claim, on behalf of a group of individuals, who have been injured while working in Canada.

9. These are individuals who are either Canadian citizens, permanent residents, or foreign migrant workers ("**Class Plaintiffs**"). All of which, have similarly suffered personal injuries because of a workplace accident, incident, and/or exposure which occurred in Canada.

10. The Class Plaintiffs have similarly had their lawful entitlement to workers compensation benefits, wrongfully reduced and/or denied by the Defendants. As a result, of this unlawful denial, the Class Plaintiffs' *Charter Rights* were infringed by the Defendants. The Defendants knowingly did this, or ought to have known they did this, by using one or all the following methods or processes:

- a. **DEEMING,**
- b. **PRE-EXISTING CONDITIONS,**
- c. **FAILING TO LISTEN TO OUR DOCTORS,**
- d. **INTENTIONAL INSTITUTIONAL DELAYS,**
- e. **DENYING OR REDUCING BENEFITS BASED ON AGE, and**
- f. **SECONDARY INJURIES CAUSED BY THE WORKERS
COMPENSATION SYSTEM.**

11. As a result, of the above listed methods, the Defendants have infringed the Class Plaintiffs' rights under the *Charter of Rights and Freedoms*. Specifically, section 2(b) of the Charter, which is the right to a belief; Section 7 of the Charter, which is the right to life, liberty, & security of person; section 12 of the Charter, which is the right not to be treated in a cruel and or unusual manner; and section 15, which is the right to equality.

C. The Defendants
The Defendant - WorkSafeBC

12. WorkSafeBC is an agency of the Government of British Columbia, which is empowered by the British Columbia *Workers Compensation Act*.¹ WorkSafeBC collects premiums from employers, which is used to fund the “*accident fund*.”² The accident fund is then used for the administration of the fund, as well as to cover the cost of workplace accidents. Specifically, WorkSafeBC pays income replacement benefits, healthcare benefits and other benefits to Canadians & others injured at work.
13. The main purpose of WorkSafeBC is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases, which occur in the Province of British Columbia.
14. WorkSafeBC staff have a lawful duty to all individuals, who work in the Province of British Columbia and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith. WorkSafeBC is a public office and as such all WorkSafeBC staff are all public office holders.
15. From here onwards, WorkSafeBC will be referred to as (the “*Defendants*”).

Workers’ Compensation Appeal Tribunal of BC

¹ See s. 316 of the *Workers Compensation Act*, 2019, RSBC, CH1

² S. 239 to 241 of the *Workers Compensation Act*, 2019, RSBC, CH1

16. The Workers Compensation Appeals Tribunal of BC (“**WCATBC**”) is a British Columbia provincially empowered administrative tribunal, which receives its authority from the British Columbia *Workers Compensation Act*.³

17. The WCATBC is a public office and as such all its staff are public officer holders. The WCATBC is a Crown Agency and as such is liable, just as if it were a person for the intentional wrongs it committed against individuals.

18. The WCATBC staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.

19. From here onwards, WCATBC will be referred to as (the “*Defendants*”).

Workers Compensation Board of Alberta – AWCB

20. The Workers Compensation Board of Alberta (“**AWCB**”) is an agency of the Government of Alberta, which is empowered by the *Workers Compensation Act*.⁴ AWCB collects premiums from employers, which is used to fund the “*accident fund*.”⁵ The accident fund is then use for the administration of the fund, as well as to cover the cost of workplace accidents. Specifically, AWCB pays income replacement benefits, healthcare benefits and other benefits to Canadians & others injured at work.

³ See s. 278 of the *Workers Compensation Act*, 2019, RSBC, CH1

⁴ S. 2 of the *Workers Compensation Act*, 2000, CH W-15

⁵ S. 91 of the *Workers Compensation Act*, 2000, CH W-15

21. The main purpose of AWCB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases, which occur in the Province of Alberta.

22. The AWCB staff have a lawful duty to all individuals, who work in the Province of Alberta and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith. AWCB is a public office and as such all AWCB staff are public office holders.

23. From here onwards, AWCB will be referred to as (the “*Defendants*”).

The Appeal Commission of Alberta

24. The Workers Compensation Appeals Commission of Alberta (“**WCACAB**”) is an Alberta provincially empowered administrative tribunal, which receives its authority from the Alberta *Workers Compensation*.⁶

25. The WCACAB is a public office and as such all its staff are public officer holders. The WCACAB is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs it committed against individuals. The WCACAB staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.

⁶ S. 10 of the *Workers Compensation Act*, 2000, CH W-15

26. From here onwards, WCACAB will be referred to as (the “*Defendants*”).

The Saskatchewan Workers Compensation Board

27. The Saskatchewan Workers Compensation Board (“**SWCB**”) is an agency of the Government of Saskatchewan, which is empowered by the *Saskatchewan Workers’ Compensation Act*,⁷. The SWCB collects premiums from employers, which is used to fund the “*injury fund*”.⁸ The injury fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the SWCB pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

28. The main purpose of the SWCB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Province of Saskatchewan.

29. The SWCB’s staff have a lawful duty to all individuals, who work in Saskatchewan and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith⁹. The SWCB is a public office and all the SWCB’s staff are public office holders.

⁷ 2013, SS 2013, c W-17.11

⁸ S. 114 to 115 of *The Workers Compensation Act*, 2013, SS 2013, c W-17.11

⁹ S. 24(2) of *The Workers Compensation Act*, 2013, Chapter W-17.11

30. From here onwards, SWCB will be referred to as (the “*Defendants*”).

The Saskatchewan Board Appeal Tribunal

31. The Saskatchewan Board Appeal Tribunal (“**SBAT**”) is a Saskatchewan provincially empowered administrative tribunal, which receives its authority from the Saskatchewan *Workers Compensation Act*.¹⁰ The SBAT hears appeals from final decisions from the SWCB. The main purpose of the SBAT is to be impartial and fair to ensure that the individual’s seeking benefits are giving the benefit of the doubt¹¹ based on the evidence before them.

32. The SBAT is a public office and as such all its staff are public office holders. The SBAT as a Crown Agency is liable, just as if it were a person, for the wrongs it committed against individuals.¹² The SBAT’s staff have a lawful duty to all individuals, who come before them, to render their decisions in a procedurally fair manner and conduct their actions in good faith¹³.

33. From here onwards, SBAT will be referred to as (the “*Defendants*”).

The Workers Compensation Board of Manitoba

34. The Workers Compensation Board of Manitoba (“**WCBM**”) is an agency of the Government of Manitoba, which is empowered by the Manitoba *Workers Compensation*

¹⁰ C.C.S.M. c. W200.

¹¹ See s. 23(3) *The Workers Compensation Act*, 2013, Chapter W-17.11

¹² See s. 23(3) *The Workers Compensation Act*, 2013, Chapter W-17.11

¹³ See s. 23(3) *The Workers Compensation Act*, 2013, Chapter W-17.11

Act¹⁴. The WCBM collects premiums from employers, which is used to fund the “*accident fund*”.¹⁵ The accident fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WCBM pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

35. The main purpose of the WCBM is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Province of Manitoba.

36. The WCBM’s staff have a lawful duty to all individuals, who work in Manitoba and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith¹⁶. The WCBM is a public office and all the WCBM’s staff are public office holders.

37. From here onwards, WCBM will be referred to as (the “***Defendants***”).

The Appeal Commission of Manitoba

¹⁴ C.C.S.M. c. W200.

¹⁵ See s. 73 to 109 of *Workers Compensation Act*, C.C.S.M. c. W200

¹⁶ S. 61 of *The Workers Compensation Act*, C.C.S.M. c. W200

38. The Appeal Commission of Manitoba (“**ACM**”) is a Manitoba provincially empowered administrative tribunal, which receives its authority from the Manitoba *Workers Compensation Act*.¹⁷ The ACM hears appeals from final decisions of the WCBM.
39. The ACM is a public office and as such all its staff are public office holders. The ACM as a Crown Agency is liable and as such is liable if it were a person, for the intentional wrongs it committed against individuals.¹⁸ The ACM’s staff have a lawful duty to all individuals, who come before them, to render their decisions in a procedurally fair manner and conduct their actions in good faith¹⁹.
40. From here onwards, ACM will be referred to as (the “*Defendants*”).

The Workplace Safety & Insurance Board

41. The Workplace Safety & Insurance Board (“**WSIB**”) is a public office agency of the Government of Ontario, which is empowered by the *Workplace Safety & Insurance Act*.²⁰ The staff of the WSIB are all public office holders. The WSIB collects premiums from Ontario employers. The premiums are used to fund the “*insurance fund*”. The insurance fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WSIB pays Canadians & others, injured at work, income replacement benefits, medical benefits, retraining, and for other services. Additionally, the fund is also used to cover the operating costs of the WSIB, the WSIAT, the Office of

¹⁷ C.C.S.M. c. W200.

¹⁸ S. 61 of *The Workers Compensation Act*, C.C.S.M. c. W200

¹⁹ S. 61 of *The Workers Compensation Act*, C.C.S.M. c. W200

²⁰ 1997, S.O. 1997, c. 16, Sched. A

the Worker Advisor, the Office of the Employer Advisor, and the Fair Practices Commission.

42. The main purpose of the WSIB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases that occur in Ontario.

43. The WSIB's staff have a lawful duty to all individuals, who work in Ontario and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith²¹. The WSIB is liable, just as if it were a person, for wrongs committed against individuals, even if they were done in good faith.²² The WSIB is a public office and all the WSIB staff are public office holders.

44. From here onwards, the WSIB will be referred to as (the "*Defendants*").

The Workplace Safety & Insurance Appeals Tribunal

45. The Workplace Safety & Insurance Appeals Tribunal ("**WSIAT**") is an Ontario provincially empowered administrative tribunal. The WSIAT receives its authority from the *Workplace Safety & Insurance Act*.²³ The WSIAT hears appeals from final decisions of the WSIB.

²¹ S. 179(1) of the *Workplace Safety & Insurance Act* 1997, S.O. 1997, c. 16, Sched. A

²² S. 179(2) of the *Workplace Safety & Insurance Act* 1997, S.O. 1997, c. 16, Sched. A

²³ *Workplace Safety & Insurance Act* 1997, S.O. 1997, c. 16, Sched. A

46. The WSIAT is a public office and as such all its staff are public office holders. The WSIAT as a Crown Agency and as such is liable just as if it were a person, for the wrongs committed against individuals.²⁴ The WSIAT's staff have a lawful duty to all individuals, who come before them, to render their decisions in a procedurally fair manner and conduct their actions in good faith²⁵.

47. From here onwards, the WSIAT will be referred to as (the "*Defendants*").

The Commission des normes, de l'équité, de la santé et de la sécurité du travail

48. The Commission des normes, de l'équité, de la santé et de la sécurité du travail ("**CNESST**") is a public office agency of the Government of Quebec, which is empowered by the *Workers compensation law of Quebec*. The staff of the CNESST are all public office holders.

49. The CNESST collects premiums from Quebec employers. The premiums are used to fund the "*accident fund*". The insurance fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the CNESST pays Canadians & others, injured at work, income replacement benefits, medical benefits, retraining, and for other services. Additionally, the fund is also used to cover the operating costs of the CNESST, and other organizations involved in workers compensation.

²⁴ S. 179(3) of the *Workplace Safety & Insurance Act* 1997, S.O. 1997, c. 16, Sched. A

²⁵ S. 179(1) of the *Workplace Safety & Insurance Act* 1997, S.O. 1997, c. 16, Sched. A

50. The main purpose of the CNESST is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases that occur in Quebec.

51. The CNESST's staff have a lawful duty to all individuals, who work in Quebec and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith. The CNESST is liable, just as if it were a person, for wrongs committed against individuals, even if they were done in good faith. The CNESST is a public office and all the CNESST staff are public office holders.

52. From here onwards, the CNESST will be referred to as (the "*Defendants*").

WorkSafeNB

53. WorkSafeNB ("**WorkSafeNB**") is an agency of the Government of New Brunswick, which is empowered by the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act*.²⁶ The WorkSafeNB collects premiums from employers, which is used to fund the "*Accident Fund*"²⁷ and the "*Disability Fund*"²⁸ The accident & disability funds are then used for administration of the funds, as well as to cover the cost of workplace accidents. Specifically, WorkSafeNB

²⁶ S.N.B. 1994, c. W-14

²⁷ S. 1 of the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act* S.N.B. 1994, c. W-14

²⁸ S. 1 of the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act* S.N.B. 1994, c. W-14

pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

54. The main purpose of WorkSafeNB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Province of Manitoba.

55. WorkSafeNB's staff have a lawful duty to all individuals, who work in New Brunswick and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith.²⁹ WorkSafeNB is a public office and as such all the WorkSafeNB's staff are public office holders.

56. From here onwards, the WorkSafeNB will be referred to as (the "***Defendants***").

New Brunswick Workers' Compensation Appeals Tribunal

57. The New Brunswick Workers Compensation Appeals Tribunal ("NBWCAT") is New Brunswick provincially empowered administrative tribunal, which receives its authority from the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act*.³⁰

²⁹ S. 15(3) of the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act* S.N.B. 1994, c. W-14

³⁰ S. 20 of the *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act*

58. The NBWCAT is a public office and as such all its staff are public office holders. The NBWCAT is a Crown Agency and as such is liable if it were a person for the intentional wrongs committed against individuals. NBWCAT staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.³¹

59. From here onwards, the NBWCAT will be referred to as (the “*Defendants*”).

Workers’ Compensation Board of PEI

60. The Workers Compensation Board of PEI (“**WCBPEI**”) is an agency of the Government of Prince Edward Island (“**PEI**”), which is empowered by the Prince Edward Island *Workers Compensation Act*.³² The WCBPEI collects premiums from employers, which it is used to fund the “*Accident Fund*.”³³ The accident fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WCBPEI pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

61. The main purpose of the WCBPEI is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Province of PEI.

³¹ S. 15(3) of the *Workplace Health, Safety and Compensation Commission and Workers’ Compensation Appeals Tribunal Act* S.N.B. 1994, c. W-14

³² S. 19 of the *Workers Compensation Act* RSPEI 1998 c W-7.1

³³ S. 60 of the *Workers Compensation Act* RSPEI 1998 c W-7.1

62. The WCBPEI's staff have a lawful duty to all individuals, who work in PEI and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith³⁴. The WCBPEI is a public office and as such all the WCBPEI's staff are public office holders.

63. From here onwards, the WCBPEI will be referred to as (the "*Defendants*").

Workers Compensation Appeal Tribunal of PEI

64. The Workers Compensation Appeals Tribunal of Prince Edward Island ("WCATPEI") is a PEI provincially empowered administrative tribunal, which receive its authority from the Prince Edward Island *Workers Compensation Act*.³⁵

65. The WCATPEI is a public office and as such all its staff are public officer holders. The WCATPEI is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs committed against individuals.

66. The WCATPEI staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.

67. From here onwards, the WCATPEI will be referred to as (the "*Defendants*").

³⁴ S. 57 of the *Workers Compensation Act* RSPEI 1998 c W-7.1

³⁵ S. 56 of the *Workers Compensation Act* RSPEI 1998 c W-7.1

Workers' Compensation Board of Nova Scotia

68. The Workers Compensation Board of Nova Scotia (“WCBNS”) is an agency of the Government of Nova Scotia, which is empowered by the Workers' Compensation Act.³⁶

The WCBNS collects premiums from employers, which is used to fund the “*Accident Fund*.” The accident fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WCBNS pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

69. The main purpose of the WCBNS is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases, which occur in the Province of Nova Scotia.

70. The WCBNS’s staff have a lawful duty to all individuals, who work in Nova Scotia and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith.³⁷ The WCBNS is a public office and as such all the WCBNS’s staff are public office holders.

71. From here onwards, the WCBNS will be referred to as (the “*Defendants*”).

Workers' Compensation Appeals Tribunal of Nova Scotia

³⁶ S. 151 of the *Workers' Compensation Act*, SNS 1994-95, c 10

³⁷ S. 167 of the *Workers' Compensation Act*, SNS 1994-95, c 10

72. The Workers Compensation Appeals Tribunal of Nova Scotia (“**WCATNS**”) is a Nova Scotia provincially empowered administrative tribunal, which receives its authority from the Nova Scotia *Workers Compensation Act*.³⁸

73. The WCATNS is a public office and as such all its staff are public officer holders. The WCATNS is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs committed against individuals.

74. The WCATNS staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.

75. From here onwards, the WCATNS will be referred to as (the “*Defendants*”).

The Workplace Health, Safety and Compensation Commission

76. The Workplace Health, Safety and Compensation Commission (“**WHSCC**”) is an agency of the Province of Newfoundland & Labrador, which is empowered by the *Workplace Health, Safety and Compensation Act*.³⁹ The WHSCC collects premiums from employers, which is used to fund the “*Injury Fund*.”⁴⁰ The injury fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WHSCC pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

³⁸ S. 238 of the *Workers' Compensation Act*, SNS 1994-95, c 10

³⁹ S. 3 of the *Workplace Health, Safety and Compensation Act*, RSNL 1990, c W-11

⁴⁰ S. 93 of the *Workplace Health, Safety and Compensation Act*, RSNL 1990, c W-11

77. The main purpose of the WHSCC is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Province of Newfoundland & Labrador.

78. The WHSCC's staff have a lawful duty to all individuals, who work in Newfoundland & Labrador and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith⁴¹. The WHSCC is a public office and as such all the WHSCC's staff are public office holders.

79. From here onwards, the WHSCC will be referred to as (the "***Defendants***").

The Workplace Health, Safety & Compensation Review Division

80. The Workplace Health, Safety & Compensation Review Division ("**WHSCRD**") is a Newfoundland & Labrador provincially empowered administrative tribunal, which receives its authority from the Newfoundland & Labrador *Workplace Health, Safety and Compensation Act*⁴².

81. The WHSCRD is a public office and as such all its staff are public officer holders. The WHSCRD is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs committed against individuals.

⁴¹ S. 14 of the *Workplace Health, Safety and Compensation Act*, RSNL 1990, c W-11

⁴² S. 22 of the *Workplace Health, Safety and Compensation Act*, RSNL 1990, c W-11

82. The WHSCRD staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.

83. From here onwards, the WHSCRD will be referred to as (the “*Defendants*”).

The Yukon Workers’ Compensation Health and Safety Board

84. The Yukon Workers’ Compensation Health and Safety Board (“**YWCHSB**”) is an agency of the Government of Yukon, which is empowered by the *Yukon Workers’ Compensation Act*,⁴³. The YWCHSB collects premiums from employers, which is used to fund the “*compensation fund*”.⁴⁴ The injury fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the YWCHSB pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

85. The main purpose of the YWCHSB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Territory of the Yukon.

86. The YWCHSB’s staff have a lawful duty to all individuals, who work in Yukon and suffer a personal injury because of a workplace accident, to render their decisions and

⁴³ S. 115 of the *Workers Compensation Act*, SY 2008, c 12

⁴⁴ S. 91 to 97 of the *Workers Compensation Act*, SY 2008, c 12

conduct their actions in good faith⁴⁵. The YWCHSB is a public office and as such all the YWCHSB's staff are public office holders.

87. From here onwards, the YWCHSB will be referred to as (the "*Defendants*").

The Yukon Workers' Compensation Appeal Tribunal

88. The Yukon Workers Compensation Appeals Tribunal ("**YWCAT**") is a Yukon territorially empowered administrative tribunal, which receives its authority from the *Yukon Workers Compensation Act*.⁴⁶

89. The YWCAT is a public office and as such all its staff are public officer holders. The YWCAT is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs committed against individuals.

90. The YWCAT staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.⁴⁷

91. From here onwards, the YWCAT will be referred to as (the "*Defendants*").

The Workers' Safety & Compensation Commission (NWT & Nunavut)

⁴⁵ S. 61, 99, 105 of the *Workers Compensation Act*, SY 2008, c 12

⁴⁶ S. 62 of the *Workers Compensation Act*, SY 2008, c 12

⁴⁷ S. 65 of the *Workers Compensation Act*, SY 2008, c 12

92. The Workers' Safety & Compensation Commission (“**WSCC**”) is an agency of the Government of Saskatchewan, which is empowered by the Northwest Territories *Workers' Compensation Act* and the *Nunavut Workers Compensation Act*,⁴⁸. The WSCC collects premiums from employers, which is used to fund the “*Workers Protection Fund*”.⁴⁹ (s. 67) The injury fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WSCC pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

93. The main purpose of the WSCC is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that **Canadian & foreign taxpayers do not suffer financially**, because of workplace injuries and/or diseases, which occur in the Northwest Territories & Nunavut Territories.

94. The WSCC’s staff have a lawful duty to all individuals, who work in in the Northwest Territories & Nunavut Territories and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith⁵⁰. The WSCC is a public office and as such all the WSCC’s staff are public office holders.

95. From here onwards, the WSCC will be referred to as (the “***Defendants***”).

⁴⁸ S. 82 of the *Workers' Compensation Act*, SNWT 2007, c 21, and also s. 82 of the *Workers' Compensation Act* SNU 2007,c.15

⁴⁹ S. 67 of the *Workers Compensation Act*, SNWT 2007, c 21 and also s. 67 of the *Workers' Compensation Act* SNU 2007,c.15

⁵⁰ S. 102 & 103 of the *Workers Compensation Act*, SNWT 2007, c 21 and also s. 102 & 103 of the *Workers' Compensation Act* SNU 2007, c.15

The Northwest Territories and Nunavut Workers' Compensation Appeals Tribunal

96. The Northwest Territories and Nunavut Workers' Compensation Appeals Tribunal

("NTNWCAT") is a Northwest Territories and Nunavut Territorial empowered administrative tribunal, which receives its authority from the Northwest Territories *Workers Compensation Act* and the Nunavut Territories *Workers Compensation Act*.⁵¹

97. The NTNWCAT is a public office and as such all its staff are public officer holders. The NTNWCAT is a Crown Agency and as such is liable just as if it were a person for the intentional wrongs committed against individuals.

98. The NTNWCAT staff have a lawful duty to all individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.⁵²

99. From here onwards, the NTNWCAT will be referred to as (the "***Defendants***").

3. The Charter Class Claim

D. The use of *DEEMING* by the Defendants is an infringement of the *Charter*:

100. The process where the Defendants deny legitimate claims for workers compensation benefits for no legitimate reason, has been commonly referred to as "***deeming***" or "***determining***".

⁵¹ S. 117 of the *Workers Compensation Act*, SNWT 2007, c 21
and also s. 117 of the *Workers' Compensation Act* SNU 2007, c.15

⁵² S. 102 & 103 of the *Workers Compensation Act*, SNWT 2007, c 21
and also s. 102 & 103 of the *Workers' Compensation Act* SNU 2007, c.15

101. Deeming/Determining is where an individual's legitimate claim to workers compensation benefits have been reduced or suspended based solely on fictitious jobs, which the Defendants allege the individuals can do, when they cannot. Or that these jobs are available for the individuals to do when none exist.

102. The Lead Plaintiffs and the Class Plaintiffs were told, by the Defendants, that they can work, when the Lead Plaintiffs the Class Plaintiffs could not perform this work. This was because the work was unsafe and unsuitable for them to perform.

103. The Defendants provided no reason or proof for their allegations that the Lead Plaintiffs and the Class Plaintiffs could work. Moreover, these allegations were contrary to verified medical evidence that the Lead Plaintiffs could not work.

104. As a result, the Lead Plaintiffs and the Class Plaintiffs lawful entitlement to workers compensation benefits were unlawfully reduced or suspended by the Defendants, without verified cause or reason.

105. Additionally, the Lead Plaintiffs were advised by the Defendants, that there was safe and suitable work for the Lead Plaintiffs and the Class Plaintiffs to perform, when the Defendants knew there was not or ought to have known there was not.

106. As a result, the Defendants would reduce or suspend the legitimate entitlement to workers compensation benefits, using DEEMING. This caused the Lead Plaintiffs and the Class Plaintiffs emotional harm, physical harm, and financial harm.

i. DEEMING Infringes s. 2(b) of the Charter:

107. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs.

108. The Lead Plaintiffs in their disabilities and belief in their injuries being an expressive right. This expression is in no way removed by method or location. The Defendants knowing actions of limiting or suspending workers compensation benefits infringes the Lead Plaintiffs' and the Class Plaintiffs belief in their disabilities and belief in their injuries in purpose and effect.

ii. DEEMING Infringes s. 7 of the Charter:

109. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs and the Class Plaintiffs *Charter Rights* under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' Right to Life.

110. This is because through the Charter infringing actions of DEEMING on the part of the Defendants, many injured workers have either taken their own lives, attempted to take their own lives, or their life has been put in great danger, by the actions and/or inactions of the Defendants.
111. This is a deprivation of the fundamental principle of justice being arbitrariness. This is because there is no real justification for this action aside from saving the Defendants money.
112. It is also a violation of the Rule of Law as the Defendants have or ought to know they have acted well outside their lawful authority.
113. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs Right to Liberty.
114. This is because through the charter infringing actions of DEEMING, on the part of the defendants, many injured workers have no liberty. Injured workers have no right to choose and change their healthcare providers, Injured workers have little or no right to decide and choose healthcare treatment & care, Injured workers have **little or no right to autonomy over THEIR OWN BODIES**, Injured workers have little or no right to decide and choose a future career and/or career path, Injured workers have little or no

right as to where they live in Canada. This is a deprivation of the fundamental principle of justice being the action is arbitrary, it is overly broad, and a violation of the Rule of Law.

115. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs security of the person, under s. 7 of the *Charter of Rights and Freedoms*.

116. This is because through the charter infringing actions of DEEMING, on the part of the defendants, many injured workers have gone from being productive earning members of society to individuals being intentionally forced into extreme poverty. Where most injured workers are unable to provide for themselves and their families the very basic needs of life. This is a deprivation of the fundamental principle of justice being arbitrariness, it is also overbroad, and a violation of the Rule of Law.

117. DEEMING is a deprivation of the Lead Plaintiffs' and the Class Plaintiffs right to life liberty and security of their person. Moreover, the deprivation is not in accordance with the principles of fundamental justice.

iii. *DEEMING Infringes s. 12 of the Charter:*

118. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights*

and Freedoms on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to not be treated with cruel and unusual treatment and/or punishment.

119. This is because the conduct of the Defendants towards the Lead Plaintiffs' and the Class Plaintiffs is conduct that would "*outrage our society's sense of decency*" such that Canadians would find it "*abhorrent or intolerable*". Often people see financial harms as reversible harm, but when those harms occur permanently and over a long period the harms are irreparable.

iv. DEEMING Infringes s. 14 of the Charter:

120. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to possess the required knowledge to understand the proceedings and the Defendants failure to provide the assistance of an knowledge interpreter.

121. The majority of the Lead Plaintiffs' and the Class Plaintiffs did not have any representation and as such were intentional left with no knowledge interpretation in accordance with s. 14 of the Charter, when they did not understand the proceedings.

v. ***DEEMING Infringes s. 15 of the Charter:***

122. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' Charter Rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and accommodate the Lead Plaintiffs' right to equality.

123. As a result of the knowing intentional infringement on the part of the Defendants, for using DEEMING to unlawfully deny entitlement to workers compensation benefits, the Lead Plaintiffs are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

E. The use of PAID DOCTORS/IMEs is an infringement of the Charter.

124. The lawful purpose of paid medical doctors or more commonly known as Independent Medical Examiners ("IMEs") is for non-medical staff to have explained to them complex medical terminologies and procedures. However, over time the Defendants have abused the purpose of the IMEs, to instead provide pre-determined and overly favorable results for the Defendants. These overly favourable results override the Lead Plaintiffs' and the Class Plaintiffs doctor's diagnosis, prognosis, and medical advice. This has allowed the Defendants to knowingly and unlawfully reduce or suspend the Lead Plaintiffs' and the Class Plaintiffs legitimate entitlement to workers compensation benefits.

125. This was done through in-person examinations conducted on the Lead Plaintiffs and the Class Plaintiffs by the IMEs, which had pre-determined and favourable outcomes for the

Defendants that override the Lead Plaintiffs' and the Class Plaintiffs doctor's diagnosis, prognosis, and medical advice.

126. Additionally, the Defendants have knowingly, intentionally, and without cause ignored the Lead Plaintiffs' and the Class Plaintiffs doctors' orders and reports. Instead, the Defendants use their paid IMEs to obtain a pre-determined medical outcome of what the Defendants wanted and directly profited from this predetermined paid medical advice.

127. The most common method used by the Defendants is when they make use of their paid IMEs to have the IMEs reverse a Lead Plaintiffs' and the Class Plaintiffs doctors' orders, diagnosis and/or prognosis. This is done without the IMEs ever meeting or even examining the Lead Plaintiffs or the Class Plaintiffs. Instead, the IMEs base their decision on a cursory review of medical information on file. In addition to the medical information, a very biased narrative is provided by the Defendants to their IMEs. This is to ensure a predetermined outcome in favour of the Defendants. This process of making use of IMEs, with no in-person examinations of individuals has been commonly referred to as "*Paper Doctors.*"

128. As a result, the Defendants would reduce or suspend the legitimate entitlement to workers compensation benefits, using IMEs. This caused the Lead Plaintiffs and the Class Plaintiffs emotional harm, physical harm, and financial harm.

F. The Defendants use of PAID DOCTORS/IMEs infringes s. 2(b) of the Charter:

129. The Defendants' knowingly or ought to have known their actions, using IMEs to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their disabilities, belief in their injuries, and most importantly belief in their debilitating pain.

G. The Defendants use of PAID DOCTORS/IMEs infringes s. 7 of the Charter:

130. The Defendants' knowingly or ought to have known their actions, using IMEs, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

H. The Defendants use of PAID DOCTORS/IMEs infringes s. 12 of the Charter:

131. The Defendants' knowingly or ought to have known their actions, using IMEs, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' charter rights under s. 12 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' right to not be treated with cruel and unusual treatment and/or punishment.

I. The Defendants use of PAID DOCTORS/IMEs infringes s. 14 of the Charter:

132. The Defendants' knowingly or ought to have known their actions, using IMEs, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the

Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and be provided the assistance of a knowledge interpreter so the Lead Plaintiff's and the Class Plaintiffs would understand any proceeding involving the Defendants and their IMEs.

J. The Defendants use of PAID DOCTORS/IMEs infringes s. 15 of the Charter:

133. The Defendants' knowingly or ought to have known their actions, using IMEs, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality.

134. As a result of the knowing and intentional infringement, on the part of the Defendants, for using IMEs, to deny the lawful entitlement to workers compensation benefits, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

K. Use of PRE-EXISTING CONDITIONS by the Defendants is an infringement of the Charter:

135. The Defendants have made unlawful use of alleged "**PRE-EXISTING CONDITIONS**" to reduce or suspend a legitimate entitlement to workers compensation benefits.

136. The Defendants would intentionally, knowingly, and deliberately, or ought to have known that they would claim a pre-existing age-related or other unrelated to work condition existed, when none did. The defendants would falsely claim that this alleged pre-existing condition is the reason the individual is not fully recovered. The purpose of which was so the Defendants could and did reduce or suspend the legitimate entitlement to workers compensation benefits.

137. The Defendants would intentionally, knowingly, and deliberately or ought to have known that they mislabel a work-related injury as a pre-existing age-related or other non-work-related condition. This was so the Defendants could and did reduce or suspend the legitimate entitlement to workers compensation benefits.

138. As a result, of the Defendants reducing or suspending a legitimate entitlement to workers compensation benefits, using PRE-EXISTING CONDITONS. This caused the Lead Complaints and the Class Plaintiffs emotional harm, physical harm, and financial harm.

i. The use of PRE-EXISTING CONDITIONS infringes s. 2(b) of the Charter:

139. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDITONS, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their disabilities and belief in their injuries.

ii. The use of PRE-EXISTING CONDITIONS infringes s. 7 of the Charter:

140. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDITIONS, to unlawfully deny the lawful entitlement to workers compensation benefits. In doing so the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

iii. The use of PRE-EXISTING CONDITIONS infringes s. 12 of the Charter:

141. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDITIONS, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights and Freedoms*, on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to not be treated with cruel and unusual treatment and/or punishment.

iv. The use of PRE-EXISTING CONDITIONS infringes s. 14 of the Charter:

142. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDITIONS, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and for the Defendants to provide the assistance of an interpreter to the Lead Plaintiffs' and the Class Plaintiffs.

v. ***The use of PRE-EXISTING CONDITIONS infringes s. 15 of the Charter:***

143. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDTIONS, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of equality and failure to accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality.

144. As a result of the knowing intentional infringement on the part of the Defendants, for using PRE-EXISTING CONDTIONS, to unlawfully deny the lawful entitlement to workers compensation benefits, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

L. **The use of intentional systemic DELAYS by the Defendants is an infringement of the Charter:**

145. The institutional delays within the workers compensation systems in Canada, are intentional and from the deliberate intentional, and knowing, or ought to have known actions and inactions on the part of the Defendants, which have caused **INSTITUTIONAL DELAYS** through many different administrative tactics.

146. Some include the intentional and deliberate cutting of various budgets to prevent proper representation and interpretation under s. 14 of the Charter. The cutting of staff, to prevent the timely hearing of matters at the initial level and throughout the workers compensation appeal process.

147. The workers compensation systems across Canada are completely privately funded. The systems are in no way funded by taxpayers. Therefore, if there is a financial need to hire more staff to meet the demand of processing claims, the Defendants have a lawful duty to increase budgets, make recommendations to increase budgets, increase staffing, to if needed increase employer premiums to cover any costs, and do anything else to ensure speedy determination and payment of workers compensation benefits. To do anything else, the Defendants would be completely fiscally irresponsible.

148. All the provincial and territorial compensation systems have amounted massive surplus funds more than sixty billion dollars. Therefore, there should be no legitimate reason for any lengthy delay within any of the workers compensation systems within Canada.

149. It is overly common and contrary to the perception of Canada's courts that Canada's workers compensation system makes speedy determination and payment of workers compensation benefits. This in fact does not happen.

150. In many cases, individuals across Canada, are forced to wait years and even decades for determination and payment of their lawful entitlement to workers compensation benefits. While they are waiting, they do not receive any workers compensation benefits.

151. These delays cost not only the individuals who have a lawful entitlement to workers compensation benefits, but most importantly the intentional institutional delays cost

taxpayers across Canada and elsewhere. This is because workers compensation is **NOT** taxpayer funded. However, when injured workers, are forced to use taxpayer funded social programs to survive, then the intentional institutional delays, within Canada's workers compensations system end up costing taxpayers in Canada and elsewhere untold amounts.

152. For example, in Ontario, data obtained from the Ministry responsible for social assistance, confirmed that **on average more than 4,000 injured workers a month are forced onto taxpayer funded social assistance programs**. This ends up costing Ontario taxpayers more than \$30 million per year. This does not include the many other taxpayer funded social programs that injured workers are forced to use because of the intentional institutional delays within Canada's workers compensations systems.

153. The INSTITUTIONAL DELAYS have caused severe hardship to individuals who have a lawful entitlement to workers compensation. In most cases, the institutional delays have also caused taxpayers financial hardship. This is because the individuals do not receive any workers compensation benefits while they are awaiting the determination and payment of their lawfully entitled workers compensation benefits. In many cases these individuals are forced onto taxpayer funded income replacement programs. This has caused the Lead Complaints and the Class Plaintiffs emotional harm, physical harm, and financial harm. It has also caused financial harm to taxpayers.

i. The use of intentional systemic DELAYS infringes s. 2(b) of the Charter:

154. The Defendants' knowingly or ought to have known their actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, it has infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their right to speedy determination of workers compensation benefits.

ii. The use of intentional systemic DELAYS infringes s. 7 of the Charter:

155. The Defendants' knowingly or ought to have known their actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

iii. The use of intentional systemic DELAYS infringes s. 12 of the Charter:

156. The Defendants' knowingly or ought to have known their actions, actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights and Freedoms*, on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to

not be treated with cruel and unusual treatment and/or punishment, by causing or knowingly allowing to cause lengthy institutional delays, which prevented the speedy determination and payment of workers compensation benefits.

iv. *The use of intentional systemic DELAYS infringes s. 14 of the Charter:*

157. The Defendants' knowingly or ought to have known their actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and for the Defendants to provide the assistance of an interpreter to the Lead Plaintiffs' and the Class Plaintiffs for them to understand the intentional institutional delays, on the part of the Defendants.

v. *The use of intentional systemic DELAYS infringes s. 15 of the Charter:*

158. The Defendants' knowingly or ought to have known their actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and failure to accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality. This was done by the Defendants wrongfully and unlawfully stigmatizing injured workers and workers compensation benefits as a tax-pay funded social assistance. When they are not.

As a result, the Defendants imposed draconian and inhumane delays within their appeals systems.

159. As a result of the knowing and intentional infringement, on the part of the Defendants, for failing to properly manage the intentional INSTITUTIONAL DELAYS, to unlawfully delay the lawful entitlement to speedy determination and payment of workers compensation benefits, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

M. The unlawful use of AGE by the Defendants is an infringement of the Charter:

160. The Defendants have suspended and/or reduced the lawful entitlement to workers compensation benefits, solely based on the age of the injured worker.

161. Previously, individuals would receive entitlement to full workers compensation benefits, regardless of the individuals' age. However, over the last few decades Defendants have unlawfully reduced or suspended the lawful entitlement to workers compensation benefits simply because an individual has reached the age of 65 or is over the age of 65.

162. The Defendants have replaced an individual's right to receive full workers compensation benefits after the age of 65 with an alleged retirement benefit. However, this retirement benefit will not provide an individual's entitlement to full workers compensation benefits passed the age of 65. Simply based on the age of the individual when they were injured.

163. For example, a worker is injured at the age of 60, they would receive entitlement to full workers compensation benefits until the age of 65. After which the individual's workers compensation benefits would be severely reduced, compared to an individual who was injured at the age of 50 or 40.

164. In another example, if an individual worked beyond the age of 65 and suffered a work injury, the individual would receive no workers compensation benefits. This is solely because of their age.

165. As a result, the Defendants and/or their respective governments through legislative changes, would reduce or suspend legitimate entitlement to workers compensation benefits, using AGE. This caused the Lead Complaints and the Class Plaintiffs emotional harm, physical harm, and financial harm.

i. The unlawful use of AGE infringes s. 2(b) of the Charter:

166. The Defendants' and/or their respective governments knew or ought to have known their actions, using AGE, to unlawfully reduce or suspend the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their disabilities and belief in their injuries.

ii. *The unlawful use of AGE infringes s. 7 of the Charter:*

167. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully reduce or suspended the lawful entitlement to workers compensation benefits. In doing so the Defendants and/or their respective governments infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

iii. *The unlawful use of AGE infringes s. 12 of the Charter:*

168. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully deny or reduce the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights and Freedoms*, on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to not be treated with cruel and unusual treatment and/or punishment.

iv. *The unlawful use of AGE infringes s. 14 of the Charter:*

169. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully reduce or suspend the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and for the Defendants to provide the assistance of an interpreter to the Lead Plaintiffs' and the Class Plaintiffs.

v. ***The unlawful use of AGE infringes s. 15 of the Charter:***

170. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully reduce or suspend the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and failure to accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality.

171. As a result of the knowing and intentional infringement, on the part of the Defendants, and/or their respective governments for using AGE, to unlawfully reduce or suspend the lawful entitlement to workers compensation benefits, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

N. Harms from dealing with the Defendants systems is an infringement of the Charter:

172. The intentional action/inaction of the Defendants and their respective governments to provide proper care for injured workers who suffer psychological harm because of their injury and dealing with the overly complex workers compensation systems is an infringement of the *Charter*.

173. Often individuals who are forced to go through the arduous process of appealing and re-appealing the Defendants decisions has taken a psychological toll on the individuals. These tolls on the individuals are secondary injuries.

174. The Defendants and their respective governments rarely acknowledge the harm done to individuals and their families and rarely compensate them for these secondary injuries.

175. Workers' compensation benefits pay on average between 80% and 90% of an individual's Net income. Additionally, according to the belief of the courts the workers compensation system is to provide speedy determination and payment of workers compensation benefits.

176. Most individuals are told they should have the equivalent of three months net income in savings. The purpose of which is to cover any unforeseen incidents in life, such as a work injury and the having to endure an appeal process. This is if the lawful entitlement to workers compensation benefits is wrongly denied.

177. An internal appeal within the workers compensation system can take anywhere from a year to several years or even several decades. While the individuals are awaiting the outcome of these appeal decisions, they do not receive any entitlement to the disputed workers compensation benefits.

178. Individuals are still expected to pay their rent on time, buy groceries, and other requirements of life. If there is an issue with the individuals to be able to pay for these required items, often they are forced to go on taxpayer funded social assistance income replacement programs. This taxpayer funded social income replacement programs are

often substantially less than what the individual was receiving while they were working, or if they were receiving workers compensation benefits.

179. As a result of individuals having major shortfalls income to meet their most basic needs, the individuals suffer clinically diagnosed severe stress and anxiety. This much greater than what the average person would experience on a day-to-day basis.

180. As a result, the Defendants through their actions and/or inactions caused harm to the Lead Plaintiffs and the Class Plaintiffs this harm was emotional harm, physical harm, and financial harm.

i. The harms from the workers compensation system infringes s. 2(b) of the Charter

181. The Defendants' knowingly or ought to have known their actions and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their psychological disabilities and belief in their psychological injuries.

ii. The harms from the workers compensation system infringes s. 7 of the Charter

182. The Defendants' knowingly or ought to have known their actions and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs

charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

iii. *The harms from the workers compensation system infringes s. 12 of the Charter*

183. The Defendants' knowingly or ought to have known their actions and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights and Freedoms*, on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to not be treated with cruel and unusual treatment and/or punishment.

iv. *The harms from the workers compensation system infringes s. 14 of the Charter*

184. The Defendants' knowingly or ought to have known their actions, and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and for the Defendants to provide the assistance of an interpreter to the Lead Plaintiffs' and the Class Plaintiffs.

v. *The harms from the workers compensation system infringes s. 15 of the Charter*

185. The Defendants' knowingly or ought to have known their actions, and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs

charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and failure to accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality.

186. As a result of the knowing and intentional infringement, on the part of the Defendants, their actions, and/or inactions caused SECONDARY INJURIES, and unlawfully deny workers compensation benefits for the injuries, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages, as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

O. Commonality of issues

187. Over the last few years, the Lead Plaintiffs have reached out to others across Canada.

The Lead Plaintiffs have learned that all the Class Plaintiffs have had their legitimate entitlement to workers compensation benefits denied using one or all the methods being, deeming, pre-existing conditions, IMEs, institutional delays, age, and secondary injuries.

188. The issues are so common and widespread that injured workers groups created a campaign to raise awareness of some of the issues facing injured workers. The campaign was entitled “*WorkersCompIsARight*” and is based on three of the identified methods mentioned above by the Lead Plaintiffs.

189. As a result of using one or all the methods the Defendants have infringed the Class Plaintiffs rights under the Charter of Rights & Freedoms, specifically s. 2b, s. 7, s. 12, and s. 15 of the Charter of Rights & Freedoms.

THE FOLLOWING ARE THE LEGAL BASIS FOR THE CONSTITUTIONAL QUESTION:

190. That section 52 of the *Constitution* states that all parts of the Constitution, including the *Charter of Rights and Freedom* are the supreme law of Canada and any law and/or of government action that conflicts with the *Constitution* is of no force or effect.

191. That section 24(1) of the *Charter of Rights and Freedom* allows for any individual to apply to a court to obtain such remedy as the court considers appropriate and just.

192. That section 33(1) of the Charter of Rights and Freedoms confirms that the Charter of Rights and Freedoms applies to Federal, Provincial & Territorial government actions and/or laws.

Date: April 18, 2022.

Paul Taylor

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

*Lead Plaintiff - Self-Represented
Spokesperson for Lead Plaintiffs*

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[REDACTED]

Lead Plaintiff - Self-Represented

BACKSHEET

Toombs et al.
(Plaintiffs)

v.

The WCB et al.
(Defendants)

Court file No. CV-21-00076781-00CP

Ontario Superior Court of Justice

PROCEEDING COMMENCED AT

John Sopinka Courthouse
45 Main St E,
Hamilton, ON L8N 2B7
Tel: (905) 645-5252
E-mail: HamiltonCivilOffice@ontario.ca

**FRESH AS AMENDED
NOTICE OF STATEMENT OF
CHARTER CLASS CLAIM**

Moving Party:
Paul Taylor

[REDACTED]
[REDACTED]
[REDACTED]

E-mail: fightwcb@gmail.com

Self-represented Lead Plaintiff
Spokesperson for Lead Plaintiffs



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Court file number

CV-21-00076781-00CP

Submitted to the Superior Court of Justice in

Hamilton

Confirmation number

841401

Document(s) submitted

Form 14A: Amended Statement of Claim (General)

Form 4F: Notice of Constitutional Question

Date and time

18-Apr-2022 09:13 PM

Case specific questions and questions about your submission should be directed to the court office where your documents were submitted.

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