



# “I grabbed my stuff and walked out”: Precarious workers’ responses and next steps when faced with procedural unfairness during work injury and claims processes

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## Abstract

**Purpose:** Injured workers can experience adverse effects from work injury and claims processes. Workers may be treated unfairly by employers, compensation boards, and return-to-work coordinators; however, how workers respond to these challenges is unknown. This article describes how injured precarious workers responded behaviourally and emotionally to procedural unfairness in work injury and claims processes, and what workers did next.

**Methods:** Interviews were conducted with thirty-six precariously employed injured workers recruited in Ontario through social media, email, cold calling, word-of-mouth, and the “snowball” method. Thematic code summaries were analyzed to identify how precarious workers responded to procedural unfairness.

**Results:** Workers went through all or most of these five stages (not always linearly) when faced with procedural unfairness: (1) passive, (2) fought back, (3) quit pursuit of claim, (4) quit job, and (5) won or got further in fight. Feeling confused, angry, frustrated, unsupported, disappointed, determined, optimistic, and wary were common emotions.

**Conclusions:** Identifying unfairness and its emotional, behavioral, and material effects on workers is important to understand implications for compensation systems. Understanding and recognizing unfairness can equip employers, legal representatives, compensation boards, and physicians, to address and prevent it, and provide worker resources. Policy changes can ensure accountability and consequences to unfairness initiators.

**Keywords** Procedural unfairness · Precarious employment · Return to work · Occupational injury · Workers’ compensation · Ontario

## Introduction

Work injury and claims processes are administratively complex, handled by multiple parties, and can be emotionally charged. Parties involved may hold different standpoints, creating room for misinterpretation and miscommunication [1]. While workers’ compensation organizations provide support to workers, it is sometimes accompanied by difficult processes that negatively affect workers’ health (i.e.,

unpredictable payments, lack of care and respect, unavailable information, and suspicion of injury legitimacy) [3]. These are challenging for workers, who must also manage other stressors that may impact their financial well-being and personal lives, including relationships and families [4].

In this article, we focus on precariously employed workers’ reactions to unfairness in work injury and claims processes. The concept of procedural justice focuses on individuals’ perceptions of the fairness of system processes and their related thoughts and behaviours [2]. Perceptions of fairness are relational and include how one perceives treatment by, or compared to, others [2]. These perceptions can significantly impact how an injured worker responds to a work injury claim, as well as how they think about themselves and their situation [3–5].

Being precariously employed makes workers vulnerable to unfair treatment. Claimants who have fewer economic,

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cultural or social resources (e.g., income support benefits, protective employment laws, good workplace culture) may be more vulnerable to mistreatment and poorer service compared to claimants with more resources [6]. Those with short-term job contracts or few work hours face an increased likelihood of having little or no access to social security benefits and those who are self-employed have no access to employment standards. Overall, precariously employed workers do not receive the same protections enjoyed by those with adequately paid and secure employment [7]. For this study, we define precariously employed workers as those who are economically insecure because of low wages or inconsistent income (contract, part-time, self-employed, and minimum wage employment)<sup>1</sup>. Earlier research found that precarious workers in Ontario were uncertain how to access workers' compensation systems and were reluctant to speak up about their rights for fear of job loss [8]. As well, some employers misinformed precarious workers by telling them they were ineligible for workers' compensation. It is important to note that these findings are not relevant to higher-paid employed workers. In addition, recent immigrants are overrepresented in precarious employment. They can be unfamiliar with their rights and may not speak the native language, therefore vulnerable to unfair treatment in work injury and claims processes [9]. As well, young workers and those unfamiliar with the concept of workers' compensation may struggle to access these benefits.

In many instances, return-to-work procedures are perceived by injured workers as unfair. Research has shown that, in workers' compensation claims, medical evidence of work-relatedness is often unclear. Additionally, the worker's word may be pitted against their employer's. A Canadian study found that employers contested the work-relatedness of claims to avoid compensation costs and the hassle of work accommodations [10]. The authors also found that workers could "over comply" with uncooperative employers for fear of job loss and they continued to work despite an injury. Such claim suppressing action treats workers unfairly by increasing risk of worsening injuries and overall health. Additionally, compensation authorities (i.e., caseworkers, medical evaluators, adjudicators) in a systematic review of English-speaking countries were found to interact with workers unfairly and display behaviours and attitudes that demonstrated a lack of trust (such as poor listening, negative assumptions, suspicious attitudes) [11]. As a result, workers reported negative relationships that gave way to hostile

interactions, that could eventually lead to unfair treatment due to denial of healthcare and compensation.

Difficult claims processes have been linked to poor mental health for injured workers. Injured workers faced with employer suspicion about the legitimacy of their injury have experienced job insecurity, negative workplace relations, and feelings of isolation [12]. Difficult relationships with workers' compensation systems have also been found to be a strong predictor of poor mental health outcomes [13]. When claimants are required to navigate contacts, organize documents, and submit these documents correctly, they can experience these systems as complicated, and using these systems may negatively affect their health [6]. Ontario workers who felt they were constantly fighting the system for payments, acknowledgement, and services were more likely to feel alienated, angry, frustrated, depressed, and anxious about their future, families, and employment. An Ontario survey study found that 70% of injured workers felt stressed about the workers' compensation process and reported that their health was adversely affected by their injury [12]. Other research found that Ontario workers felt that the system, as well as their families, sometimes did not understand the difficulties they had in managing their injuries, and how their injury affected their employment and personal life [14]. Findings from Australia are similar. Collie et al. [15] found a significant contributor to psychological distress during work injury was if workers reported feeling very concerned that their workplace would respond negatively to their injury and claim. Additionally, workers that needed support while navigating the claims process also reported psychological distress [15].

Literature on fairness also illustrates the powerful impact perceived injustice has on workers' health. An Australian study of workers who experienced perceived injustice in their claims process found that they had worse mental health 6–12 months post-injury [16]. Workers who hired lawyers and/or had medical assessments during their injury were found to have lower perceptions of fairness and poorer health [17]. Workers' perceptions of low workplace fairness have been associated with poor health, psychological strain, and emotional exhaustion [3]. Perceived overall fairness in the claims process can also adversely impact the outcome of a worker's return-to-work (RTW) [5]. On the other hand, goodwill in a worker's social environment can increase chances of a successful RTW, possibly due to the worker's perception of employer respect and efforts towards getting the worker back [4].

Although unfairness has been identified in processes associated with work injury, as well as difficult claims processes' consequences on workers' mental health, little is known about what workers do next. This study sheds light on how injured precarious workers in Ontario, Canada,

<sup>1</sup> This definition of precarious is the consistent approach being taken by a series of studies and research outputs that are part of a partnership network examining the effectiveness of policies and regulatory frameworks in protecting precarious workers and supporting RTW after a workplace injury or illness [8].

respond to experiences of procedural unfairness. How do workers respond to perceptions of unfairness? How do their feelings affect the next steps they take with their claim? Our analysis describes workers' procedural unfairness, the stages workers go through when faced with procedural unfairness, and the emotional and behavioral consequences of this unfairness at each stage.

## Methods

This study is part of a research partnership network examining the effectiveness of policies and regulatory frameworks in protecting precarious workers and supporting RTW after a workplace injury or illness [18]. This article specifically explores how injured workers responded behaviourally and emotionally to experiences of procedural unfairness in work injury and claims processes in Ontario.

In Ontario, workers' compensation is managed by the Workplace Safety and Insurance Board (hereafter called 'workers' compensation'). Most Ontario employers are required to have this coverage and they pay experience-rated premiums. Employers receive rebates or incur surcharges dependent on their reported work accident rate relative to their employment type group. At the time of the study, each day of "lost-time" work creates an expense for the employer. The system's intended purpose was to motivate employers to maintain safe workplaces and engage in expedient work accommodations following accidents or injuries. However, the system also leads to employer cost avoidance via injury claims suppression [19].

The study was conducted between 2017 and 2021 and involved interviews with workers and employers. As this analysis focuses on workers only, we provide methodological detail and findings from the employer group elsewhere [8, 20]. Recruitment criteria for workers were over age 18, English language proficiency, precarious employment, and experienced a work-related injury in the last 10 years. Recruitment occurred via social media, email lists, cold calling, word-of-mouth, and the "snowball" method. Recruitment text was as follows: We seek workers willing to be interviewed for a study of experiences of workers who have been injured while working. Specifically, we seek adults who have been employed in temporary contract employment, temporary agency employment, part-time or minimum wage jobs as well as people who are self-employed. We want to understand your experience trying to RTW after work injury including interactions with your employer, with other employers and (if you file a claim) with workers' compensation. We are also interested in the impact on your family.

Our sample included 36 workers with a variety of precarious employment contracts, and a relatively even distribution of men and women from various Ontario industries (see Table 1). This was considered to be an appropriate and adequate sample for our research question, as it sufficiently answered the research question [21, 22].

<i>Gender</i>	
Male	22
Female	14
<i>Age (at interview)</i>	
< 30 years	12
30–39 years	9
40–49 years	6
50–59 years	8
60+ years	1
<i>Type of precarious work</i>	
Contract	7
Seasonal	4
Temporary	9
Part-time	7
Hours vary by demand	2
Full-time minimum wage	5
Self-employed	2
<i>Age (when injured)</i>	
< 30 years	12
30–39 years	13
40–49 years	6
50–59 years	5
60+ years	0
<i>Injury type</i>	
Tear	6
Crush	6
Strain	6
Impact	4
Burn	4
Cut	2
Break	4
Fracture	1
Sprain	3

In-depth, semi-structured interviews were conducted in person and by telephone, averaging 30–60 minutes (during COVID-19, all interviews were phone interviews). Participants were provided a \$50 honorarium. Workers were asked about their experiences of their job, employment relations, work injury, workers' compensation and RTW, management of sickness absence, impact on home and family, and policy/process improvement suggestions (for full interview questions, see Online Resource 1). Field notes were written after each interview to note findings, compare data, and discuss (with the research team) any questions researchers had about workers' experiences, upon completion of the interviews. All recorded interview transcripts were transcribed verbatim. Our data gathering and analysis process was iterative:

we analyzed data as we gathered it. Going back-and-forth between data and analysis allowed us to refine questions.

Thematic codes were created by the research team after they discussed initial findings: *deductive* codes (based on issues that they found were reflected in previous literature and interview questions) and *inductive* codes (reflective of new data, not framed in interview questions). These codes were thoroughly discussed and refined by all team members until a coding framework was agreed on. Interviews were then dual coded on the qualitative data analysis software NVivo by varied pairs of 6 research assistants, which ensured inter-rater reliability. Finally, coded segments were analyzed for themes, patterns, and nuances by the whole team. Analyses were critically discussed among all researchers.

This study's ethical approval was reviewed through the University of Waterloo Research Ethics Committee and the University of Ottawa Research Ethics Committee. Participants provided informed consent prior to participating. For confidentiality, pseudonyms are used instead of participants' names.

## Results

The findings describe injured workers' experiences of procedural unfairness during their work injury and claims processes and how they responded to these experiences. Types of injustices include being laid off amid an ongoing claim, receiving inadequate modified work and/or medical attention, employer claim suppression, workers' compensation claim denial, and unresponsive claim adjudicators.

We propose a five-stage flowchart to depict workers' experiences when faced with procedural unfairness. The phases align with the general pathway of the workers' compensation process: (1) initially being passive, (2) later realizing the injustice and fighting back, (3) some workers quitting pursuit of the claim, (4) other workers quitting their job due to extreme pain and/or frustration, and in some situations, (5) workers winning or getting further in their fight (see Fig. 1). Many workers in our study fell under all or most of these stages at some point during their experiences with unfairness. These stages were not always linear, as workers had unique situations (i.e., workers began with passivity, started fighting back, then quit the claim). Sometimes, workers reported quitting their jobs because handling unfairness, among other factors, was overwhelming. In other cases, workers moved further in their fights against unfairness and won appeals. However, overall, we found that 23 (out of 36) workers experienced 2 or more of our proposed stages in the RTW process. We also summarize

workers' common emotional responses at specific stages, to illustrate how their experiences affected them emotionally.

### (1) Passive

Many workers in our study (n=19) were initially passive when they perceived an unfair situation relating to the process of work injury and RTW, displayed in how they did not actively respond or resist it. They allowed events to happen, even if they disagreed with the outcome or course of action, or because they did not understand the process. In this stage, we found confusion was the prominent emotion.

Workers were unsure of their rights and how to act following a work injury.

*HR, another production manager and main supervisor...said, "Unfortunately at this time, you can no longer work here, we're going to have to get you to leave 'til further notice" ...I was like "What do you mean? I haven't even gotten anything done with [workers' compensation] yet..." ...I grabbed my stuff and walked out. (Ken, line worker, limited-term contract)*

Ken talked about leaving his job without trying to contest his workplace laying him off following a work injury. His reaction and language "what do you mean?" demonstrated confusion.

Yvonne was also passive in her efforts to communicate with her workers' compensation RTW specialist when she felt he improperly assessed her accommodated work and failed to follow-up with her:

*He [return-to-work coordinator] is telling the two [workplace] managers...that he doesn't know why he was there [to review my accommodation situation]. I was speechless...I didn't know what to say... (Yvonne, retail worker, full-time minimum wage).*

Nakeisha complied with her workplace, workers' compensation, and RTW coordinator and returned to work despite her nervousness about the return being against her doctor's recommendations. During this time, she was in pain and her health was not improving. Her confusion was clear when she said: "They just kept playing games with me" and described lack of information about the workers' compensation claims process.

Workers often described instances in which employers took advantage of workers' lack of knowledge of their rights. According to workers, some employers had them sign forms confirming that they had adequate training before the injury (suggesting the injury was the worker's fault), possibly so that workers did not press for a workers'

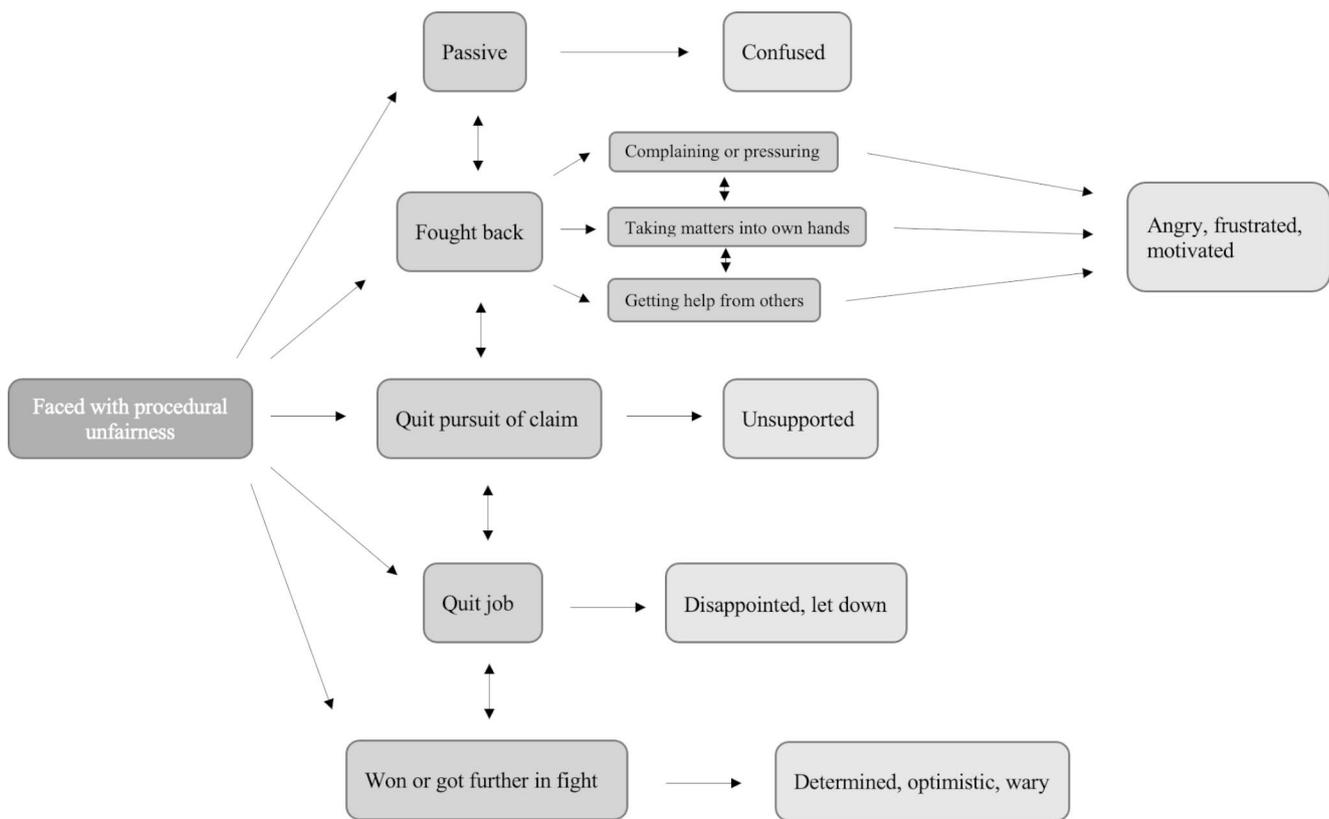


Fig. 1 Flow chart of emotional and behavioural consequences of procedural unfairness.

compensation claim. Workers also described employers encouraging them to use sick or vacation days to recover from a work-related injury rather than making a workers’ compensation claim. The workers described being initially unaware of being taken advantage of, and as a result, agreeing with processes proposed by employers. Employers risk fines by failing to report a workplace injury; however, by not reporting, employers avoided extra workers’ compensation-related costs (premium surcharges) and processes related to RTW.

**(2) Fought back**

Fighting back was a stage where workers took action to dispute unfairness. Our study found that 15 out of 36 workers fought in at least one of three ways: (1) complaining or pressuring those involved, (2) taking matters into their own hands, and/or (3) getting help from others. During this stage, anger and frustration were the most prominent emotions; these appeared to give workers motivation to fight.

**(1) Complaining or pressuring those involved**

Workers fought back by complaining and pressuring parties involved, to prompt action. Ken explained how he fought

inadequate medical assessment of his health condition by frequently complaining to workers’ compensation, his workplace, and RTW specialist. His complaints eventually led him to receive attention from workers’ compensation, who placed him in a retraining program for workers with permanent injuries. Ken’s frustration was evident when he explained how long it took to get what he needed.

*I...kept complaining to [workers’ compensation] ... Every week I would call and complain...They [workers’ compensation] sent me to an MRI...Then they sent me to their own...specialist...It took about a month for me to get that. (Ken, line worker, contract).*

Pressuring was used by Wesley, who described how he pursued his workplace manager to manage his workers’ compensation claim until it was accepted, after it was denied by workers’ compensation on the basis his injury was not work-related. His frustration was evident in his repeated attempts to get his employers to act on his behalf:

*I was telling my manager to do it [file a [workers’ compensation] claim] on my behalf...I was asking my questions...I pressured him to go on and try again... (Wesley, shipping and receiving worker, contract).*

Bob described how he repeatedly asked workers' compensation to incorporate his hospital paperwork with his claim file, following his initial refusal to sign workers' compensation papers when a workers' compensation representative met him at the hospital. At that time, he was unwell, had not fully read the documents, and did not understand the process. He later filed two workers' compensation claims, which were both denied by workers' compensation on the basis that his injury was not work-related:

*[Workers' compensation] met me at the hospital...she was like "Sign these papers..." , really aggressive... I was like..."I have a dislocated patella" and she was like "We haven't seen a doctor yet so we don't know"...Eventually...I looked right at her and said "You're leaving right now" ...It's...demoralizing...the attitude she had was like, "You have to do this"...She puts pressure on you...it was really aggressive...(Bob, DJ, part-time).*

## (2) Taking matters into their own hands

Workers also fought back by taking matters into their own hands, which involved the worker learning how to submit claims, understand the workers' compensation system, receive adequate accommodations, contact external parties, and get medical attention. After Ken's workers' compensation claim was denied, he appealed the decision. He described how he fought to see his surgeon, after workers' compensation did not help him with the medical referral. His frustration was evident in how he described his experiences conducting these processes alone.

*I...filled it [workers' compensation appeal] out myself and submitted it...I had to fight the denial on my own... write up my own thing and send it...I had to fight to go see...my surgeon again... [Workers' compensation] wouldn't...do it. I had to...track him down myself(Ken, line worker, contract).*

Kobe had to find out who to talk to in each party involved with claims processes and was the middle ground of communication. He described his frustration with his workplace and workers' compensation.

*As far as contacting [workers' compensation], contacting the human resource people...it was always me having to find out who I need to talk to...It became more frustrating when...I was talking to [workers' compensation] ... "Don't you guys want to contact my workplace and talk to...the managers or...*

*supervisors" ... "No, it's okay. We can just talk to you" ...I am doing all the leg work, I have got to make sure that...I contact you guys...I tell my job what was happening...the papers are being sent to [workers' compensation] from the workplace...(Kobe, warehouse worker, temp).*

Learning the system and how to best get what he needed from it was how Terry managed his workers' compensation claim.

*The only thing that...saved me in staying on... [workers' compensation] ...was that I kept fighting...and I was lucky [emphasized]...in dealing with [workers' compensation], it's just pure luck [if you have a successful claim](Terry, truck driver and forklift operator, full-time minimum wage).*

Terry also angrily described how he raised a previous injury claim to workers' compensation years later when he finally received documentation. The claim had been ignored by his workplace and workers' compensation after his work agency claimed that he was not their employee.

*I did my report to... [workers' compensation]. They [workplace] wrote a letter to the board and said that I didn't work for them...The board never followed up with anything. Is this true or not? They didn't care... Years later when I got a copy of the claims, I'm going "Hey!" (Terry, truck driver and forklift operator, full-time minimum wage).*

Lisa researched programs after she became eligible for retraining funded by workers' compensation. She did this after her RTW specialist gave her one school as an option, to ensure that her retraining was adequate for her, while within the RTW specialist's budget. Lisa appeared angry when describing her RTW specialist who "made it seem as if she's the one...who makes the guidelines as to where I can and cannot go" for retraining. From this frustrating experience, Lisa was motivated to seek a better training program.

## (3) Getting help from others

Some workers accessed their rights by seeking help from other parties. These parties helped them to stand up to the injustice and provided advice or representation. Fatima's doctor advised that she see a lawyer to help her fight for disability insurance (for which she ultimately did not apply).

*My doctor...send me to a lawyer...He said, "You have to go for disability because you can't work anymore." (Fatima, line worker, full-time minimum wage).*

Terry sought support from a former workplace supervisor. When his employer did not report his injury to workers' compensation, Terry fought back by getting proof of his pain-related complaints and absences from his former supervisor and then attempting to initiate a workers' compensation claim. In response, Terry noted that his employer reported to workers' compensation that Terry never complained about pain or taking days off. Terry's anger and frustration were evident in describing how his workplace did not take responsibility.

*I contacted my supervisor...She did letter up saying that...I had regularly...complained to her and...taken days off work...I thought, how dirty is that that's (emphasized) how employers are like...they don't care about the workers at all (Terry, truck driver, full-time).*

Nakeisha's acquaintance helped her fight by providing expertise and connections. Her anger was evident when she talked about poor modified work conditions and lack of workers' compensation recognition of her permanent injury. This prompted her to fight back by contacting her provincial member of parliament.

*My best friend's [family member] ...he knows his rules, knows his everything...He's the one that got me in with the MPPs, and got the government behind me (Nakeisha, bartender, full-time minimum wage).*

Other workers took legal routes. Mario started a negligence civil suit against the company he was working at when he was injured. Kobe appealed workers' compensation's decision with help from a member of a community legal clinic. He also met in front of the Human Rights Tribunal to try to come to a resolution with his two workplaces on what he financially deserves for his injury. Seth turned to legal aid lawyers to help with his appeal to the Workplace Safety and Insurance Appeals Tribunal. He was frustrated that his employer had miscommunicated to workers' compensation that his injury arose from a specific sport (that he never played), resulting in a denied claim.

### (3) Quit pursuit of claim

Workers sometimes became tired of pursuing their claim and abandoned it (n=14). After workers' compensation denied Wesley's claim by stating his injury was not workplace-related, he eventually gave up. Feeling unsupported

was the prominent emotion among workers in this stage. For Wesley, the process was too complex and adversarial.

*I tried asking questions, but the process was long... there was nobody to help us. The only thing that could be told was that the injury was not at my workplace...I just quit...it...couldn't go through...I quit the claim. I didn't follow-up on the claim... (Wesley, shipping and receiving worker, contract).*

Kobe felt unsupported after workers' compensation denied his claim based on insufficient medical evidence of an injury. He felt unable to continue his claim at that point.

*It's a sizeable tear...I contacted [workers' compensation] ...Their ... stance on it was that they are not going to treat it as a tear they are going to treat it as a strain/sprain kind of injury... Their response was that... "Our medical practitioners here are saying that it doesn't fit with the character of a tear" ...I am thinking to myself... "What you guys are saying doesn't make any sense...I have an ultrasound...and an x-ray to confirm I have a tear." (Kobe, warehouse worker, temp).*

### (4) Quit job

Quitting their job was another way workers (n=7) responded to procedural unfairness. Feeling disappointed and let down were the most prominent emotions in this stage. Nakeisha described how her fights regarding her injury status and RTW were draining, leading her to quit.

*They [workers' compensation, RTW specialist, workplace] still kept...fighting with me and everything else...I just quit...I couldn't do it anymore... (Nakeisha, bartender, full-time minimum wage).*

Yvonne tried contacting her workplace for information about her sick days (which was needed for her workers' compensation claim) but never heard back. This event contributed to her choice to finish working there. She felt let down after her long-term workplace lagged in providing her with the needed information.

*I don't know how many sick days I have...They [workplace] are reluctant to tell me how many...I have been working for them for over 14 ½ years...I will finish 15 years working... (Yvonne, retail worker, full-time minimum wage).*

## (5) Won or got further in fight

This final stage describes workers who won their claims or got further in their fights against procedural unfairness ( $n = 14$ ). Determination, optimism, and wariness were common emotions. These complex feelings reflect workers' mixed thoughts and emotions about succeeding in their fights. Workers felt determined to succeed, optimistic if doing well, but wary due to lingering problems with handling procedural unfairness, including mental and physical exhaustion, and let-downs.

Ken's persistent complaining to workers' compensation and his workplace eventually led him to receive an MRI that he needed to prove a permanent injury and qualify for retraining. Terry described how his persistent fighting with workers' compensation allowed him to win his fight to claim benefits for permanent chronic pain and disability. Even though both workers succeeded in their claim-related fights, they remained wary and ready to possibly fight again for what they need.

Mario was optimistic when describing how his doctor provided evidence that he needed long-term disability, which helped him win his fight to receive workers' compensation benefits. Ian was similarly optimistic after he successfully displayed his pain at a workers' compensation evaluation center and won his fight to remain off work. The temp agency had not acknowledged Ian's statements about pain and asked him to return to driving forklifts—which he refused due to his pain.

*...When...I was evaluated, I was in extreme pain... nothing was being masked...The fact that I was able to return to the agency and say here you go...was the biggest pleasure. (Ian, forklift operator, full-time minimum wage).*

After succeeding in having his condition taken seriously, workers' compensation placed Ian off work for another three months.

## Discussion

The purpose of this paper is to describe how injured precarious workers responded behaviourally and emotionally to experiences of procedural unfairness in work injury and claims processes, and what these workers did next. To the best of our knowledge, no research has detailed this.

Precarious employment and work injury can place workers at risk of unfair treatment because of greater power and knowledge contrasts between employers and workers (employers have strategies for managing workers'

compensation claims), challenges attributing an injury to a specific job (for workers who have concurrent jobs or change jobs often), and higher fear of job loss from speaking up (employer resistance and workers' limited voice) [8]. Precariously employed injured precarious workers differ from other groups of injured workers due to limited access to social security and employment protections normally provided to secure, full-time workers (e.g. unemployment benefits inaccessible to workers with few hours, minimum wage not available to self-employed), which suggests that different laws or systems may be needed to protect injured precarious workers [7]. The COVID-19 pandemic particularly affected precarious workers, who are often women and immigrants, as they were subject to labour market disadvantages including insecure job contracts, economic uncertainty and over-representation in frontline occupations leading to increased virus exposure [23, 24].

Many precarious workers in our study were faced with unfairness. Workers' main experiences included getting laid off during an ongoing claim, receiving inadequate modified work, having little help throughout the claims process, and not being listened to. Subsequently, we propose five stages (and common emotions) that workers went through when faced with this unfairness: (1) passivity (feeling confused), (2) fighting back (feeling angry, motivated), (3) quitting pursuit of the claim (feeling unsupported), (4) quitting jobs due to extreme pain and/or frustration (feeling disappointed), and (5) winning or getting further in fights (feeling determined, wary).

Workers have been found to "stay silent" for various reasons (i.e., concerns about how speaking up might negatively affect them and workplace relations, fear of starting disputes, going against organizational norms, being under high time pressures and workloads) [25]. How much a worker feels that it is appropriate and safe to speak up in their workplace, impacts decisions to speak up [26]. Workers may also become passive when fighting for their rights because of mental and physical exhaustion, not knowing their rights, confusion, thinking their injury is not compensable, and feeling unsupported [27]. Workers with low self-esteem may feel that they do not deserve compensation if they do not observe effort (on behalf of employers or compensation systems) going towards their work injury.

Previous research has also identified the issue of workers fighting back against unfairness. Injured workers in Ontario have described peer support groups as supportive when fighting unfairness [14]. Anger and frustration among workers have been implied in occupational rehabilitation research. Workers in Australia described fighting for accommodated work following a work injury but were then given "demeaning" duties [28]. Many workers reported they were not listened to, and their feedback was not desired or valued

by their workplaces during attempts to speak up against safety hazards [29].

Injured workers quitting jobs due to unfairness following an injury has also been documented. After an injury, American workers who worked long hours and night shifts were more likely to quit, be fired, and not be able to work full-time [30]. Employers nudging injured workers to quit has also been identified. Employers in Florida and Wales were found to take advantage of workers' permanent injuries to reduce salaries, provide meaningless work, and expect workers to complete pre-injury work immediately, leaving workers feeling like "damaged goods" [28, 31].

Unfairness has been associated with claims suppression: activities that limit the correct reporting of a worker's work injury [32]. Claims suppression is generally associated with employers (i.e., persuading workers to not report, under-reporting severity or time off, offering to continue payment instead of reporting), although claims suppression has been reported among other parties (i.e., RTW coordinators, physicians) [32, 33].

A strength of this study is our ability, via qualitative methodology, to gain a rich, contextual perspective of injured workers' situations and decision-making processes that cannot be captured using quantitative methods. By using social media, we could attract a diverse worker sample. Limitations of this study are that conclusions are drawn only from precarious workers in Ontario and lack perspective from non-precarious workers and other compensation systems. As well, our recruitment approach generated workers with primary physical injuries and so we lack insights that would be generated with a sample including work-related psychological injury. This research draws attention to new areas of enquiry: pervasiveness of issues such as workers quitting their jobs after experiencing a work injury and workers' actions following experiences of procedural unfairness in other employment contexts and insurance boards. Additionally, future research could examine relationships between age, and/or educational status of workers and their emotional and behavioural reactions to perceived unfair claims processes.

## Conclusions

Literature on procedural unfairness affirms stages we identify in our analysis of how injured workers handle procedural unfairness related to their work injury. While previous literature touches upon these stages separately and briefly, our study examines them together. What happens *after* workers perceive unfairness in their work injury, including emotions and next steps, has not previously been explicitly examined. Additionally, our paper is one of few papers to

consider specific emotions and behaviours when looking at injured workers and workers' compensation claims.

Procedural unfairness can have adverse effects on workers, which impacts quality of life and future success. It is important to identify unfairness and its emotional, behavioral, and material effects to better understand implications for workers' compensation systems. Understanding and recognizing unfairness can equip employers, legal representatives, workers' compensation boards, and physicians, to address and prevent it.

By considering emotions and behaviours, parties involved in helping injured workers can better understand how they experience RTW processes. RTW specialists, for example, could be more aware that workers may initially be passive when experiencing what they perceive to be procedural unfairness. Being aware that this passive behaviour exists may prompt them to ask better questions about how an injured worker feels about their situation, which may, in turn, prevent workers' further perceptions of unfairness. Similarly, workers who quit their claims and jobs due to procedural unfairness may feel unsupported, disappointed, and let down. Recognizing this pattern of emotions could help physicians to provide workers with appropriate support and resources. Recognizing that workers may feel angry, frustrated, but motivated in the RTW process might better prepare injured worker representatives to take into consideration these emotions while helping workers and ask better questions. Finally, by knowing that workers may respond to unfairness in certain ways (complaining or pressuring those involved, taking matters into their own hands, or getting help from others), policymakers may design policies to better address procedural unfairness in a workers' compensation system.

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