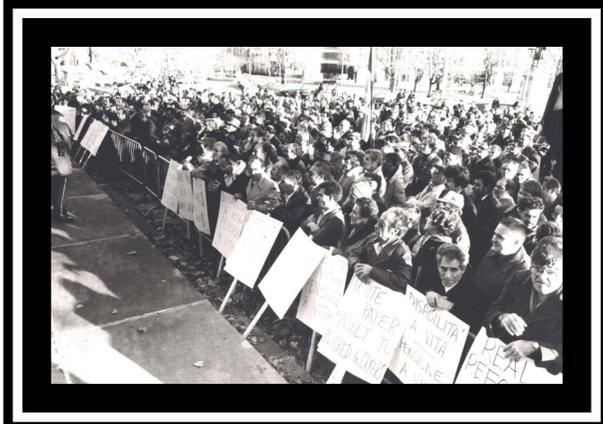




Injured@Work

Injured Work Day Special Edition!



June 1, 1983, was the first ever injured worker day. Over three thousand injured workers converged on the lawn of the Ontario Legislature. They FORCED the government to listen!

I want to personally thank you and welcome you to the fourth issue of ***Injured@Work***

An E-newsletter dedicated to providing information to injured workers and others about injured worker issues.

SAVE THE DATE

Injured Workers Vigil
May 31 • 4pm
Zoom link: <https://tinyurl.com/vigilevent>
Meeting ID: 896 8804 6596

Injured Workers Day
June 1 • 11am
Register here: <https://tinyurl.com/registerjune1st>

Contact pinedaf@lao.on.ca for more information

This is a special edition of the newsletter, as it is June and it is very symbolic to injured workers as every year on June 1st injured workers celebrate plan and raise awareness of their plight as injured workers.

June 1st each year commemorates June 1st 1983. This was when over three thousand injured workers assembled on the

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- ONIWG June 1st Events
- Australia's Injured Worker Day (Tonight at 9pm est)
- BC Injured Worker Story



law of the Ontario Legislature and forced the government, that was planning to make major changes to Ontario's workers' compensation system. The mass protest forced the government to conduct public hearings on the steps of the Legislature.

Pressure by the Association of Injured Workers' Groups (AIWG) had made the Government's Standing Committee eventually agree to set aside a day of hearings for injured workers to be heard regarding the proposals in the **Weiler Report**.

Entitled "[Reshaping Workers' Compensation for Ontario](#)"
by Paul C. Weiler - 1980.

The Weiler Report included replacing the permanent disability pension with a wage loss system. Injured workers formed enemas and made it impossible for the hearings to be done in the Committee rooms, so at the suggestion of the AIWG the hearings were held outside on the lawns of the legislature.

The solidarity and activism of the injured worker movement during the 1983 June 1st event drew public and media.



Since 1983 Injured workers have met on the steps of the Ontario legislature and celebrated their victories and let the Legislature know they will not forget their losses.

This was until 2020 and 2021 when the event was moved online due to the global pandemic. However, with the number of individuals being vaccinated and the number of infections dropping rapidly we shall see each other all again in 2022 on the steps of the Ontario legislature.



Injured Worker Day Goes National!



In May 2008 at a Canadian Labour Congress convention, the CLC adopted a resolution to declare June 1st a **Nation** wide event.

Injured Worker Day goes International!



This year I have learned that not only is injured worker day being celebrated and honoured across Canada but is also being celebrated by our Australian cousins.

They will be live streaming their event on Facebook here is the link

<https://www.facebook.com/injuredworkersday>

The event is Monday may 31 at 9pm EDT

Their website is :

<http://injuredworkersday.org.au>

Social Media Campaign for June 1st

Injured workers and advocates are asked that on June 1st to use the hashtag

#InjuredWorkersWontBeForgotten

To also flag in your tweet or FB post prominent politicians Premieres and Minsters of Labour in addition to

#WorkersComplsARight

Injured Worker Chronicles #1: Greg Tombs – Once A Worker *A BC Injured Worker Story*

Written by: Spencer van Vloten



Greg Toombs enjoyed his life and his work - but his injury would transform everything

Hundreds of BC workers are killed on the job each year, and hundreds more are left permanently disabled. Many find themselves caught in a struggle that leaves them physically, emotionally, and financially exhausted --

wondering if the system that is supposed to help them is instead is working against them.

The story of Greg Toombs is the first to be told in our Injured Worker Chronicles series. If you're an injured worker and want to share your experience, send an email to Spencer van Vloten at: spencer@bcdisability.com

The Day Everything Changed

My name is Greg Toombs, and this is my story.

I used to be a worker -- a countertop installer and plumber for Integrity Countertops. I took great pride in my craft, ensuring that nothing ever got damaged or went missing on a job I did. I loved my work and my life, and was excited for the future.

But on February 23, 2010, that changed forever.

On that day I was required to install a kitchen and a bathroom countertop weighing nearly 200 pounds in a 4th floor suite within a high-rise.

I carried the 200 pound countertop on my own through a maze of 4 x 30' long glass hallways, each with a locked door at the end requiring the countertop to be rotated from end to end to get through each of the doorways.

I got to the freight elevator but couldn't get the countertop in. So I returned back to my van carrying it back myself returning through the maze in reverse. They had hired another plumber and he was arriving at 1pm.

The customer was in a panic for me to get this countertop into the suite. So foolishly I made this effort a SECOND TIME to carry the countertop through the long maze again. I tried with all my might, giving everything I had to get it into the freight elevator without damaging the large countertop. Once again failing and having to get this piece back to the truck.

Help arrived late and he helped me carry the countertop up 4 flights of stairs into its destination. I carried it all the way back up again and found a way to fit it into the suite. From there, I had to lift a 120-pound sink several times to get it in place in the countertop.

During the installation of the smaller bathroom vanity I got stuck and heard something in my neck tearing as I tried to free myself. Once I was out I knew then and there that something was not right. Something was definitely wrong.

Once I was out I knew then and there that something was not right. Something was definitely wrong.

The effort left me in tremendous pain throughout my body and I could hardly stand. Every muscle ached. Despite this, my boss forced me to complete another job straight after, where I was in so much agony that I had to sit on the ground every chance I could as I attempted, and completed the installation or I would not get paid for it

At this point I was a non-union worker. I did not have the protection of a collective agreement or a union rep who would have taken my side.

For non-union workers, if you decline work because you feel it to be unsafe, you find yourself unemployed. I couldn't afford to lose this job.

For non-union workers, if you decline work because you feel it to be unsafe, you find yourself unemployed!

After working on the 2nd job, I headed right to a doctor, went home, and spent the next week in bed. I'd hurt my back and neck so badly it was even

Continued on page 4

Continued from page 3

affecting my ability to use the washroom.

Suffering, Botched Surgery, And Seizures

I soon began occupational therapy to treat the injuries, and during those 12 days I had to go to emergency 3 times with intolerable, unmanageable pain. Any motion caused searing pain; it was pain upon pain on top of more pain.

Over the next few weeks I worked with a physiotherapist who documented the damage I'd suffered to my spine. Rather than following his advice that I needed further treatment, my case manager never talked with him about the issue, and instead left him a message saying the treatment was terminated.

Given that my treatment with my physiotherapist had been cut off and I still experienced great pain, I was referred for neck surgery, but that just made things go from bad to worse.



Greg Following his surgery!

After I returned home from surgery I awoke with no sensation in my left arm, absolutely none. Within a week after surgery an ear infection also developed, with a large cyst developing on my left ear lobe from the infection - the surgeon who removed it said he'd never seen anything like that in his 25 years on the job.

I'd thought things were bad and had counted on



Greg Following his surgery!

this surgery to give me another chance at a productive life, but I was left even worse off. I also began to get seizures after the surgery, which I had never experienced previously, and my health was unravelling when it was supposed to be improving.

WorkSafe BC: Working Against Workers

Agonizing Assessments

In order for me to get any support throughout this mess, WorkSafe BC forced me to complete several different physical assessments with doctors they'd contracted.

One of the challenges for workers going through these assessments is that if you refuse to do a certain exercise or move your body in a certain way because it's too painful, they can label you as "uncooperative", which can diminish credibility for your case.

This pressures the patient to do more than they ought to do – you don't feel free to speak honestly about your limits.

One of the challenges is that if you refuse to do a certain exercise because it's too painful, they can label you as "uncooperative"!

You don't want to refuse to participate and be misjudged, but that means you can actually re-injure yourself. In my experience, WorkSafe BC frequently tried to get me to do things that went beyond my physical capabilities and I felt

Continued on page 5

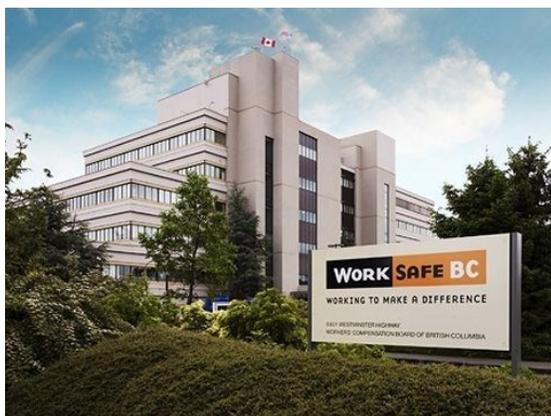
the results.

This happened in several different assessments. At one of them, after I was unable to turn any further, the doctor forced my head hard to my right side to get the reading they wanted, which caused sharp, severe pain.

At another, they put on my medical file that I could go up and down stairs carrying 45-lbs for a few hours a day without ever testing to see if that were so. It absolutely wasn't the case – I couldn't be tested for this because I was unable to do it.

The assessments also tended to be very long, over several hours in some cases, and with my physical condition left me barely able to move after. Everything was weighted against me, the worker, and my improvement.

Information Manipulation



I was also suspicious that WorkSafe BC was manipulating the evidence, by excluding and deleting important medical information in my file that could help me with my claim.

One of the most frustrating, upsetting, and disheartening parts of this was having to work with a vindictive case manager. She always assumed the worst, and seemed bent on disproving everything I said so that WorkSafe BC wouldn't have to provide support

She was also not efficient with tracking important details that were essential to the file and to my

claim. When I told her I had switched doctors, she failed to record this in my file, and also refused to include new medical information from my doctor and physiotherapist that highlighted the severity of my injury.

This is shown by the following:

At the request of WorkSafe BC I had attended a private clinic of their choosing for an MRI. The result stated "Moderately Severe Narrowing of L4".

This was in contradiction to the CT scan conducted previously which had indicated "Severe Narrowing L4", as well as a subsequent scan at VGH which indicated the same. Both of these suggested the possibility of a major permanent injury, but WorkSafe BC ignored that evidence and only acknowledged the scan which minimized my injury. After receiving notification from WorkSafe BC regarding what they were willing to cover, which was virtually nothing, I was denied full access to my medical records. In a doctor's appointment I asked to see the MRI results, and we noted that parts of the report were greyed out, meaning that I wasn't given full disclosure on what the tests on my body revealed.

Left To Freeze

Despite an abundance of evidence about the severity of my injuries and inability to work, WorkSafe BC provided meagre support and then cut it off.

To make a stand against a system working against me, I hired a lawyer and spent \$20,000 in legal bills. At this point I was living on \$609 per month through welfare, so hiring a lawyer created financial duress, but I needed to fight back.

Even though my benefits were eventually increased as a result of this action, they were clawed back again because I was now on provincial disability, and during those years you weren't allowed to receive additional money. For the next 6 years I lived on approximately \$900 per month. In 2016, I was approved for CPP disability. I was also able to receive the

\$478 monthly that had been previously awarded in 2011 but had been clawed back. That gave me a monthly income of approximately \$1500 and I continue to receive this today.

Getting by with an income below the poverty line is tough, to say the least. One of the times I feel it the most is in the winter. I cannot afford heating in my mobile home, and thus spend months at a time shivering in the freezing cold.

No One Deserves This

My life over the last 11 years has been, for lack of a better word, hell.

I live in poverty.

I am in non-stop pain throughout my body. My legs are barely strong enough for me to walk without stumbling, and I can only handle an hour or 2 of activity on a good day.

But worst of all has been the psychological pain. I've struggled tremendously with anger, depression, and panic attacks. I feel hopeless about the future and struggle to trust anyone. And some days it's so bad that I question whether life is worth continuing if this is how it's going to be. I'm tired of it all. But I hope by speaking out I can make people aware of how workers disabled on the job are being treated, and help bring about changes to a system that is leaving people physically and mentally traumatized.

If I can help even 1 person by sharing this, it's been worth it!

To read more details about Greg's story, [click here](#)

Spencer van Vloten is the editor of [BC Disability](#).

To get in touch, send an email to: spencer@bcdisability.com

-Alberta-

Four Workers Die of COVID-19 in Alberta Oil Sands

Unacceptable COVID-19 Outbreaks in Oil Sands Workplaces

- Peggy Morton-
Workers' Forum

The Wood Buffalo region in Alberta where Fort McMurray is located has been overwhelmed by a rapid spike in the number of people infected with COVID-19. Three workers have died in the largest outbreak, at the Canadian Natural Resources Ltd. (CNRL) mine and upgrader 70 kms. north of Fort McMurray. A security guard at the Suncor base plant has also died after contracting COVID-19. Workers' Forum extends its deepest sympathy to the families, friends and co-workers of those who died, and those fighting for their lives, none of whom have been identified by name.

CNRL and other oil sands mines and in-situ extraction sites have had outbreaks for many months. Cases began to surge in April after the regular maintenance period known as shut-downs or turnarounds began. The turnaround at CNRL alone involved a peak workforce of 5,000 workers above the normal daily average. It has recently become public that 258 workers tested

positive between October 2020 and May 1, and 1,169 workers tested positive between April 2 and May 13, with 447 cases remaining active as of May 13. CNRL is also contending with outbreaks at its Jackfish and Albion sites. There are also outbreaks at Imperial Oil Kearl Lake, MEG



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Energy Conklin site, Suncor Firebag, Fort Hills and Mackay River, and Syncrude Aurora and Mildred Lake sites.



The Alberta government and health authorities have deliberately suppressed information about the outbreaks. This was possible in part because workers who commute are included in case counts in their home cities or regions, so the real impact of the outbreaks in the camps and work sites is hidden. The majority of the 10,000 workers now involved in maintenance turnarounds come from outside the Wood Buffalo area. Large numbers of oil sands workers also commute, and some sites are strictly fly-in/fly-out where all workers commute, working 14 days of 12 hour shifts and returning home for 14 days.

Alberta Health Services (AHS) has not been on the CNRL Horizon site since March despite the crisis, instead reporting that "regular contact with the site continues." Alberta Occupational Health and Safety is completely silent. CNRL has responded to workers' reports of lack of sanitary measures and proper treatment for workers who are in quarantine or need medical treatment by saying it is taking all necessary measures. Alberta Health Services has continued its "hands off" approach, allowing CNRL and other oil sands monopolies to "self-monitor." The same approach was taken with Cargill last year, which was followed by a massive outbreak there, subsequent large outbreaks at other Alberta meat packing plants and

now the oil sands. Production workers at CNRL are not unionized. Workers involved in the turnarounds come from different trades not only from Alberta but across Canada and Quebec.

When last on site at Horizon in March, AHS noted that there was a need for such basic measures as sufficient hand sanitizer, further controls to allow physical distancing and additional cleaning supplies to be available in trailers.



AHS also states that it has provided the oil sands companies with a large number of rapid tests, and is now offering onsite immunization clinics at industrial camps and sites in Wood Buffalo, with CNRL Horizon the first site completed, according to an email sent to Global News. "More than 136,000 rapid tests have been provided to CNRL for its two sites to help detect COVID-19 and protect workers," AHS stated.

The failure of the government and health agencies to uphold their social responsibility to the workers and their communities has exposed the extent to which the government considers the workers in the industries it has deemed essential as "expendable." Workers and others are speaking out against the callous disregard by the operators and the government of their health and that of their families and communities.



Living quarters at an oil sands work camp North of Fort McMurray. (Narwhal)

-Alberta- Oil Sands Workers Speak Out About Their Conditions

- Peggy Morton -
Workers' Forum

Workers at CNRL, both workers performing turn-around maintenance and production workers, together with their families, are speaking out about their dangerous and unacceptable working and living conditions which put them at high risk. By smashing the silence, the fraud presented by the companies, the government and Alberta Health Services gets exposed. If the workers do not speak out, governments get away with the way in which they protect the monopolies and the crimes they are committing at the expense of Canada's workers, social and natural environment.

Alberta Health Services (AHS) has not been at the CNRL Horizon site since March. Workers report that the conditions now are the same or worse than those identified by AHS in March. These include inadequate physical distancing, overcrowded lunchrooms, washroom facilities shared by as many as 50 workers which makes sanitizing impossible, and crowded buses from the camp to the worksite.

"In the washrooms, we don't even have hand sanitizer," a worker told CBC. "I am sharing my washroom and shower with someone who has COVID, and every week I have been in a lunchroom with 36 people and 34 of them had tested positive for COVID."

The workers point out that weekly testing is in no way sufficient in the face of this kind of outbreak. As well, workers told Workers' Forum that while CNRL was responsible for contact tracing, neither CNRL nor AHS had provided the necessary human re-



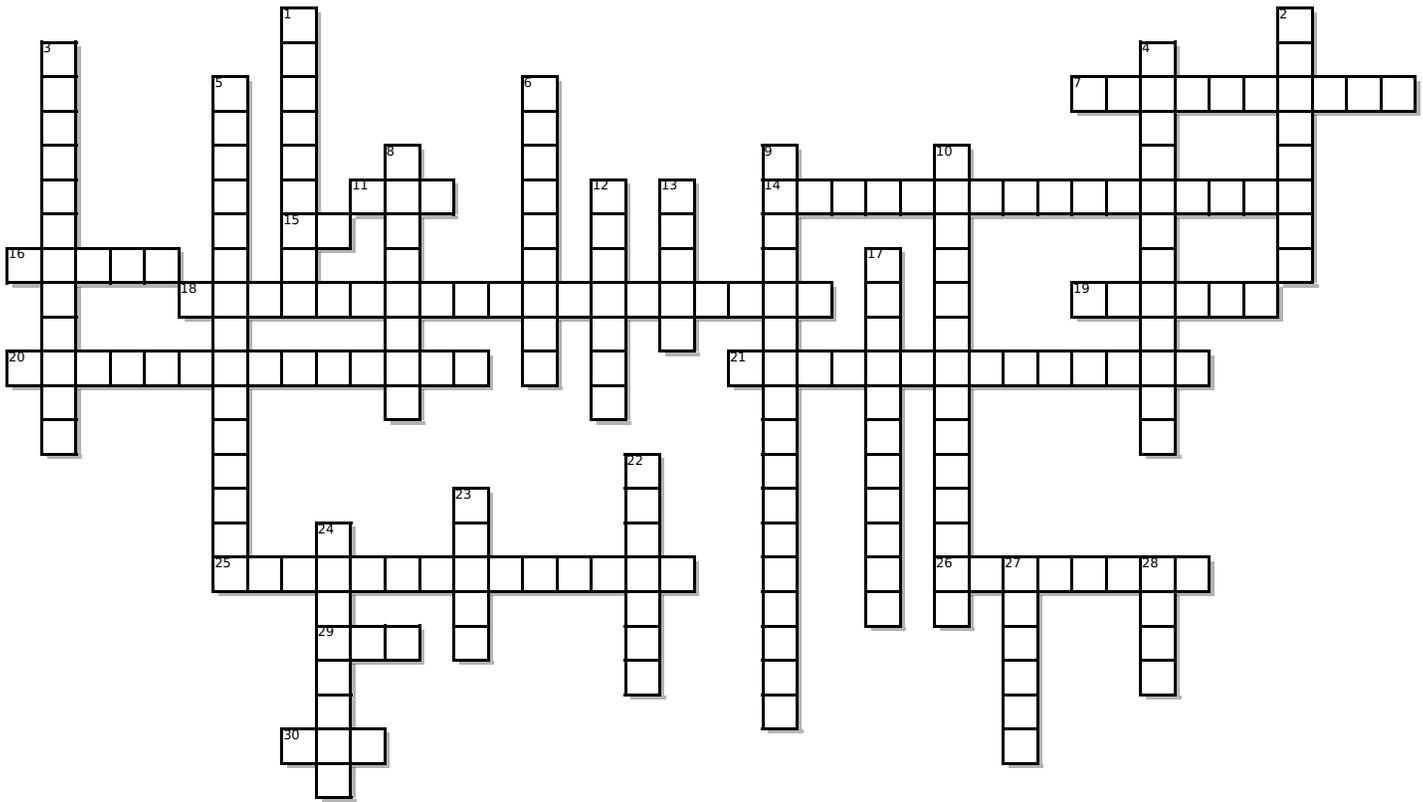
sources to carry out contact tracing, and that workers were being told that they had been in close contact with an infected person when the necessary quarantine period was almost over. Workers are speaking about how they were treated when they became sick, left alone in closet-like rooms in the "isolation floors" of the camp, without proper medical care or food and without pay. Some infected workers have also been shuttled to hotels.

The wife of a worker now in an Edmonton ICU told Global News that her husband tested positive on April 23, about a month after arriving at the CNRL Horizon site in late March for the turn-around. "This job was important to our family as COVID-19 resulted in my husband's place of work being shut down over a year ago," she explained. After testing positive he remained in camp as he was on a 12 day work and 2 day off rotation, soon began experiencing symptoms and then became very ill. During an entire week in isolation he received no medical attention. When, at his family's urging, he called for help, he was assessed by a paramedic, immediately taken to hospital in Fort McMurray and is now in an Edmonton ICU where his condition remains serious.

Workers are speaking out about how they don't feel safe but keep working because they need the work, and the "turnaround" season is a major source of work for many of the trades. For these global oligarchs and the governments which serve them to treat the workers, whose hard work creates the wealth, as expendable is intolerable and should be treated for what it is, criminal negligence. When they speak out, discussion develops and the workers contribute to smashing the norm imposed on them that this situation is acceptable. Employers must be made to take responsibility for workers who get sick as a result of the workplace and governments must be made to take responsibility for the actions of the employers. Workers are not expendable. They must be paid when sick or unemployed through no fault of their own. Our security lies in fighting for the lives of all! Fighting for the lives of all is a matter of fighting for the rights of all!

Injured@Work

June 2021



ACROSS

- 7 Name of the place where the first injured worker day event occurred on June 1 1983.
- 11 The acronym of what the WSIB use to be called prior to January 1, 1998.
- 14 Day each year celebrated by Injured Workers - 3 words.
- 15 Company located in Peterborough where many workers contracted many disease from the workplace.
- 16 acronym for organization that represents all workers compensation boards in Canada.
- 18 Meredith principle that states all employers pay equally for work accidents.
- 19 Over the years since the passing of the Charter of Rights and Freedoms injured workers across Canada tried to challenge the right to sue their employers. The Courts all agreed it was an infringement of the Charter. However, the court found the infringement was justified under s.1 because most injured workers get _____ determination and payment of benefits.
- 20 Phrase used by Sir Justice Meredith to describe his new workers compensation system - 3 words
- 21 Name of report that outlined a trade-off in which workers' lost their right to sue in exchange for compensation benefits - 2 words.
- 25 One of the Meredith principles which describes the type of system that the workers compensation system is supposed to be. To be investigative. - 2 words.
- 26 Last name of German Chancellor who introduced a compulsory state run accident compensation system between 1884 and 1886. WWII Battleship named after him.
- 29 True number of Meredith Principles.
- 30 Acronym for group that declared June 1st as a nationwide event in Canada.

DOWN

- 1 Licensed representative in Ontario - not a lawyer.
- 2 In the Meredith principles it indicates who is to pay for the workers

- compensation system.
- 3 TV special which received national attention about cancer deaths in the workplace in Peterborough - 3 words
- 4 Name of the report, which caused over 3,000 injured workers to converge on Queens Park and from then on became known as Injured Worker Day - 2 words.
- 5 The name of the committee/group that was formed by the Ontario Legislature to investigate workers compensation in 1910 and was headed by Sir William Meredith
- 6 Other country also celebrating injured worker day.
- 8 Name of the Powder miners in Northern Ontario were forced to inhale, which later to be determined to the root cause of many diseases.
- 9 Year workers compensation came into effect in the provinces of British Columbia, Manitoba, Nova Scotia and the Yukon Territory.
- 10 In dealing with legal matters there is something commonly known as the standard of proof. For example, in criminal matters, which is the highest it is beyond a reasonable doubt in civil matters it is balance of probabilities, what is the standard for workers compensation matters? 3 - words
- 12 Which Province Territory does not have its own workers compensation board?
- 13 Name of even that is normally held the night before the Injured Worker Day event.
- 17 Region in Alberta hard hit by a rapid spike in COVID-19 cases - 2 words.
- 22 Meredith principle which describes the type of fault system for workers compensation.
- 23 day of June each year, which is celebrated by injured workers.
- 24 Last name of former president of WSIB. After WSIB was hired by Ontario Government to do the same to Ontario's Car insurance sector.
- 27 Last name of the Labour professor who made a written submission to the WSIB funding committee on April 18, 2011, and made specific reference to the Meredith principles.
- 28 Acronym for federal government program, in Canada, most injured workers are forced to apply for.

Solutions to this Crossword will appear in next month's edition of Injured@Work

Meredith's Six Principles and The Re-writing of History

On the 38th anniversary of June 1st, we must take careful note of the true principles of what started the workers compensation system across Canada and work to ensure the real principles are correctly stated.

According to the Association of Workers Compensation Boards of Canada – AWCBC there are five principles which are:

1. **No-fault compensation**, which means workers are paid benefits regardless of how the injury occurred. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury.
2. **Security of benefits**, which means a fund is established to guarantee funds exist to pay benefits.
3. **Collective liability**, which means that covered employers, overall, share liability for workplace injury insurance. The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
4. **Independent public agency**, which means that the organizations who administer workers' compensation insurance are separate from government.
5. **Exclusive jurisdiction**, which means only workers' compensation organizations provide workers' compensation insurance. All compensation claims are directed solely to the compensation board. The board is the decision-maker and final authority for all claims.

These principles were directly quoted from the AWCBC's website here

<https://awcbc.org/en/about/workers-compensation>

Now the interesting point one should make is that for each principle there is no specific reference to the Meredith Report.

Then according to the Ontario Tribunal's Library there is only four principles, which are:

- Security of Payment
- No fault system
- Collective liability
- Administration by an independent agency

The statement provided no meaning to each principle. [Click here to see the OWT page.](#)

What do WCBs across Canada say about the Meredith Principles?

According to various workers compensation boards across Canada the same can be said in varying degrees:

Northwest and Nunavut Territories:

1. **NO FAULT COMPENSATION:** workers are paid benefits regardless of how the injury occurred. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury.
2. **SECURITY OF BENEFITS:** a fund is established to guarantee funds exist to pay benefits to workers.
3. **COLLECTIVE LIABILITY:** all employers share liability for workplace injury insurance. The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
4. **INDEPENDENT ADMINISTRATION:** the organizations who administer workers' compensation insurance are separate from government.
5. **EXCLUSIVE JURISDICTION:** only workers' compensation organizations can provide workers' compensation insurance. All com-

Continued on page 12

pensation claims are made directly to the compensation board. The board is the decision-maker and final authority for all claims.

[Click here to see their website with the Principles.](#)

Nova Scotia:

1. **No-fault compensation:** Workplace injuries are compensated regardless of fault. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury. Fault becomes irrelevant, and providing compensation becomes the focus.
2. **Collective liability:** the total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
3. **Security of payment:** a fund is established to guarantee that compensation monies will be available. Injured workers are assured of prompt compensation and future benefits.
4. **Exclusive jurisdiction:** all compensation claims are directed solely to the compensation board. The board is the decision-maker and final authority for all claims. The board is not bound by legal precedent; it has the power and authority to judge each case on its individual merits.
5. **Independent board:** the governing board is both autonomous and non-political. The board is financially independent of government or any special interest group. The administration of the system is focused on the needs of its employer and worker clients, providing service with efficiency and impartiality.

[Click here to see their website with the principles](#)

New Brunswick:

1. No-fault compensation benefits

- Fault does not determine coverage.
- Workers get 100% coverage even if they are 100% at fault.

- Employers get 100% immunity even if they are 100% at fault.
- No-fault coverage eliminates workers having to sue their employers.
- Suing the employer had great risks and little chance of success because of defences available to the employer:
 - * Voluntary assumption of risk
 - * Common employment
 - * Contributory negligence
 - * None of these defences has application in compensation law today, though they can still apply in other areas of tort law.

2. Security of Benefits

- Security of benefits gives certainty to workers.
- A specific fund is set up (known as the Accident Fund) to pay benefits.
- Workers are compensated at a rate set in legislation.
- Benefits are payable regardless of fault – worker gets 100% of benefits even if at fault in the accident.

3. Collective Liability

- Compensation is a program of mutual insurance.
- Costs of the system are borne by employers and passed on to consumers as a value added to the product.
- Collective liability protects workers and their families in case an employer goes bankrupt.
- Employers protected from costs of serious and costly accidents.

4. Independent administration

- Workers' compensation is administered by an independent agency not under the direct influence of government or employers.

- An important element of independent administration is exclusive jurisdiction. The independent agency has expertise that cannot be overturned without reason.

5. Exclusive jurisdiction

- All workers' compensation legislation in Canada creates a statutory body with the exclusive jurisdiction to make decisions in compensation matters.
- The independent agency has expertise that cannot be overturned without reason.

[Click here to see the website with the principles](#)

Alberta:

1. Exclusive Jurisdiction

WCB has sole authority to determine all questions or matters arising under the WCA, subject only to review and appeal.

2. No Fault Benefits

WCB assumes liability for the injury in work-related circumstances despite the presence of fault on the part of a worker or employer.

3. Protection from Lawsuit

Protection from lawsuit applies where the activities causing the injury are part of an employer's normal insured activities. Workers' compensation is meant to replace any tort remedy for that injury.

4. Employer Financing of System

Employers are required to pay the full cost of the system through premiums.

5. Neutral Administrator

WCB is a neutral and autonomous administrator of the workers' compensation system and strives to balance the interests of workers and employers.

[Click here to see website with Principles](#)

British Columbia:

Provided No Principles. Instead provided a copy of the Meredith Report.

PEI:

1. **No-fault compensation**, in which workplace injuries are compensated regardless of fault, and the worker and employer waive the right to sue.
2. **Collective liability**, so that the total cost of the compensation system is shared by all employers.
3. **Security of payment**, with a fund established to guarantee that compensation will be available for injured workers when they need it.
4. **Exclusive jurisdiction**, with all compensation claims directed solely to the compensation board.
5. **Independent board**, that is autonomous and financially independent of government or any special interest group.

[Click here to see website with principles](#)

Ontario:

1. **No-fault compensation:** Workplace injuries are compensated regardless of fault. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury. Fault becomes irrelevant, and providing compensation becomes the focus.
2. **Collective liability:** The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
3. **Security of payment:** A fund is established to guarantee that compensation monies will be available. Injured workers are assured of prompt compensation and future benefits.
4. **Exclusive jurisdiction:** All compensation claims are directed solely to the compensation board. The board is the decision-maker and

final authority for all claims. The board is not bound by legal precedent; it has the power and authority to judge each case on its individual merits.

5. **Independent board:** The governing board is both autonomous and non-political. The board is financially independent of government or any special interest group.

[Click here to see website with principles](#)

Manitoba:

1. **no-fault compensation**
2. **security of benefits**
3. **collective liability**
4. **exclusive jurisdiction**
5. **administration by independent boards**

[Click here to see website with principles](#)

Saskatchewan:

1. **No-fault compensation:** Workers are paid benefits regardless of how the injury occurred. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury.
2. **Security of benefits:** A fund is established to guarantee funds exist to pay benefits.
3. **Collective liability:** Covered employers, on the whole, share liability for workplace injury insurance. The total cost of the compensation system is shared by all employers. All employers contribute to a common fund. Financial liability becomes their collective responsibility.
4. **Independent administration:** The organizations who administer workers' compensation insurance are separate from government.
5. **Exclusive jurisdiction:** Only workers' compensation organizations provide workers' compensation insurance. All compensation claims are directed solely to the compensation board. The board is the decision maker and final authority for all claims.

[Click here to see website with Principles](#)

Those are what I found with a quick scan of the internet, and you can verify each as I have provided the associated source websites. Now in each one, they reference the Meredith Report and the Royal Commissions meeting minutes. However, they do not make any specific reference to the report or the commission minutes.

Now in reviewing a report provided by Dr. Robert Storey who has been a long time and well-respected labour scholar. Dr. Storey had made a submission to the WSIB, Ontario's workers compensation board, who had a funding review commission. His submission was made on April 18, 2011. What is interesting and not surprising about Dr. Storey's submissions when he discusses the Meredith Principles, unlike the ones mentioned above, Dr. Storey states there is six and not five. Additionally, Dr. Storey does what none of the others above should have done, he referred to evidence to prove his points.

Now many may say it is semantics and irrelevant, but what concerns me is the variation of the stated principles, their stated meaning, if stated, and the lack of any proper supporting evidence.

1. **No fault system** – where no one would be blamed for the injuries of the workplace and as quoting of Wegenast, “ambulance chasing lawyers”. For this justification Dr. Storey reference Meredith Minutes of Settlement Vol. 1: 170 to 171.
(See page 5 of Dr. Storey's submission)
2. **Employers are to the fund system** – That while employers fought that worker should bear some costs of the payments, labor argued that they had paid enough through the pain suffering, and future lack of earning.
(See page 6 and 7 of Dr. Storey's submission)
3. **Compensation lasts as long as the disability lasts** - That while employers believed there should be a limit, say to age 65, Meredith believed that the employers by right of their workplace cause the injuries and therefore should pay as long as the disability lasts.
(See page 7 to 12 of Dr. Storey's submission)

4. **Collective Liability among employers** – That employers would all bear a collective liability for funding the system. This is so one employer would not bear all the costs of one work accident.
(See page 12 to 21 of Dr. Storey’s submission)
5. **A publicly administered autonomous system** – The issue was that the Board must have independence, like that of a judge, where they could not be easily swayed by political pressures.
(See page 22 to 26 of Dr. Storey’s submission)
6. **A non-adversarial process** – The system was meant to eliminate the conflict and tensions between injured workers the Board and employers. It as Dr. Storey explains “released injured workers from the double helix of proving they were not to blame for their injury accident at the same time as they needed to prove that their employers were.” As rightfully quoted and previously stated in former workers compensation acts and missions’ statements was that the main duty of the workers compensation board to “Speedily and humanely” give them “justice.”
(See page 26 to 28 of Dr. Storey’s submission)

My point to all this is that, from a holistic perspective, it is very easy to see how something so simple, as getting the number and type of principles correct, can be done so very **wrong!**

I fear, more likely than not, that the version of the boards above, were meant to be favoring the boards and employers with a purpose to ensure less compensation or no compensation to injured workers.

**This leads into another point
I raise which is stigma!**

Stigma just happened to be the topic of the previous **#WorkersComplisARight** information seminar this past month. If anything, the seminar raised more questions than answers.

Like why, as Willy Noiles pointed out, have in recent decades, all the reviews of the workers compensation systems been done by business type people other than judges.

In school, I learned that judges, after they retire, are often used to perform government inquiries and head commissions. The reasoning is because they are, whether a conservative appointed judge or a liberal appointed judge, bound by legal principles of fairness.

Perhaps it is because over the past 30 to 40 years, neoliberalism, or as I like to say **neofascism**, took hold and the voices of the labour movement and injured workers were muted.

Perhaps business took a much stronger hold on government and made sure that the insurance industry could do a better job of ensuring business saves even more on work injuries.

This is perhaps why David Marshall a former insurance actuary headed the WSIB. Then left the WSIB to remodel, or as I like to say destroy, Ontario’s dispute mechanism for car insurance.

Perhaps we will never know!

Also, another question was raised in Catherine Fenech’s presentation regarding her and other injured worker’s experiences of stigma, from co-workers, employers, and everyone.

This made me realize the distinction. For example, if a person made fun of a visible minority at work how long would it be tolerated – now days? Not long!

However, it seems it is ok to mock and make fun of an injured worker, whether you are an employer, a co-worker, or service provider. Yet, when one looks at the cost to business for allowing such conduct I become very puzzled.

Surprisingly I learned that in recent years, damage awards at the Human Rights Tribunals across Canada are climbing to extreme levels. This is because of these blatant violations on the part of business **taking personal pleasure in the suffering of others!**

**Taking pleasure in the suffering of another,
is the legal definition of Evil!**

In some cases, the damage awards awarded by various Human Rights Tribunals are well over \$500,000.

Some may think that is a lot and is it really deserved? I reply, money is the only thing to make business stop its repeated bad actions.

Some have brought to my attention the power of business will just convince the legislatures to pass laws to limit damage awards before Human Rights Tribunals. Like in Manitoba where they are working on legislation as I write this.

This is very true, but then all that happens is an individual can take their claim to civil court. The key thing to always remember is to be aware of statements made by government and verify the truthfulness of it.

Just like the so called five or six principles.

Considering Starting an Injured Worker Group CIWA Can Help!

If you are interesting in forming an injured worker group to better fight for injured workers and raise awareness of the plight of injured workers the Canadian Injured Worker Alliance—CIWA has indicated to me that they will be able to offer some assistance.

It does not matter which province or territory you are in within in Canada, or even if you are within the United States. They are starting to formula a plan to help individual injured workers come together and form injured worker groups.

**As the saying goes
there is power in numbers!**

Contact CIWA by e-mail at ciwa@tбайtel.net

- Seminar - Life and Work after Work Injury Study!

The Bancroft Institute will be presenting recent studies from Washington state and Ontario that look at life and employment after a workplace injury.

**Thursday June 8th
1pm to 4:30pm (est)
or 10am to 1:30pm (pst)**

Registration information for the event has not yet been released but you can sign up tot heir mailing list to be notified when the information will be made available.

[Click here to Register](#)

- Seminar - Migrant and Mobile Workers' Access to Healthcare!

Dr. Kathrine Lippel Distinguished Research Chair in Occupational Health & Safety is hosting a webinar with two researchers who will examine the health care barriers that migrant agricultural workers face and the strategies that can be used to overcome them.

This event is organized as part of the Policy and Practice in Return to Work after a Work Injury:

Challenging Circumstances and Innovative Solutions research program.

**Thursday June 15th
noon to 2:00pm (est)
or 9am to 11:00am (pst)**

[Click here to Register](#)

Update on National Charter Claim!

I had initially filed my National Charter Class Claim with the Courts in Ontario on April 28th. However, the court refused to accept it as I did not use the new online portal filing system.

On May 13th I then re-filed the National Charter Class Claim with the Courts in Ontario. Using the new online portal filing system. However, This time the court rejected my court fee waiver. They stated they required my 2020 tax return and wanted to know who the other person was on my taxes.

I will again try and re-file it tomorrow morning with the courts and explain that the other person is my daughter and has no income and my 2019 is good enough. As most people do not have to file until mid-June.

Some may wonder why the hell I don't just pay the court filing fee and be done with it. The only problem is that to start with it is about \$240 for first filing the charter claim, then every time I file an additional document it is about that cost.

So it adds up, best to get fee waiver if I qualify and I do!

THANK YOU!

I just want to again thank you for taking the time to read **Injured@Work** a monthly newsletter about and for injured workers.

I also wish to remind you if you have any submissions or comments and would like me to publish them in next month's edition just send me an e-mail.

Also, if you prefer to receive a paper copy, please send me an e-mail at fightwcb@gmail.com.

Please be respectful of this request, as the costs come out of my own pocket.