



# Injured@Work

I want to personally thank you and welcome you to the second year of **Injured@Work!**

A newsletter dedicated to providing information to injured workers and others about injured worker issues.



## Happy New year!



And Easter!

**2022 should be the year of the Injured Worker!**

***My sincere apologies I was not able to get out the last few month's edition!***

*Part of the delay was due to my personal work, my personal fight with Ontario's WSIAT at the Court of Appeal, combined with attending university, and a need to work on the National Charter Class Claim. However, things have calmed down a little.*

**Next ZOOM Meeting is April 16, 2022 (3pm est or Noon pst).**

[Click here to register for the meetings](#)

You can send any comments jokes, poems, songs, stories, articles, you have and they will be published whether good, bad, or ugly!

*I welcome all as this is OUR newsletter!*

**fightwcb@gmail.com**

## 2021 Year in Review!

The year 2021, has been without question an extremely difficult year for everyone. However, one can not deny the reality that

**it has been an impossible year for injured workers!**

What is not surprising is that injured workers never mentioned in ANY COVID related media stories and oh the media did love to report on COVID. This was especially the case, regarding government COVID relief programs. Whether by the Federal Government or by any Provincial Governments.

In this article I will provide a year in review of the articles I and many other courageous injured workers wrote, as

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## 2022 Is the Year of the Injured Worker!

2022 will be a very interesting year to say the least. This is especially true for injured workers. This is because the National Charter Class Claim is slowly proceeding.

Just recently the National Charter Class Claim that was filed in Ontario was amended and in addition a Notice of Constitutional Question was also filed this document is what makes the claim Charter and not a civil matter anymore. Previously injured workers were repeatedly advised by the courts they could NOT sue the WCBs. While not true, this will be the first test to see if

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Canadian Centre for Occupational Health and Safety

well as, the many events that were held online. You can see past issues of **Injured2Work** here <https://fightwcb.org/newsletter.html>

### March 2021:

In this first and well pretty ugly edition, I made like a web based page. This did not work very well. My apologies to all! I did however write a short article about how healthcare professionals were being controlled to disqualify legitimate claims for workers compensation. I was arguing that a study should be done to look at this in more detail. I do recall an excellent research study that was done and presented at the Bancroft Institute about a comparative analysis of Ontario and Quebec doctors and workers compensation. It was actually a very fascinating study.

Next I attempted to raise awareness of the **#WorkersComplsARight** campaign speaker series. This discussed the impact of the Boards using **pre-existing conditions** to reduce, suspended, and/or completely disqualify an injured worker from receiving workers compensation. It was hosted in Ontario, but it is something that I and many others have learned impacts all of Canada's injured workers. I truly hope the program organizers continue with these speakers series into 2022 as they were extremely informative to say the least—hats off!

I then finished off with an update of my application for judicial review before the courts. In my update, I raise two significant issues of importance with my application, which I believe to make it significant. First, that administrative tribunals and boards, at least with workers compensation, should not have unfettered authority to defend their decision on appeal/judicial review. Second, that dismissing of appeals and application for judicial review solely based on time is an outrageous error of law and blatant infringement of our *Charter of Rights & Freedoms*. The one point, I should have added was the slim likelihood of success, due to the perception of court's hatred of injured workers. I believe I mentioned it in later updates.

### April 2021:

In April's edition, I got a little fancy and decided to use MS Publisher to create a somewhat improved newsletter format. At least I hope you see it that way. I then was able to provide a digital and paper copy to those who would dare read it, LOL!

In the April edition, I attempted to raise awareness of the national **Day of Mourning**. On a national level. This, surprisingly to me, was something I recently learned about. I say surprising, as it is very well hidden from workers, injured workers and the rest of society. Rarely does government and especially business attend the events. I guess they lack any guilt for the injuries and deaths they have caused on their workers and citizens. What is even more disturbing is that the media never covers ANY of the

events before or after. It is almost like we are a shame of society. I will say my one regret was I did not make time to write a letter to the media asking why they and business hate injured workers so much. I say hate as it is defined by ones actions or inactions. Maybe this April I will do one. And see if I can shame the unshameable into doing something positive for **#DayofMourning**. There were many other articles in April's edition and even some amazing submissions by injured workers. I love it when I get submissions from injured workers. It means I am helping you have a voice through this small medium. This was a 16 page newsletter and was a great edition. Thanks to you all!

### May 2021:

In May's edition I covered the events that took place on April 28, 2021 **#DayofMourning**. I even spoke of events in years past. I then provided an update on the newly created National Charter Class Claim group I had started with many injured workers from across Canada. I advised that the claim had been filed on April 28, 2021. However, the Court would reject the claim this time, and on two more occasions. I added numerous other stories and even included a crossword puzzle for a bit of fun.

### June 2021:

In June's edition I raised awareness of **June 1st #InjuredWorkerDay**. This was an event that started in 1983 in Ontario. It was when thousands of injured workers converge on Ontario's legislature. They did so, to force the committee on workers compensation to hold the hearings on the steps of the legislature. A day in my life time I would love to see again, even just once! Can you imagine government actually listening to injured workers instead of mocking us, ignoring us, and barking orders at us like a dog! It is ironic, as I learned of **#Injuredworkerday** before I learned of the **#DayofMourning**. I also discussed passed **#Injuredworkerday** events. I even those events I took part in. I also let people know it was not just an Ontario thing but a national and even international event. This was because Australia also celebrates it too! This year I plan to be at Ontario's Legislature on June 1st holding a sign saying Doug Ford hates injured workers. I will also mask up and wear my favourite **#WorkersComplsARight** mask. I am not encouraging anyone to disobey distancing rules or take any risks. I also published an amazingly written story of a injured worker. I wanted to do more stories, but as always we, as injured workers, lack the resources.

### September 2021:

I then took a break for the summer, well sort of, and published an edition in September. I provided another update on the National Charter Class Claim. That it was filed and accepted in Ontario. Also, another was filed in B.C. I then went on a rant about Trudeau calling an election IN THE MIDDLE OF A PANDEMIC! I also provided a brief political history lesson and the political parties positions. I also reported about numerous caselaw decisions, including the groundbreaking [Morningstar v. WSIAT](#), which allows a worker to sue their employer for workplace harassment. Needless to say it was such a huge case that searching the term on the internet will result in countless commentaries on the case.



### October/November 2021:

I then got lazy as the WSIB, Ontario WCB, would commonly say, and published a two-edition in one edition. It was because I was falling behind in work, schoolwork, and so on.

I did and do not want to give up on the newsletter. It is because I strongly believe we MUST keep fighting and in doing so we learn by listening, reading, speaking, and interacting. I even had a little fun by re-writing a famous song about me well just part of the lyrics "*I'm Not WSIB's Sweetheart*" LOL. I also did many other articles including many from YOU, which I am extremely grateful for. I also notified everyone I took over the hosting of Thunder bay's peer support group from Teddy. I struggle to do even close to as good a job as Teddy. These meetings are open to all and are held on Thursday mornings by ZOOM. Starting at 10am eastern time. On the website I have listed ZOOM meetings for injured workers. For this meeting I have included the [meeting page link](#). Also you can learn more about this meeting, others and other support groups [by clicking here](#).

Initially I wanted to do a December edition of Injured@work, but I have been a bit busy with my own fight in the courts and the National Charter Class Claim.

#### **In the absence of December's edition...**

In Ontario they passed Bill 27, *Not a big surprise there!* According to the Ontario Government the Bill is called and I struggle to say it, *safer workplaces*, or some garbage like that. The Ontario Government, under the Conservative majority led by Doug Ford, aka Dawg Ford, made no mention, ever of injured workers. There was no mention in any speeches or any assistance or relief programs. Worst yet, instead of helping injured workers the Ford government rewarded the criminals who caused the injuries to injured workers - the employers. They did this by offering even more rebates on their workers compensation premiums.

The multi-billion dollar rebates to employers has proven one positive thing, which is that government run insurance programs do work.... well at least for business. However, it does leave the victims with nothing wondering how could such a great atrocity occur?

In typical Conservative fashion, the government slipped in other amendments to other laws within the Bill. This way if anyone challenged the Bill they would be seen as opposing all of it. It is nothing short of pure cowardice.

One specific instance was to allow foreign workers who have recently immigrated to Canada to bring their work here experience here. This way it would allow them to work. Seriously, who does not want immigrants who are now lawful Canadian citizens to work in Canada? It was a token and pathetic effort by the Ford government to appease new Canadians. The problem is a much larger

issue, requiring a separate topic, and is outside the scope of this newsletter. However, it is not so much with experience as it is with their professional credentials is the greater problem.

Therefore, anyone who had voiced any opposition to the Bill, the Conservatives would say oh you don't support the bill you don't support immigrant workers. I recalled watching the committee meetings, where one Conservative MPP even attacked Willy Noiles, then acting president of ONIWG, saying you don't support migrant workers. Willy responded with I am speaking about injured workers I have nothing to say about migrant workers, well unless they are injured. I, like Willy was also annoyed by this childish antics of the Conservatives and as Canadians we MUST call them out for it.

Ironically, one need only look back in time, to see that it is the Conservative party that does not support new Canadian workers. It was the Harper government who would remove and deport individuals with permanent residency status, if they were convicted of a criminal offence. Many argue that hey why not, but **there for the grace of god go I or YOU**. I mean what next Canadian citizens, should we send them to a far off place like Australia? In that case where is a bank for me to rob? LOL!

The most disturbing part is that often people accused of minor criminal offences are rarely, if ever provided legal representation. Much like injured workers. They are forced to go without representation because they can not afford. Then they are forced to either plead guilty or risk being convicted of a crime in most cases they did not commit.

There were many other common examples of the Conservative dislike of new Canadians and it is why Harper was thrown out. Jason Kenney, Scott Moe, Heather Stefanson, and many others who have just been more careful how they implement their anti-immigrant programs also have too made anti immigrant moves. In fact, many would argue that immigrant workers are much more likely to suffer workplace injuries and much more likely to be denied their legitimate claim for workers compensation. I am often reminded of the horror story of a Jamaican migrant worker who came to Canada on a temporary work permit. He suffered a fatal injury from work and eventually died. His employer, like all employers in the program attempted to have him shipped back to his home country where he would not have survived the trip home. Fortunate for him he had relatives here to fight for him, while he lay ding in a hospital bed.

Many would argue how is this relevant to injured workers across Canada. The common national theme I have easily identified is that when Ontario screws their injured workers, sadly this spreads to other boards. For example I wrote about how Manitoba, Saskatchewan and other provinces have given multi-billion dollar rebates back to employers. Sadly I see the next step where boards will be issuing permanent rebates to employers and worst yet BAD employers with dangerous workplaces.

# Importance of Research!

Throughout this past year, I have attempted to raise the extreme importance of research studies and the importance of injured workers getting involved and taking part. The reason why I do and encourage others to as well is that research is and can be an extremely powerful tool. Even on an individual basis. For example when a worker is told by the WCB/WSIB/WorkSafe that returning to work right away is good for them. This has been proven by several studies to be completely false. One study conducted by Institute for Work & Health WH confirms this. So when one is posed with such garbage by the WCB/WSIB/WorkSafe you can reply back and say garbage and that is NOT me saying it but a scientist. Return to work MUST be based on several factors such as workplace environment, type and seriousness of the injuries, and the mental ability of the worker to return.

This is but one of many examples of how individuals can use research for your own personal benefit. I, as a paralegal have used it myself when representing injured workers, in several different approaches.

Research studies can also be used very effectively to promote positive change. I have used it with my legal arguments to demystify the intentional deceptions of the boards and tribunals. Many injured worker advocates have also used research to effect change within the political arena.

## WE NEED AND MUST HAVE RESEARCH!

However, the major problem with the researchers, like injured worker groups, is they struggle to find injured workers. Often this is because injured workers fear them, do not trust them and refuse to do anything. This is because of the false information or *gaslighting* done by employers and boards.

While I respect your fears and hesitation as they are REAL, we must overcome our fears and stand up to the bullies being our employers and the workers compensation boards.

## Study for injured workers in British Columbia, Alberta and Saskatchewan

Recently it was brought to my attention that there is an ongoing study of injured workers in BC, AB, and SK who are currently receiving telehealth services. Many would say who cares, but this study may actually really benefit all injured workers and expose and flaws in the telehealth system.

The information has been provided on his page so PLEASE PLEASE take part in this research study if it applies to you. Also please help get the word out about the study.

UofA, UBC, UoS and UdeM ethics ID numbers: Pro0010034, H21-01559, Beh 2956, 2021-1161

UNIVERSITY OF ALBERTA

Université de Montréal

STUDY ON THE EXPERIENCE OF CARE OF INJURED WORKERS RECEIVING PHYSIOTHERAPY VIA TELEREHABILITATION

Have you had a **work-related injury, been compensated by a workers' compensation board** and either are currently receiving or have received **physiotherapy care in the last 24 months via telerehabilitation (by videoconference or telephone)?**

We would like to **interview** you to learn more about your **personal experiences** in physiotherapy. This could be using telephone or Zoom and will take about 1 hour.

The goal of our project is to better understand the **perspectives** of people who have experienced a work-related injury.

**YOU WILL RECEIVE AN INCENTIVE (\$) FOR YOUR PARTICIPATION**

If you are interested, please write to us at the following email address: **rrc@ualberta.ca**

You can also call us:

- Alberta: **780-492-2690** (Doug Gross)
- British Columbia: **604-714-4105** (Jackie Whittaker)
- Saskatchewan: **306-966-8738** (Stacey Lovo)
- Principal Investigator: **514-343-6111 ext. 5935** (Anne Hudon)

If you choose to comment, like or follow this post, you will be publicly identified with the study.

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### 2022 - Is the Year of the Injured Worker!

the Court will say the same to injured workers when injured workers claim using the Charter. Will the court say that the Charter and the Constitution does not apply to injured workers? Then that will definitely become an issue to be raise with he UN for human rights abuses.

Another reason 2022 will be our year is that Ontario who seems to lead the way is hurting injured workers, is headed for an election. An election is the best time to make positive change by having the crucial issues raises front and centre in the election. The most important thing is to start early and hammer ALL the political parties with where do we stand in the grand scheme of things. Most importantly give them something to endorse. As I previously spoken about in past editions, I ran...err walked in the last election. People including the media actually wanted to talk to me. My story and the plight of injured workers became front and centre.

### So, let's see what 2022 holds for us all!

## Does the media hate injured workers?

Recently on a Tuesday session of Thunder's Bay & District Injured Worker Support Group—TBDIWSG Tuesday Zoom information session, TBDIWSG held a press conference. I had to leave early for another meeting. However, when I returned I had observed was the moderator asking if the press had any questions. It was almost like the press was not there. I mean I was there, but really I don't count as a journalist. I was hoping to see and hear from reporters from the Toronto Star, CBC news, CTV or even local media. Instead we listened to complete silence as we waited to hear if any of the media had any questions. It seems to me, with watching the news, the organizers of the press conference ought to have said or led with...

*"COVID...something...something ...COVID..."*

It just seems our Canadian media is now and has been completely fixated on COVID news stories. Like that if the word COVID is not in a news story it will not even be covered let alone lead the news cycle. Don't get me wrong COVID is and has been a major new story, but it is not the only one.

I am fortunate to have access to other international media outlets like America's CNN and Britain's BBC World News. So, I can at least tune out for a day or so or longer just to take a break from the COVID news! In other countries, you get COVID news and other news too! Not seemingly like here where it just seems to be COVID COVID COVID.

I mean don't get me wrong COVID is EXTREMELY serious, but so is our mental health. How the hell are we ever going to mentally get past this, especially with the variants continue, if the media continues to over sensationalize it. They are becoming like the rabbit *"the sky is falling, the sky is falling"* Then when the sky does fall no one will believe them. Or wait was it the boy who cried wolf story. I forget.

I think another injured worker in a meeting put it best when they said in the media it use to be *if it bleeds it leads!* Now it is...*if its COVID, it leads!*

Knowing the media is so fixated on COVID then perhaps when injured worker groups are preparing a press release, consider starting with COVID and gently lead into other issues.

For example,

*"Injured workers receive no COVID relief."*

or

*"COVID Injured Workers denied workers compensation, just like all other injured workers"*

or

*"COVID Injured workers and injured workers file National Charter Class Claim for \$45 Billion over denial of COVID workers compensation relief."*

Just something to think about when you are trying to complete for air time with such a big story. Maybe consider making your story part of the big media story.

## Where have all the Doctors Gone?

The title reminds me of a song *where have all the ...*



I just can't remember the rest. I recently have experienced the great misfortune of losing my family doctor. Yes, yes, I know she may have been pressured to *"Retire"* by the WSIB (Ontario's WCB). That constantly asked her to provide updated

medical reports for an injury. An injury that was unquestionably accepted by the WSIB some 25 years ago. But hey it's the WSIB, as the courts have repeatedly told me. They *can do as they PLEASE!* Or perhaps it was the reality she knew she was losing money as a doctor. This was from the constant government costs to doctor's fees, which started in the late 1990's. Cuts that created the doctor shortage we are still experiencing today.

When I compare the two issues I have identified, that is the likely cause of the doctor shortage, I am left wondering how we even have one family doctor left in Canada, let alone Ontario.

First, I identify how the WSIB and other workers compensation boards treats our doctors. They ignore their diagnosis. Often times, questioning any medical findings as though the doctors are amateurs. Instead of experts who have years and even decades of training and experience. Ironically doctors, in a court of law, are considered experts where their opinions are accepted on their face. Yet, sadly, they are treated like layperson by the boards and tribunals. This on its own leaves any person wondering why

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doctors would put up with the compensation boards at all. Then there is how our doctors are paid, or more accurately, how they are not paid by the compensation boards. Our doctors are paid half or even less of what they are rightfully entitled to. Often the compensation boards make our doctors wait for months and even longer for payment. What is most disturbing is that that our doctors are legally prevented from suing the compensation boards if they are owed money. Does this not violate everything about a free and democratic society?

***“Does this not violate everything about a free and democratic society?”***

This on its own raises serious legal questions as to a government being able to prevent itself from being sued. As I have long argued, this further confirms the workers compensation’s system ability to be a political regime, within a political regime. Specifically, a totalitarian regime within a democratic regime.

Second, I identify how the WSIB and other workers compensation boards treat their own medical consultants. They pay them well, often twice as much as government health insurance programs. Causing many new doctors not to move into family practice, but instead to head into the field of becoming a “Independent Medical Examiner—IMEs”. What is ironic for these so to be doctors seeking the dream of untold wealth in the world of IMEs is that the WSIB has moved away from using IMEs. Instead, the WSIB is using Nurse consultants. Yes, to overrule a doctor. What I have also recently discovered when an injured worker has a permanent injury. Previously, the WSIB would send an injured worker for an examination to determine the level of impairment based on an percentage. In many cases now, the WSIB is just assessing the percentage of permanent impairment based on existing medical reports. Whether this is good or bad I have no idea. However, knowing the WSIB, it will be bad for injured workers.

Also, on a separate note about doctors, during a Thunder Bay IW Tuesday information session, Orlando from Injured Workers Consultants had been giving a presentation on the WSIB’s annual report. It was as always, very informative. In this session, Orlando had identified many concerns with how the WSIB was conducting itself. However, one issue of greatest concern related to doctors was how the WSIB was

making presentations to Ontario’s medical schools on work injuries. Obviously the people in the group were extremely concerned over the complete lack of impartiality and fairness by what has been perceived as the WSIB manipulating new doctors to treating all work injuries as faking or malingers. The discussion took off, in typical fashion, and led to the idea that injured workers MUST have an equal voice with these presentations and to NOT HAND PICKED WSIB injured workers. Injured Workers must be able to tell our stories. Preventing us to do so, is it not a violation of our Charter Rights?

***“Injured Workers must be able to tell our stories. Preventing this is it not a violation of our Charter Rights & Freedoms?”***

This goes back to another common societal problem. This is that when I went to high school, many moons ago, as most of you did. You will remember no one warned you of the dangers of work. No one explained to you the right to refuse unsafe work and the hazards of not enforcing that. Most recently, my daughter is in high school and completed a careers class. They were taught everything about work except the dangers of work and the right to refuse unsafe work. She knows now from me now. I add and must raise a very important point about young workers. That in a recent study by the [Institute for Work & Health](#). The study in Ontario, in comparing emergency room visits to reported workers compensation claims. Revealed that many work injuries were not reported and most importantly a large number were of young workers. I add and raise concern these work injuries will sit until these workers become old and then make their life impossible.

I can not help but wonder if there was a prevention program created in high schools where injured workers go and tell their stories of not just their injuries but the why they worked knowing the work was unsafe and dangerous, the horrors of fighting the compensation system. Then maybe one story might just save one life. Would that not be great! This is NOT my idea, but an common idea of many injured workers. Some injured worker groups in Ontario have even had some limited success with doing this with their local high schools. However, an effective program would be one that was fully funded by the compensation system and organized by injured worker groups. I know of what organization that maybe able to help is a group called [Prevention Link](#) this is a group composed of the Ontario Federation of Labour and is funded by the WSIB. It may not work or even be feasible but think if we as injured workers could prevent even one or a few workers from being injured from hearing our stories.

## 25th Anniversary!



This was me the driver hand unloading as you can see the load was piled floor to ceiling!

This February 6, 2022, marked 25 years, to the day, when I suffered my debilitating work injury. I mean I had suffered several other injuries before and even a couple after. *Wait for it...* I even suffered two work injuries while attending my employer's so called early safe return to work program.

I was working for Canadian Tire at the time...well not really. You see I was what they call as a *"temporary worker."* I drove transport truck for a temporary agency, where I was then sent to Canadian Tire to work. I drove Canadian Tire's truck and delivered to their stores.

Employers illegally using temporary workers is how many bad employers get around many laws. This includes these employers preventing any organizing of unions. Most importantly it is bad employers with dangerous workplaces hide dangerous workplaces. They do this because when a worker is injured it went against the temp agency rather than the real employer. More over the temp agency would fight with he worker tooth and nail to have their compensation claim denied.

Business or real employers were able to do this by claiming the work was temporary in nature. The best part was many workers, including myself would work for many years. In my own case I worked like this for about two years. I also worked between 60 to 80 hours per week. Many other drivers worked there even longer.

***We all joked "temporary... my ass!"***

You see the problem, in Canada, business gets to dictate the meaning of words. This si especially eh case with employment. The New fight is not temporary workers but this new term is...

***"Gig Workers"***

Gig Workers are no different than a regular worker who is now forced to use their own stuff at work!

So previously the old term of temporary means something I have yet to understand in the English language. Another interesting point was that as truck drivers we were not paid overtime pay until after 60 hours per week. We were told we were truck drivers and as such the law says over time is not paid until after 60 hours. I would later learn that this was another deception on the part of the employer. You see it is not what the worker, or in this case the driver does, but who the employer is was. In my case, my employer was a temp agency and not a transport company.



This was a typical Canadian Tire Trailer load. Worst part was the entire load had to be hand unloaded and in every case by me the driver. It was too dangerous for the store staff to do!

The way they treated us and the pay was one issue, then there was the working environment which as you can see form the phtos was not a office job to say the least!

The irony of it all was I enjoyed working there. I felt a sense of belonging and purpose. Well... until I got hurt!

I look back on myself and think what a F@#\$king FOOL I was! That is the problem employers take advantage of us.

### ***How to celebrate the 25th?***

So, I thought to myself what should I do for the 25th anniversary. Should I go to the Canadian Tire store where I suffered the injury and pop the cork on a bottle of champagne. I mean I now literally live down the street. Somehow I don't think that would work. Besides knowing my luck, I would get a ticket for drinking in a public place. Not to mention I don't think it is that kind of celebration, But that I am not celebrating my

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situation, but celebrating how Canadian Tire was able to screw me and so many other hard working people. Then I thought I should protest in front of the store with a big sign. Something to the effect the red in the Canadian Tire logo is filled with the blood of its workers. Then I thought naaaa beside no one works at the store from when I got hurt. Not to mention the physical store even moved.

Then I thought I should protest in front of the warehouse in Brampton. Then, I thought no, that is not what injured workers do. Then, I thought no one in the warehouse will ever care or even be interested. They will likely drive by and throw stuff at me. Screaming such things as “*Freeloader! Get a job you bum!*” So, I thought protest where the decision was made to make my workplace there so dangerous, head office. I did some quick research and YES Canadian Tire has a Corporate social responsibility page. But then I thought how could I shame such a responsible company who says such things as “*Across our entire supply chain, Canadian Tire Corporation (CTC) is committed to ensuring the safety of our workers..*”

[Click here to see for yourself.](#)

*“Across our entire supply chain,  
Canadian Tire Corporation (CTC) is committed to  
ensuring the safety of our workers...”*

This made me realize why do injured workers not protest in front of their employers and workplaces, or even at the worst employers. I mean ***is it because we feel shame for our injuries?*** Should it not be the employers who feel the shame for what they did to us? Not to mention their control over the workers compensation system. I mean in the short time I have been involved with the injured worker movement the majority of the protests have been around political things. Like at Queens Park in Toronto and rarely if ever at the head of WSIB. Let alone bad employers.

Well except for the one time when there was a protest in front of Fiera Foods. This was after FIVE, **yes FIVE workers had died in the workplace.** Or as I say five workers were murdered!

Ironically, the protest was also just shortly after an in depth undercover Toronto Star story called “[Undercover in temp Nation](#)” Sadly, the story and the media did little to prevent the fifth worker from dying. Maybe this is why the media does not cover our stories... after all what is the point!



I will say though, when I was at the protest, organized by the Ontario Network of Injured Worker Groups—ONIWG and the Ontario Federation of Labour—OFL, I never felt more empowered as an injured worker.

Surprisingly, all the media was there. Including CP24, CTV news, and others. I was there with my sign. You can see me holding it in the photo above. However, I think the media did not like me calling Fiera Foods out for being a ***serial killer!***

Or maybe it was some other kind of reason, like they did not have a wide enough lens on their camera. *If you knew me you would get the joke!*

My point is that the protest was not about me, but how the company exists, even today. They carries on like nothing happened at all! I often wonder if the company even sent flowers to the funerals or if the injured workers families were even cared for at all?

One upside of all the media exposure was all of the safety bonuses and rebates Fiera Foods got from the WSIB had to be returned.... *Well so we were told!*

## My Personal Fight Continues...

Some of you maybe familiar with my personal fight with Ontario’s workers compensation system. However, for those that do not know I will provide a brief recap. Afterwards I will then provide a current update.

**As always I tell my story so others can learn from my mistakes and if ever my successes!**

### Recap of my work injuries:

I was a truck driver and in 1995 I started working for a temp agency. In the mid 1990’s work was some scarce, well aside from highway, which like most truck drivers after driving for ten years or more I no longer wanted to do. I just wanted to be like all other workers get up go to work come home every

Continued on page 9

night and have somewhat of a life. The problem was that most employers knew this and like most, they took advantage. They did this by implementing a no hire policy and would only sue temp agencies. As I explained earlier in my 25th anniversary story, this was to avoid the employer's legal obligations such as fair bargaining and safe workplaces. This was especially the case in dangerous workplaces like transportation where it is the highest rate of accidents. As you can tell by the photos of my workplace I knew the work was dangerous.



However, I made the mistake that all or most workers make then and today... I **trusted that when I got hurt I would be cared for.**

The first time I was injured while working at Canadian Tire a wiper blade sliced my finger. I required four stitches. It left me with a permanent scar on my finger and no feeling in the tip of my finger. When I was injured I had to leave work early and got to the hospital. My employer later lied to the then workers compensation board, claiming I never worked for them.

When I suffered another injury to my foot, my employer reported I worked for them. However, and not surprisingly, the workers compensation board never investigated the deception of my employer. This would not be the last time my employer failed to report work accidents & injuries to the workers compensation board.

In my third documented work accident a load fell hitting my entire back, neck, and head. This was the February 6, 1997 accident. Even though I was seriously injured my employer refused to relief me. You see in many jobs, like truck drivers it is hard for a worker to be relieved. So the employer dumps it on the work and says finish the work or else. I finished the work went home and seen my doctor. Ironically, my employer would lie on the report of injury claiming I was relived from work 15 minutes after the accident. However, my run sheet was complete and I was in Hamilton. The employer's warehouse

was in Brampton. When you apply the simplistic of logic nothing adds up except my employer lied. Again my employer would never be punished by the workers compensation board.

I was removed from work and was off work for many months. Initially, the workers compensation board never disputed my accident or injuries. Some three years later the WSIB would lie and say I only ever injured my low-back and mid-back.

**I would later learn this is a common dirty trick with the WSIB and most workers compensation board. They would say they accept all injuries then years later deny they ever did, even though the reports say otherwise.**

One thing I learned with dealing with he workers compensation board they were cruel and heartless. They never considered my personal safety or the well being of others. The only thing they ever cared about was forcing me back to work. In many cases this was against the orders of my doctor and concerns of serious safety risks I had. I often remember popping opioid pain meds like flintstone vitamins just to be able to work. I often remember thinking to myself when I look back that it was a miracle I never got killed or did not kill anyone. Like then, even now, the workers compensation board do not consider the symptoms of pain and pain medications while forcing workers back to work who operate vehicles and equipment. I often wonder if anything did happen would the workers compensation boards be criminally charged? Not likely!

**“Like then, even now, the workers compensation board do not consider the symptoms of pain and pain medications while forcing workers back to work who operate vehicles and equipment. I often wonder if anything did happen would the workers compensation boards be criminally charged?  
Not likely!**

Well after many appeals I eventually ended up at the Tribunal. In Ontario they, like the workers compensation board changed their name to include the word **“Insurance”**. I have no doubt the purpose of the Ontario Conservative government was to make injured workers feel that it was no longer a right and was now a privilege.

I noticed the sense that workers had no rights, including a right to representation. This was when I was forced to represent myself. You see I could not, like most normal people, wait five years for the office of the worker advisor to decide if they would

represent me or not. Ironically, a right to represent oneself is protected in the Charter, according to the Supreme Court of Canada.

The Tribunal, the Workplace Safety & Insurance Appeals Tribunal—WSIAT, during my appeal only cared about being inconvenienced by me being self represented. I even remember hearing ON THE RECORD a panel member saying

***“Oh Great we are going to be hear all day!”***

I had also recorded the hearing. This was because I have injuries to my hands and have difficulty taking notes. This is no different than a person in a wheel chair wheeling into a hearing room. Later the WSIAT, in court would accuse me of being a criminal for me accommodating my disability.

***I have often wonder if the WSIAT has done the same to people in wheelchairs!***

There were many other examples of the WSIAT panel members providing me legal advice that is a complete violation of the Rule of Law and Procedural Fairness. This is because a decision maker must give the perception of being impartial and offering legal advice causes the individual to wrongly follow it, especially when they should not.

After I received the 60 page decision, I carefully reviewed it many times. On its face, the decision, in many ways, did not make sense let alone being reasonable. I then filed a request for reconsideration. There was a delay of three years the majority of the delay was the WSIAT who at the last minute granted my request for a new decision maker to hear my request.

I field the request for reconsideration the WSIAT, not surprisingly saw nothing wrong with the decision. There are too many simple examples of serious errors to list, but the first being that the WSIAT panel members changed the law for what is to be defined as initial entitlement. The law says if all the reports are submitted there are no issues the claim is automatic, which mine was. The Panel changed it to there must be unrefuted medical evidence proving an injury for a period of many months after the work accident. The Panel Members also never reference the policy on initial entitlement. The Panel members also ignored medical evidence and in doing provided no reason

for doing so. They made up the rules. This was the same with my prior non work related disability they just said it was fine, but ignored medical evidence confirming it was a major issue. This was the same with my work related disabilities. Both of the WSIAT decisions left me with the reality that the WSIAT bases their decisions not on evidence, facts, and law, but instead on their personal hatred towards injured workers.

Don't take my word for take the Ontario court's word for it. See for example Divisional Court decision [Ferreira v. WSIAT](#) where the court found the WSIAT had intentionally ignored all medical evidence in place of their own personal hatred.

#### ***I attempted to sue the WSIB & the WSIAT***

After the WSIAT issued their final decision I first field a judicial review. However, after being confused by the WSIAT counsel. I withdrew it and then filed a civil suit. Not surprisingly the Court agreed the WSIB and the WSIAT can not be sued. Ironically, this is contrary to written law! I fought this all the way tot eh Supreme Court of Canada and event hey had no interest in injured workers. You can read more of my story on my website with the court document here <https://fightwcb.org/MyStorycivil2014.html>

#### ***I then tried to fight for medical I had received for almost twenty years!***

In 2018, while I was working on my appeal to the Supreme Court of Canada, the WSIB without lawful authority suspended my healthcare benefits. I say this for two reasons. First, that I was injured prior to January 1, 1998. This means I fall under the former workers compensation act and provides healthcare is a right. Second, is that even if my healthcare benefits were not a right, the WSIB violated its own policy as they did not inform me of the breach before withdrawing services. I made both these arguments to the court. However, and not surprisingly, the court ignored what I said and listened to the lies of the WSIB. The best part was this was repeated at the court of appeal. Again I appealed this to the Supreme Court of Canada, but yet again they were not interested injured worker issues. You can read more of my story on my website with the court document here <https://fightwcb.org/Myjudicialreview2018.html>

#### ***Another Judicial Review:***

After receiving the final decision from the Supreme Court of Canada in March 2020, I then did what the Court of Appeal told me to do. This was to file an application for Judicial Review. I did this. However, shortly after filing COVID hit. I decided for my own health to pause the application. After performing more

legal research I learned that a party can request a reconsideration to the WSIAT at anytime and as many as they wish. While the WSIAT will lie and say they will not reconsider anymore this is not legal. Another reason was that I was trying to make the WSIAT realize they were wrong. This proved to be utterly futile. I would have an easier time convincing a teenager they are wrong!

I did tried I field a 200 page submission and also based my submissions on the standards of unreasonableness as set by the Supreme Court of Canada. However, the WSIAT simply ignore everything.

You can read more of my story here <https://fightwcb.org/Mystorywsiat2020.html>

I then filed for a judicial review in August of 2020. This was before the WSIAT decision was made. The reason I did this was because I, like most injured workers could not wait for ever. Not surprisingly, the board nor does the Tribunal have any policy for dealing with urgent matters or the granting of interim relief. This is a separate topic for another newsletter.

What was interesting, was that before I could finish filing my application for judicial review, the WSIAT filed a motion to dismiss my application for judicial review. The basis for their application was that I waited 20 years to file my application and implied I did nothing. However, I was very active and had not one but two applications to the Supreme Court of Canada. To this the WSIAT replied that I should have followed their legal advice and did a judicial review in 2014. To this I replied this was a complete error of law, which was again ignored by the court. That I argued that if a injured worker has a civil claim and a claim for benefits they do not need to do a judicial review and then a civil claim as this would be a denial to access to justice as confirmed by the Supreme Court of Canada in their case of [Canada v. Telezone](#).

The court ignored my argues, in fact all of them and dismissed my application and my motion to a panel of the court was dismissed as well.

The interesting point of my case was that when I refiled my application for Judicial Review in August 2020. is that I did not list the WSIAT as a respondent. Instead I listed my employer. I did this based on a legal argument to allow the WSIAT to take part in a review of their own deacon is a violation of the Rule of Law and Procedural Fairness. The

Court ignored my arguments and agreed with the WSIAT they have a right to be listed as a respondent. I still disagree and strongly believe the court committed an egregious error of law. This is simply because the law says may, which does not entitle a right. Moreover the Supreme Court of Canada in a previous decision also agreed the word may signals optional and not a right.

Another unique thing with my claim is that unlike in the past, my matters were heard by video ZOOM, as opposed to being in person. This meant people could observe even across the country.

### Recap done!

Since my motion to the panel of the court, I filed my request to appeal their decision to the Court of Appeal for Ontario. I then was required to provide my arguments as to why the Court of Appeal should grant my request to hear my appeal. I since filed my arguments on April 1st and I am awaiting on the WSIAT's response. This is so I can then prepare my reply. If my appeal is granted I will provide a further update.

I am also hoping that I can get back to working on my website. Specifically my story so others can learn from my mistakes and my successes if I ever have any!

## Are We Entitled?

Often Canadians are seen as spoiled, privileged, and entitled, but are we?

At least big business and government see us this way. But is it really a question of being entitled or of them misleading us to believing we have rights and protections that we really don't have. Or that we have been duped into believe we have?

This issue is rarely studied, or even talked about. This is perhaps why people in developing nations have a different perspective than most Canadians do. Often people in developing nations are happy to have anything. When they get hurt, they like good little workers, go back to work with no cost to employers. Some even asking their employers for forgiveness for taking a day off to go to the hospital.

In all cases where the cost of work injuries are non existent and never discussed. For example, I remember watching a documentary on the Rana Plaza disaster Dhaka Bangladesh. In the documentary it talked about the more than 1,000 workers who were killed. The many more who were

Continued on page 12

seriously injured. I still remember the young women, or in reality a girl, who after the disaster was left with no legs. She said she will go back to work. I thought to myself and with no help from Joe Fresh or other brand label companies who used her up then tossed her away like human trash!

Sadly, the documentary never discussed what happened to the workers and their families. Or of the young girl. By this I mean did they or do they have any compensation. I mean I think it is safe to say they got squat! However, one would think a disaster that big should make it very clear. Like... in Bangladesh most garment manufacturers come move there because the wages are cheap, the laws are non existent and most importantly there is no workers compensation.

In fact, the workers must pay their employers when they are off work because of their work injuries. Then people will become outraged, well except Canadian business who will be thinking hummm how can we do that here in Caanda? **Employer WSIB rebates!**

However, as Canadians we have been deceptively led down the garden path of trust by a false sense of security that when we get hurt we are protected that we have a RIGHT TO WORKERS COMPENSATION! Sadly, we have de-evolved into a society much like the developing nations – no coverage. When workers are injured in Canada they are FORCED back to work. I believe strongly this is worse! I mean, at least workers in developing nations know where they stand, if and when they get hurt they will get nothing. Note like here where they are promised the moon and given nothing.

I don't know about you, but when I worked, I knew how dangerous my work was....



However, I was a fool. I say I was a complete fool. This is because I trusted the workers compensation system would provide for, and care for me when I got hurt. This was no further from the truth.

In fact, I was repeatedly forced back to work. It was worse than living in a developing nation. How could this be? Ontario and Canada had one of the best workers compensations system. To

go from that to **get back to work NOW!** Yeah I don't care if you are pumped full of opioid pain medication, you drive a truck, and it's a criminal offence. Just shut up and get back to work!

How could this happen? Simple neoliberalism, or as I always say neofascism. To me neofascism is where the government is taken over by big business and then government is turned on its people. The government acts like that of World War II Nazi Germany. Where government forces workers back to work right after a work accident, with no regard for their safety or the safety of others. Then the government gives huge financial rewards to the employer for having a dangerous workplace.

**So who is really entitled here?**

Tips to Improve Your  
Communication Skills



## How to Improve Your Communications Skills

**Always try to use Orwell's six rules:**

1. Never use a metaphor, simile, or other figure of speech which you are used to seeing in print.
2. Never use a long word where a short one will do.
3. If it is possible to cut a word out, always cut it out.
4. Never use the passive where you can use the active.
5. Never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday English equivalent.
6. Break any of these rules sooner than say anything outright barbarous.

*By Steve Mantis*

## Fiera Foods Fined \$700,000 for the Death of Two workers

According to a Ontario Ministry of Labour press release Fiera Foods owner of Upper Crust was convicted and forced to pay a fine of \$700,000. Additionally the ministry press release stated that the company will also be required to pay a 25% victim surcharge fee.

The first incident occurred on October 25, 2018 when a bakery worker, who, not surprisingly, worked for a temp agency and was smoking in the loading dock area. According to the press release, the worker was seen on the security cameras crouching down smoking a cigarette and speaking on a cellphone by the loading dock. The truck driver arrived driver walked to the back of the trailer opened his doors, sounded the horn twice and backed into he loading dock. The worker was crushed to death.

Now ironically, I can say I know exactly what happened and sadly this accident was completely preventable on the part of Feira Foods! This because I drove truck for many years. I have delivered and picked up at this very company and at that very loading dock. I honestly do not believe the truck driver sounded his horn twice. Nor do I believe the truck driver check the loading dock area. This is because to do these things takes additional time. Time the truck driver has been told to cut time by the various companies he works for. I believe the truck driver was told to say he sounded his horn twice and inspected the loading area before he backed up. Simply because the worker is dead and well there is no one to dispute it. In the many years I drove truck, I have rarely if ever sounded the horn. In fact, there are places like Weston's bakery in Toronto where the trucks had the back up beeper removed. This was because it annoyed the neighbors. That said a driver should be in a position to need to sound a horn or inspect the loading dock area. If they can not see the loading dock area from the seat of the truck then it is a bad building and needs to be renovated to make safe. I can say without question, the problem was not the driver but the loading dock. It is a very old loading dock. Where the light is extremely poor. Contrary to the press release the person who determined the lighting to be within limits or ok never drove a transport and there in lies the problem. They think like most people, that driving a truck is like driving a car, when it is just a little different. When you are standing look at the lighting of the loading dock it is much different than trying to back in at night. Also even backing in during the day, you can even have serious

visibility issues with the sun where you are forced to back in into complete darkness. The best option is to light up the loading dock area like an airport runway strip. But this costs money. Most importantly the employee entrance door is right beside the loading docks. I mean inches. This entrance is used by employees and truck drivers. It should be used just by truck drivers. Most older truck drivers know, they are like a Navy Seal when walking around trucks. They have their "head on a swivel". Always watching other trucks because they know the truck is 70 feet and the driver can't see much.

If you want to see a bad loading dock look at the photos of Feira Foods. Then picture it at night. Then to see a good loading dock go to a brand new warehouse outside Toronto. You will see the door has a red/green light, a trailer locking system, the loading area is all white and very well lit. Fiera Foods could have made the area safe, but chose not to because it would cost money! Like the fines, Canadian workers lives are worth nothing to government and business! Another issue is allowing employees to enter near the loading docks. They need to move the door to another area where it is safer. Better yet rip the building down and start over.

Then there was the second incident the same company as fined \$375,000 for when a worker cleaning a machine was crushed by the very machine they were cleaning. The machine did not have safety guards in place to prevent the crushing.

For each worker's death the company was fined \$325,000 plus a 25% victim surcharge of \$81,250.00 and \$375,000 plus 25% victim surcharge fine. For a total of \$875,050.00. Now many will say that will teach them. However, I am skeptical. In fact I recall my Labour studies professor, Dr. Goutor, teaching us about *neoliberalism*, or as I like to call it *neofascism*. Dr. Goutor discussed one main point, being that business sees the act of not doing the right thing and then getting caught, as nothing more than the cost of doing business. I strongly believe this as Fiera Foods with FIVE deaths on their books has proven this point. What is even more ironic is that the Company will be able to write-off the fines as a business expense. The press release nor the in-depth stories by the Toronto Star ever indicated exactly how much money this company actually makes. Point is that like most big business this fine maybe nothing more than a drop in the bucket, like a minor speeding ticket to the average person. What is even more troubling is that the stories or the press release mention anything about the number of workplace injuries.

I sadly predict there will be more workers die at Feira Foods and even more countless work injuries that Fiera Foods will not ever be held accountable for. Ironically, one of Doug Ford's initiatives was to stop the enforcement branch of the ministry of Labour from laying charges in occupational health and safety matters. Number obtained from the Ministry of Labour a reduction fo enforced of more than 90%. This is no different that telling the police not to give out speeding tickets anymore and let people self manage! WHAT?

## Doug Ford Suspends Law Enforcement!

Shortly after being elected, Doug Ford, well let's be honest he was elected by big business. Doug Ford indicated he would stop the enforcement of the Ministry of Labour. In typical Conservative fashion he claims it to be good for taxpayers, yet just like a trojan horse it has spelled disaster for taxpayers.

In recent data obtained by the Ministry of Labour enforcement branch according to year over year enforcement numbers, the Ministry has reduced issuing of tickets by 90%.

Fiscal Year (April 1 – March 31)	Part I Tickets Issued *	Part III Prosecutions Initiated	Total Prosecutions
2014/2015	440	35	475
2015/2016	861	94	955
2016/2017	765	115	880
2017/2018	154	79	233
2018/2019	36	50	86
2019/2020	10	37	47

<https://www.labour.gov.on.ca/english/es/pubs/enforcement/convictions.php>

As you can see for yourself the numbers went from a **high of just under 1,000 to less than 50**, once Doug Ford's program was implemented. Therefore, Doug Ford was instrumental in intentionally interfering with law enforcement causing a reduction of convictions of more than 90%!

***"Doug Ford was instrumental in intentionally interfering with law enforcement causing a reduction of convictions of more than 90%!"***

The problem with this is that if the data is controlled, which the conservatives LOVE to do, then it is very hard to say workplace hazards exist. Right away one would say you need to look at the number of reported workplace injuries and fatalities. This would then confirm this is a disastrous plan. However, Doug Ford and the conservatives thought about this. This is why they have since the late 1990's dramatically changed the workers compensation system to encourage claim suppression and denial of legitimate claims. My favorite sticking point is that if a worker is injured at work the employer is no longer required to report a workplace accident, if there is no loss time.

**Doug Ford is cooking the books** as they say. He is doing this by simply changing the numbers to make a bad situation look good! This is why researchers and advocates will have an impossible time proving that his methods are disastrous. Moreover, Doug Ford will be able to promote by saying look see I made the number of dangerous workplaces go down. When all he did was just change the numbers. Worst yet, like many other measures to

protect business from their criminal wrong doings, I can predict this insane practice will spread across the country!

Sadly, neoliberalism is not dead it just morphed into something worse!

**Neofascism**

## WSIB \$1.5 Billion Give Back Adds Insult to Injury!

Recently, the Ontario Minister of Labour **Mr. McNaughty**, as I call him, announced the WSIB will be giving back \$1.5 billion dollars of employer's premiums to employers. There were two extremely disturbing observations I noticed with this press release.

First, was that when the Minister of Labour issued the press release, more than 40 media outlets covered the story. Ironically, not one mentioned anything about injured workers or more importantly Ontario's injured worker group - Ontario Network of Injured Worker Groups - ONIWG. I always thought that a good story covers both sides. I guess today's media is more interested in copy and paste stories! What was even more interesting was how most of the stories played the rebate as a tax rebate or refund for taxpayers.

Second, was that when you look closely at the conditions of the rebate it says that businesses that have more than 20 employees and have had no convictions in the past two years they will get the rebate. It is ironic as in my previous story on this page, I showed how Doug Ford planned for this by removing 90% of the convictions. In other all employers especially the bad ones get the rebate!

My other and most obvious concern with these so called rebates is that it violates the Meredith principles by create a fault based system. All the Ontario government did was do it in reverse but it is still a fault based system and is illegal!

Finally, Doug Ford got the WSIB to advertise, but as you can see by the ad, it adds insult to injury by having it on the article of a dead worker!

I sent a Freedom of Information request to the WSIB as to the cost of this advertising campaign. I will let you know if they respond!

WSIB is giving up to \$1.5 billion in rebates to safe Ontario businesses

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Ontario British Columbia Alberta Quebec Nova Scotia

**Another worker dies at Fiera Foods. The Labour Ministry is investigating**

Industrial bakery, where four other workers have died, was subject of undercover Toronto Star investigation.

By Sara Mojtahedzadeh Work and Wealth Reporter  
Wed., Sept. 25, 2019 3 min. read

## Journalistic Integrity or Censorship?

In addition to the media covering the BIG Minister of Labour story of the WSIB's \$1.5 Billion dollar rebate, or as they incorrectly word it a tax refund for taxpayers, the Toronto Star also had an article on it as well. As a long time subscriber I thought I would throw my two cents in about getting both sides of a story from the journalist. My concern was that we always hear one side of a story with workers compensation. To me a great story creates controversy and exposes the truth as a result. For example a reporter would get a story then consult the other side and in most cases stops there. What I would love to see if the reporter goes back and forth from side to side several times to get the whole story, almost like a debate. The only problem is that many would say they don't have time for that, but that means they don't have time to create a great story. I love it when a read a story and you hear *"the other side commented that...and then their reply was...."*. I just find that with workers compensation stories it is either pro employers or rarely, but pro-injured worker. I just think if in both sides of a story were provided and fully, it would make for a much better and honest story. For example in Ontario their was the story of the police officer who was denied benefits for years. The side was mainly about the injured worker. There was no comment about the employer, the WSIB, or even the WSIAT. Well at any rate, I saw the article in the Toronto Star and as I am a paid subscriber I had to comment. I mentioned why did the reporter not get any comment of about the WSIB's rebate from injured worker groups. I never swore or used foul language. However, my comment got censored by the Toronto Star. Not once but twice! No explanation was provided. The best part was Richard who I know very well also commented and his comments were about the same as mine. He never got censored... *well at least this time LOL!* Ironic as the Torstar Journalistic Standards Guide states that *"Accuracy, fairness and quality journalism have long been critical to our newsrooms"*. To me fairness is reporting both sides of a story or am I wrong?

You can read the article and see the comment for yourself here <https://www.thestar.com/business/2022/01/21/wsib-leadership-gets-an-overhaul.html>

HOME MYLOCAL GTA CANADA POLITICS WORLD OPINION LIFE SPORTS ENTERTAINMENT

**Richard** · 4 DAYS AGO  
Such low journalistic standards at TorStar each and every time when it comes to WSIB. They ignore WSIB overt subversion of the Charter to "reduce or eliminate" compensation for a workplace injury (Nov 26, 1996), the elimination of the 2nd Meredith Principle that stated that compensation was for the life of the injury express as a percentage of wage, Sir William Ralph Meredith, CJO, April 1, 1915. The way the TorStar has let their journalistic standards drop so low that political propaganda isn't challenged. Got news for TorStar the mythical "unfunded liability" was called the "current cost model" in 1915 when it was built into the system and has been fully funded since day one and there is no public liability.

**Paul** · 4 DAYS AGO  
**CONTENT DEACTIVATED - WHY?** Interesting how there is the Ontario Network of Injured Worker Groups - ONIWG Ontario's voice of injured workers. Who has more than 26 injured worker groups across the province of Ontario. Not to mention the national group - CIWA.  
The Reporter FAILED AGAIN to reach out for a comment!  
If one did not know any better one would think the media is intentionally ignoring and silencing the voice of injured workers!  
Things are so bad with injured workers, injured workers themselves, with NO LAWYERS or help, are desperately trying to get justice in the courts by bringing a National Charter Class Claim, for \$45 Billion but where is the media SILENT!  
The claim will likely fail, not because it is no good or not, but simply because the media, like business and government, sees injured workers as nothing more than a broken piece of equipment, which they want to take to the curb like human trash!  
For once in your life be a reporter and REPORT the whole story!  
I removed the D word :)

**Paul** · 4 DAYS AGO  
**CONTENT DEACTIVATED - WHY?** Why did the reporter not reach out to the Ontario Network of Injured Workers? Or to the injured workers filing a Charter claim?  
This comment will be deactivated too, because I am calling out the reporter!

**Paul** · 4 DAYS AGO  
**CONTENT DEACTIVATED - WHY?** Interesting how there is the Ontario Network of Injured Worker Groups - ONIWG Ontario's voice of injured workers. Who has more than 26 injured worker groups across the province of Ontario. Not to mention the national group - CIWA.  
The Reporter FAILED AGAIN to re **SHOW 1 NEW MENTION** t!

## MPP Speaks up for Injured Worker!

Often we beg and plead for help from our MPPs/MLAs and rarely hear anything. This is especially the case when they are the party in power. However, it was brought to my attention of an MPP in Toronto who spoke up in the legislature of a injured worker and their fight with the workers compensation system. While many of us have become jaded or extremely skeptical anything will be done we should never give up hope of continuing to fight. Most importantly we should always thank those that do help us and make that effort to help us including any MPPs/MLAs who are even Conservatives. To me that is the biggest win of all convincing your adversary they are wrong and have wronged you!



(Click image to watch Video)

In this video, Jill Andrew, MPP for Toronto St. Paul's, created a video in hopes to raise awareness about an injured worker Jana. Jana like all injured workers has been fighting for many years against the utterly corrupt WSIB. The video is called *J. v. Goliath (WSIB)*. A very fitting title to say the least!



(Click image to watch Video)

In this video Jill Andrews MPP speaks to the Ontario Legislature about Jana story. Sadly, it did little good as the Conservatives are numb to injured workers suffering!

**Thank you on behalf of Jana and all injured workers anyways!**

## APRIL 28TH DAY OF MOURNING!



**Every year on April 28th we remember those workers who lost their lives and those workers who were injured because of their work.**

This was started in Canada in 1984 and became recognized by the Federal Government in Canada in 1990. **April 28th Day of Mourning** is recognized in more than 100 other countries across the globe.

This is something that was and is mainly organized by local labour councils. Up and until COVID the events were all in person and since the events have transitioned online. Contact your local labour council for more information on events.

While the WSIB and other provincial workers compensation boards promotes this national event in Canada, I do not encourage anyone to take part in their events. I believe, as most injured workers do, that the workers compensation boards, are in part the cause of our injuries and suffering!

### WHERE ARE THE EMPLOYERS?

**Can they not even acknowledge a simple wreath!**

Last year I was honoured with seeing the injured worker monument in Hamilton located in front of Hamilton's City hall. It was just after April 28th. What I had observed was that there where dozens and dozens of wreaths in memory of all those worker skilled at work. However, I was shocked to notice that when I looked closer that not one wreath was from any employers. They were all from local unions and the labour council. To me is it not too much for the owners of Steelco or Canadian Tire, Walmart, or the thousands of other employers to send a \$30 wreath in memory of those workers killed at work?

We as injured workers and advocates should be calling out these employers who pretend to be about corporate social responsibility, yet turn their back on such an important day! We should e-mail them directly and ask them what will they do to recognize April 28th Day of Mourning and also write to our local media call out these employers.

**Its time we hold them accountable!**

# Advocates for Injured Workers Speak Out on Challenges in 2022

**Steve Mantis, Chair, ONIWG Research Action  
Committee**

Our research is an integral part of the fight of injured workers for justice. Our aim is to be able to put more political pressure on government decision-makers to reform the system.

We are trying to do three main things.

One is to take research findings and put them into plain, easily accessible language so people can understand them and they are easy to share. We have been developing infographics with research that we do and adding in some of the findings from research projects we have been involved in or know about and turning them into one to two-page attractive visual pieces to catch people's attention and tell a quick story.

The second is we want to build a process to involve more injured workers and activists in partnership with researchers. When you add the lived experience of injured workers to the discussion about what the main issues are and how they are being framed, the quality of the research is significantly better.

The third is to encourage more research on the issues that we think are important. Some of that is building capacity, participating with university students, undergraduates and graduates, to work with them on their studies with the hope that they may actually start integrating some of what they are learning from us into their careers as they go forward.

We meet once a month. Our agenda is how to use research in political action. One of the areas that we have taken on as a committee is bringing forward formal submissions to the United Nations' Committee on the Rights of Persons with Disabilities. Our Committee made quite a detailed submission to the United Nations in 2019 that was primarily on deeming, as well as another in 2021 around the right to work and employment. We are reaching out to other organizations both in Canada and Australia. We have linked up with some union groups in Australia who are taking action on injured workers. We introduced them to the June 1 Injured Workers Day and they started celebrating it in Australia. Through that discussion and connection they learned about our work at the United Nations. The idea is that if we get more than just one group making submissions about the challenges injured workers face, maybe the United Nations will take more notice.

Through this work, we want to gain more public attention. When we presented our brief in 2019, for example, we got a fair amount of coverage in the Canadian media about the issues. Often, injured workers' issues are not considered important enough for the media to pay attention. We have made a number of presentations to community groups around this as well, and what we see is that people are getting excited about the fact that we are taking our issues to an international stage. It gives encouragement to injured workers. We shared the submission as widely as possible within our network.

## Workers' Compensation...Follow the Money

### Ontario's WSIB: Richer than you think...

Source: WSIB Annual Reports



### Ontario's Injured Workers: Poorer than you think

WSIB Benefit Payments



Right now, we are focusing on developing more tools like infographics. If we could do a series of these visual information-sharing pieces, we might be able to get traction on social media. We are thinking about how to broaden the circles, how to expand, how to reach younger workers.

We did a series called Follow the Money. We see how the money has been shifting from paying workers to paying employers. You've got to follow the money, that's what's important in this world, no?

I also made a recent presentation on behalf of our committee to the Ontario Legislature's Standing Committee on Finance and Economic Affairs. They are holding pre-budget consultations across the province.

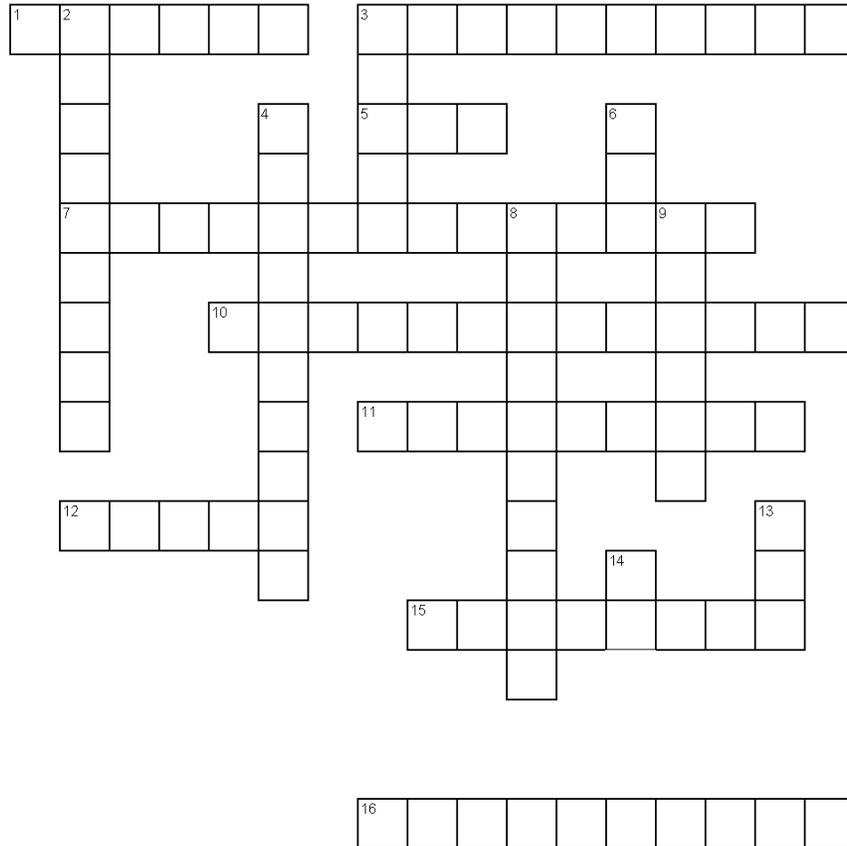
From the perspective of the Research Action Committee, we are doing our best to bring forward the evidence and documentation of injured workers' lived experience so that it can be used for the development of appropriate practices and policies.

Originally published in

[Workers' Forum, posted February 10, 2022.](#)

# January/April 2022 Crossword

[To do this Crossword online click here](#)



## ACROSS

- 1 \_\_\_\_ six rules to improve communication
- 3 acronym for BC workers compensation board
- 5 acronym for doctors hired to perform examinations - not paper doctors
- 7 Ontario group that works to prevent work injuries - 2 words
- 10 phrase describing day for those killed and injured - 3 words
- 11 what I called Ontario's Minister of Labour
- 12 one word that turned the world upside down
- 15 a word to describe a scientific process to study a matter or issue
- 16 the anniversary of my work injury - 2 words

## DOWN

- 2 Name of the Dahaka disaster where 1,00 workers died - 2 words
- 3 acronym for Ontario's workers compensation tribunal
- 4 Toronto based bakery who had five workers killed - 2 words
- 6 acronym for getting information from the compensation board
- 8 what I call the economic policy we are in. Not neoliberalism but...
- 9 the percentage drop of convictions against in employers in Ontario
- 13 acronym for research group in Ontario that mainly studies workers
- 14 day in May to raise awareness of workers rights - 2 words

# Ontario's Information Privacy Commission Orders WSIB to Release Recorded Phone Calls

In a recent decision [Workplace Safety and Insurance Board \(Re\), 2021 CanLII 134156 \(ON IPC\)](#) dated December 23, 2021 the Information Privacy Commission of Ontario ordered the WSIB to release recorded phone conversations involved between WSIB staff and an injured worker. Initially, the WSIB had refused to release the recordings to the injured worker claiming the phone recordings were exclusively for employment purposes between the WSIB and the WSIB staff and were not meant for outsiders. However, the IPC disagreed making the point that even the WSIB own recording states when you call in the calls will be recorded for quality purposes. As such, the IPC ruled the WSIB had to release the recordings to the injured worker.

## What does this mean for injured workers and their deceptive employers!

Often employers, to save the cost fo work injury claims will make false and often defamatory statements against their workers. As such a injured worker could ask for recordings of conversations between others, being employers and WSIB staff, which directly involve the injured worker.

Obviously the WSIB will fight this tooth and nail, a s they always do and so will employers, for obvious reasons. Some may attempt to argue that the employer has an expectation of privacy. However, I would argue there is no expectation of privacy, as the employer and all individuals are warned by the automated recording when they call the WSIB.

I would also add an important point that protecting privacy is having FULL access to all information to prevent harm to us. Therefore, it can easily be argued it is a protection of individual privacy on the part of the injured worker.

**Don't forget to ask for more all internal e-mails and communications included unpublished policy and guidelines involving your matter.**

As an individual party to a claim before the WSIB you also have a right to access information about you

contain by the WSIB. This includes internal e-mails.

I knew an injured worker who made a freedom of information request for the internal emails from their case manger on his matter and got all the emails back and forth to the WSIB staff, others, and employers. The e-mails revealed a lot of information that was not in the board memos. It proved to be very helpful with their appeal.

Often times you will hear of groups like IWC, IAVGO, ONIWG, or even myself, who do freedom of information requests to the WSIB. The cost is \$5 and the information can be quit revealing. This is especially when they are unpublished procedures the WSIB uses.

If you would like to perform your own FOI request you can do so with the WSIB directly on their webpage here <https://www.wsib.ca/en/freedom-information-requests>

## Will this work in other provinces outside of Ontario?

I do not see why not and in fact you can even search the [CanLii database](#) for your province to see if you province's information & privacy commission has released similar decisions. Even if they have not, make the request tot eh workers compensation board through their privacy process, like the WSIB and see if they will grant access. If they deny you access, then more than likely you will have a right of appeal to the privacy commission.

## The point is that you will never know unless you don't try!

*Thanks to Richard for sending me this update.  
Remember individually we know nothing, but collectively we are a powerful knowledge base!*

## Injured Worker Peer Support



Every Thursday morning there is a ZOOM meeting for injured workers to come and talk about their issues or any issues they may have with their injuries or compensation. The group is hosted by me and is open to any injured worker from anywhere. Note that the meetings are at 10am est. You can either e-

mail the Thunder bay group or e-mail me directly at [fightwcb@gmail.com](mailto:fightwcb@gmail.com) for the ZOOM meeting link.

## Your Comments the Good, the Bad and the Ugly!

Hi, it's awesome you are fighting workers compensation to help injured workers out and wish a truck convoy would show up at their offices. After all, this is more important than whether or not to get a Covid 19 shot.

Four of my family members dealt with the WCB throughout years and so much trouble dealing with them. It is truly appalling the way they treated all of us.

As for myself, I have had 10 claims to do with ongoing back and neck issues. In 2017, I was diagnosed with degenerative disc disease in my neck and won my case with the WCB. However, they just paid me out and closed my file. They stated my condition was chronic and severe. I did not get much money, as I only managed to work three days at a fish processing plant.

The WCB also refused to accept me into their vocational rehab as there was nothing they could do for me. Now after three years the WCB contacted me and want me to participate in vocational rehab. I have not worked since 2017. I have been on persons with disability benefit as I have no future prospects for gainful employment. This is because I am always in pain. It's rather ridiculous. The WCB contacted me in May of last year and stated that my vocational rehab worker from 2018 went on holiday and they just found my file at the bottom of the pile. LOL after three years?

Now WCB is pressuring me into taking a security job or customer service or food clerk. I cannot do any of these jobs with my condition. The WCB wrote me off three years ago and closed my file. The WCB also stopped paying for my physiotherapy.

Anyway the WCB asked me if a person on disability benefit helps me out. This has nothing to do with them and a separate government organization. I feel the WCB is trying to screw me up. This is because that is what they are good at!

Afterall, injured workers don't have the resources like that of the government sponsored WCB. Most often it's just the worker, an advocate, and their family doctor, versus a colossus. Most of us simply cannot afford a lawyer and have tried but could not afford them.

We are not provided with the same playing field as the WCB. I feel it is justice denied. It is against our

rights not to be provided the same representation to be able to fight a corrupt system. A system that is adversarial in nature regarding compensation for those of us that are injured and no longer gainfully employed.

I truly hope and wish things change. I make this hope as the ombudsman has also tried to make changes to the WCB Act and continues to make recommendations to the government. Their recommendations are regarding the WCB is unwilling to address these issues and injustice.

### **After all WCB is judge, jury, and they don't have to play by the rules!**

Please take care, and in solidarity to justice for workers against the compensation board throughout Canada.  
Sincerely Giorgio Cisilino

*Giorgio,*

*Thank you for writing me and telling me of your fight.*

*First, while it maybe of little help to you in most or all provinces they have free representation services for injured workers. They are paid out of the workers compensation system and are separate of the WCBs. On my website I created a list of free representation services across Canada which you can find here*

<https://fightwcb.org/Freerepresentation.html>

*Additionally, I am researching and fighting for injured workers to be appointed free representation when their matters go before the courts. My argument I use under s. 14 of the Charter. I have not completed all my legal research yet and nor have I won any cases yet, but when I learn more I will write in in this newsletter.*

*Second, you mention pain and your difficulties with it.*

*Often injured workers are unaware of the additional benefits available to them. For example chronic pain is a nationally recognized benefit. I will be writing an article about this in my next newsletter. Also, it is important to know how the WCB is treating you with return to work and the proper way of dealing with them.*

*This is why it is good to speak with and learn from other injured workers. It is so important to join a injured worker support group. I host a meeting by ZOOM video on Thursdays and I also host another on Sundays. The information for those meetings is in this newsletter, or you can e-mail me and I will send you the meeting information.*

*I hope this helps you and if you need more information please feel free to e-mail me.*

Continued on page 19

Hello Paul,  
Thank you for every effort made and are still making with holding the mirror up to a scheme gone fantastic for the schemers. Well Held Sir!  
The very best to you and yours this Holiday season and throughout all the New Years ahead.  
Be Well Warrior,  
Michael

Thank you Michael for your kind words.  
My apologies for not getting this newsletter out for several months I have been swamped with work but have been determined to get it out this month. I will say often times I do get down, and often feel the task is impossible to get justice for injured workers. However, what makes me fight on and gives me hope is when I hear even small words of support.

## The Past Returns Injured Workers Protest in Windsor

The following is an article posted in the Windsor Star on May 10, 1988. I thogu the article would interest those whoa re still fighting for rights for injured workers and how things have dramatically changed.

### WCB inaction pushes injured into protests By Don Lajoole/Star Staff Reporter

Injured workers marched to the Worker's Compensation Board office on Eugenie Street Monday to protest provincial inaction in overhauling WCB legislation. About a dozen people turned out for the demonstration to demand action on recommendations in an August 1987 report from the Ontario Task Force on the Vocational Rehabilitation Service of the Workers Compensation Board.

Dave Curtis, president of the Windsor Local of the Union of Injured Workers, pressed the government to endorse all the recommendations in the report, subtitled An injury to Oneis an Injury to All.

"As Injured Workers many of us have been designated for poverty," he said. "How would the politicians feel if their lifeblood finances were cut off?"

Sandy Goldman, special assistant to provincial Labor Minister Greg Sorbara, said the government has already taken steps to reform the WCB further action maybe taken before the current legislative sitting ends. She said the establishment of more regional WCB offices has

resulted in faster and more efficient service.

SHE SAID A FULL review of the task force recommendations is under way, but would not elaborate.

"It's the role of government to make the system more sensitive, rational, humane, and efficient. We are looking at significant reforms. The overall package needs a good look."

Curtis also presented a petition and a resolution, endorsed by the City Council and to be circulated to all MPPs. It calls for continuation of benefits paid to injured workers, pending any appeal a worker may undertake after a claim ahs been denied or discontinued by the board.

"We've got to make sure people can maintain their benefits during an appeal," he said. "People are losing their homes , they are having difficulty keeping their families together. Once you're cut off, you run into lost of additional emotional problems you don't need when you are injured."

Thousands of workers are injured every year in Ontario, Curtis said, and too often the attitude of the WCB officials has been to find ways to deny benefits.

A report last year stated the main purpose of the WCB Downsview Rehabilitation Hospital seemed to be "To limit entitlement to pensions, benefits, and access to further services" to injured workers.



The article referenced page A4 to read the rest however, I was only provided the cover story. I will someday find the rest of this story as it is very interesting referencing the Downsview Hospital. I have heard horror stories from injured workers who were forced to go there. They were repeated pushed to do physical activities often times causing new injuries. Some compared it to like that of a WWII to NAZI camp.

Another interesting spin to this story was that David Curtis who was interviewed is a friend of mien and was one of three injured workers persecuted by the WSIB in 2016 which was then over turned by the Court of Appeal. My concern was that if Dave was targeted by the WSIB this is a Charter breach under s. 2d Freedom of Association!



## Why May Day is important for injured workers, and why injured workers are important to May Day

May 1st (“May Day” or “International Workers Day”) has been celebrated since the late 1800s. It is a day to mark the struggles and gains of organized workers the world over.

This year, the Ontario Federation of Labour is bringing together workers from all parts of the province and walks of life on May Day to demand a “workers first” agenda as we head into a provincial election.

The struggle of workers has always been tied to safe and fair working conditions, and to fair treatment of workers who become ill or injured on the job.

In fact, the entire workers compensation system arose out of the struggle of all labourers. In Ontario, the final report of Sir William Meredith that established workers comp began with the phrase “In these days of social and industrial unrest...” In other words: The government and employers were forced into the position of creating a system based on fairness by the power of workers – injured and otherwise – who fought together for full justice, no half measures.

There is a saying that *“every worker is one step away from injury.”* Today, we have a greater understanding of the idea that workers may be *“one breath away from illness.”*

Workers who are injured or made ill on the job are the ones who live with the consequences of an inadequate compensation system. It is their demands for change that have informed broader struggles to fill the cracks in a broken system. Supporting the demands of ill and injured workers today will help create a better system for everyone tomorrow.

We have always known that the stronger and more unified our voices, the better the chances are for change.

Injured workers are workers, and workers are the heart of Ontario.

Please with us as we join the OFL and all their allies on May 1st, demanding a government that will put workers first.

### Actions You Can Take:

Sign the [“Workers First Pledge”](#) that says “On May 1, I will take action for a better Ontario. And on June 2, I will vote for it.”

Find an event in your area (more are being announced every day) [by visiting the OFL's event web page.](#)

You will hear more from us as May Day and the Provincial Election draw closer, but for now, save the date and take the pledge.

See you soon.

In Solidarity, WCIAR

## Severed Trust: Enabling WorkSafeBC to do the right thing when its mistakes hurt injured workers

This is a report issued by the British Columbia Ombudsman on BC’s WorkSafeBC (WCB). The report calls for three main recommendations which were rejected by the Ministry of Labour

- 1. Propose amendments to the Workers Compensation Act to create a mechanism and a fund to enable WorkSafe BC, on its own initiative and at its sole discretion, to provide monetary compensation to seriously injured workers harmed by WorkSafeBC errors.**
- 2. Compensate the injured worker by way of an ex-gratia payment to be determined by a retired Supreme Court of British Columbia judge pending the legislative changes.**
- 3. Pay the reasonable legal expenses incurred by the injured worker to present his case to the retired judge.**

To view the entire report go here

[https://bcombudsperson.ca/assets/media/Severed-Trust\\_09-16-2021\\_final-report.pdf](https://bcombudsperson.ca/assets/media/Severed-Trust_09-16-2021_final-report.pdf)

Unfortunately I have not had an opportunity to read the full report however, I will and comment further in the next edition of **Injured@Work**.

## #WorkersComplIsARight Meetings!

There is a group that holds meetings to discuss campaigns to raise awareness of **#WorkersComplIsARight**

They plan many events to raise awareness of the plight of injured workers the group is open to anyone from anywhere

for more information please contact Francis Pineda of (IWC) at [pinedaf@lao.on.ca](mailto:pinedaf@lao.on.ca)



## THANK YOU!

I just want to again thank you **ALL** for taking the time to read **Injured@Work** a newsletter about, for, and by injured workers. Don’t forget to send me your submissions, especially **the jokes!**