



# Injured@Work

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.

I apologize for not providing you the newsletter over the summer, but like many countless others, things have been a little bit *Crazy!*



**Next ZOOM Meetings for September are September 12, 26, 2021.**

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

You can any comments you have and I will publish it whether good, bad, or ugly!

[fightwcb@gmail.com](mailto:fightwcb@gmail.com)

## Update on National Charter Class Claim

As previously mentioned in updates, over the month of August, **the National Charter Class Claim has been filed in Ontario.** On August 16, 2021. I filed the National Charter Class Claim in Hamilton Superior Court of Justice. I have provided a copy of the court stamped claim on the webpage:

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

The webpage has been setup to provide information for the National Class Charter Claim. I also again apologize as I have not been able to keep up with the updates on the webpage. As I would have liked to have done! The cost of the court filing fee was provided by David Curtis of Ontario.

Also, as previously mentioned in the updates, **the National Charter Class Claim has also been filed in British Columbia.** This was on August 25, 2021, George Kavallis filed the

*Continued on page 9*

## Why an Election NOW Justin? Are you INSANE?

**Election is Monday September 20th**

The past two years have proven to be the most horrendous for all Canadians. I do not know about you, but when our fearless leader, Justin Trudeau called an election in the middle of a pandemic, I thought to myself what a complete **MORON!** Why would anyone call an election TWO YEARS before it is required by the Constitution. In doing so risk so many being further exposed? Obviously, this was a political move!



**Our fearless leader was hoping to gain seats to win a majority government!**



Only time will tell! However, my hope and prayers are that if Canadians are as **pissed** as I am, at the Liberals, Canadians do not go and do something crazy, and then elect the

*Continued on page 2*

### Inside this issue...

- Update on National Charter Class Claim Filed in Ontario & BC..... 1 & 9
- Why an Election Now? ..... 1 - 9
- New ZOOM Meetings ..... 9
- Position of the Federal Political Partis on Injured Workers ..... 10 - 13
- Submissions From Injured Workers - A Joke for Injured Workers ..... 13
- Ontario Court of Appeal Ruling 'sending alarm bells' to employers ..... 14
- Submissions From Injured Workers a Song called Discriminate ..... 15
- Never Mind Where's Waldo, Where's Injured@Work..... 16
- Work Continues on National Charter Class Claim..... 16 - 17
- Word Search..... 19
- Ontario Divisional Court Overturns WSIAT Decision ..... 20
- WorkersCompIsARight** Webinar on Injured Worker Lobbying..... 20
- Crossword ..... 21 - 22
- June 2021 Crossword Solutions.. 23
- Word Search Solutions ..... 24
- Reader's Comments & Views..... 25 - 27
- Tunder Bay Is Hosting their Speaker Serries Again..... 18

### Special points of interest

- Is Justin a Moron and will we pay for his selfishness?
- Nation Charter Class has been filed accepted by Court in Ontario and British Columbia
- 2201 Federal Election Information for Injured workers
- 4th WSIAT Decision in its 40-year history to be overturned by courts!
- Webinar on Lobbying for injured Workers
- Tunder Bay is Back!



Conservatives as a majority government!



**Let's be honest the leader of the Conservatives is a TOOLE!**

But seriously, we must remember that when we vote we often forget about the past conduct of past governments. Whether Liberal or Conservative!



### Paul Martin Liberals:

Many remember Martin as the one who eliminate the deficit in 1995 – 1997. However, we forget he cut funding to social programs by more than 40%. This included cutting billions of dollars in transfer payments to provinces & territories for healthcare. Some may say oh no big deal. However, for every million dollars cut from healthcare it cost future generations \$10 million to restore that \$1 million cut of healthcare services.

**Something we should all remember being in the middle of a pandemic!**

### Stephen Harper Conservatives:

Let's not forget the \$14 Billion hit to the deficit with Stephen Harper. Wait, what? Yes! the Conservatives do spend! However, they spend only on the rich!

This meant that Harper had to justify his existence as a Conservative. So Harper does what conservatives do, he cut and cut many important social programs.

Harper targeted environment programs and cut funding to scientific research. As the Conservative saying goes, don't like the science cut funding to research. This is so everyone can make stuff up! Let's be honest this was Harper supporting the Oil Sands and further driving a wedge between Western Canada and the rest of Canada. Instead, Harper should have looked at providing long-term programs for Western Canada to



create long term environmentally friendly **great** paying jobs. I mean where someone working in the Oil Sands can easily jump over and make just as much money, if not more. Not Possible You Say! To that I say ANYTHING is possible if we put our Canadian minds to it! Instead Harper placed Canada in a environment nightmare where we have heatwaves and constant forest fires in BC and heavy flooding across the country.

Then Harper even made some weird changes. One I remember was the change to the statistics Canada's

**We can make positive Environmental changes, without hurting good paying jobs, if we want to, but business just wants to screw us out of good paying jobs and screw up the environment!**

form that was greatly shortened. The information use don't he long form is needed by governments to provide us with all the important services we need. For example, funding for roads, hospitals, schools and alike.



### Justin Trudeau's Liberals:

This should have been Jack Layton's government. However, the great Mr. Layton had to go and die! Sadly he will be greatly missed by many. The one thing many people agreed on with Jack

Layton was that he always made time for people. Real people! This was to the horror of his assistants who were constantly nagging him to hurry the heck up LOL!

Well, instead, we were stuck with Mr. Trudeau Jr. I also blame a lot of this to the media. What I found interesting was the media coverage of the Liberals in the last election a huge. This considering the Liberals had vey few seats, yet they got the majority of the media coverage before and during the election. This even though the NDP were the official opposition. I also agree that Tom Mulcair, who took over from the great Jack Layton, did not do a very good job of promoting the NDP party and its core values, in the last election. By promoting social programs, environmental programs and reducing taxes.

**All this to ensure prosperity for all!**

One major issue with the NDP is the stigma towards the NDP. This is how the NDP has been prominently portrayed in the media and by many others as a

***“spend-happy party”!***

I find this completely ironic. This is because when we look back, to the times when provincial NDPs were able to form government, the NDP tended to move more to the political center.

***They became somewhat conservative minded!***

A good example is the Greatest Canadian (voted on by Canadians) is Tommy Douglas. Tommy Douglas, took over from the Conservatives that had left the provincial government, in Saskatchewan severely impoverished. Tommy Douglas brought in many revolutionary social programs of the time, including government healthcare. This is why Tommy Douglas has been labeled as

**The Father of Canada’s Healthcare.**

Most importantly, Tommy Douglas balanced the provincial budget and created a fiscally responsible government. Something the Conservatives claimed to do. Yet, all the while they were racking up the debt.

What many do not realize is that the Conservatives say they are cutting taxes, they do, but the majority of the cuts they give to their business friends, who they then benefit from when they retire from politics. A good example is the former Conservative Premier of Ontario Mikey Harris. He is now the Chair of the Board of Directors of Chartwell Long Term Care. I will delve into this after the segment on Bob Rae’s NDP.



### **Bob Rae’s NDP**

Then of course there is Bob Rae. Who in 1990 won a majority government in Ontario for the NDP. His party remained in power until 1995. I think the greatest blunders of Bob Rae was breaking his promise to bring in government car insurance in Ontario. After getting elected he stated that too many people would lose their jobs in Ontario’s auto insurance industry. The truth was that this was Rae’s NDP move to the political center. This was further confirmed when Rae’s NDP opened up labour contracts with unions and proceeded to renegotiate contracts. In what Rae claimed to justify

as saving jobs it was famous coined as “**Rae Days**” by forcing workers to work four days a week and be paid for four days. Many people would say that this is fair. However, when you think about it. You plan your family budget on what you know you are getting and then out of the blue you get a reduction of income of 20%. This is not fair on any standard nor legal in my eyes.

What many did not realize, this was the beginning of what was thought to be the end of organized labour in Canada. It was what global economists called **neoliberalism**, or as I like to call it **neofascism**. It is the globalization of commerce. Business blamed there sluggish profits in the early 1970’s on labour. Then on a global scale business had declared war on labour and won. Even though, business’ sluggish profits were largely due to poor management. Business won by seizing political power and convincing political leaders, like Bob Rae, there is no alternative. This was just like when Ontario’s auto insurance industry convinced Bob Rae that a lot of jobs would be lost if Ontario went to government car insurance. So, like a good politician, Bob Rae listened to business and cancelled the government auto insurance plan.

Now many of you, especially out west and in BC will say,

***Paul are you crazy?***

***Government auto insurance is a disaster!***

***We pay more with public insurance.***

Of course what many do not know or realize is there are two points to consider that all revolves around **neofascism**.

First, if you look closely at government managed programs, like health insurance, government auto insurance, and of course workers compensation. You will see that overtime, the government cuts spending in these areas and claim it is to, as they say “**reduce taxes**”. However, what is really happening is the government is cutting the services to alienate the public

***The difference between government and for-profit private run programs is that private for-profit run programs***

***- charge more,***

***- pay less, and***

***- work to provide less services.***

***This is so the business can make a huge profit!***

away from government managed programs. Then the private industry can swoop in and make oodles of cash by charging

whatever they want. So, then Ontario thought things were bad with Bob Rae, until Mikey Harris go it. Like the saying goes in the [Life Cereal](#) Commercial

**“Give it to Mikey, he hates everything!”**

Well Ontario gave it to Mikey and guess what?

**HE LIKED IT!**

### Mike Harris' Conservatives

Mike Harris won a majority government in 1995 against the NDP and ousted the Rae government from power. Harris was part of the global **Neoliberalism** movement to push for more **outsourcing** and **offshoring**.



**Outsourcing** is a move to allow business to use temporary agencies as opposed to have fulltime permanent decent paying jobs.

**Offshoring** is when a business can move the majority or all of its production off shore to another country, yet sell all of its products as though they were made here.

Ironic as the Conservatives, like the Liberals, claim to be about business, when in reality they are about themselves!

Another GREAT misconception with neofascism is that with global business and trade the quality of jobs would improve on a global scale. **It did not!** In fact in many ways things got *waaaay* worse!

Consider for example, big tech companies, like Apple, Amazon and alike. Then compare them to the by-gone days of auto manufactures of the big three Ford, GM, and Chrysler. The big three all had unions and paid good pay and benefits. Workers were taken care of. They owned homes and cars. Today, companies like Amazon and Tesla swoop in and ensure that workers are paid as less as possible and no unions exist. This ensures maximum profits for Amazon Tesla and others.

So, in reality, if anything, thanks to **Neoliberalism**, or as I continually call it **Neofascism**, the quality of jobs plummeted, as global corporations profits skyrocketed to all time record highs. Let's not forget about the tax breaks, government grants and many other kick backs these massive global corporations got from governments using our tax dollars.

What is most important today is that Harris went to war with Ontario doctors & nurses. Why did Harris do this. I mean if the doctors are paid for what they do and they take care of us why cut their pay? Simple. Harris was pushing us to a privatized healthcare system. Harris knew if he cut healthcare services deep enough it would anger the public to want to change to a private funded healthcare system. Harris also and very effective I might add, turned the people against doctors by claiming, look at all the money they make. Ironic as no one ever looks at what politicians make. Harris knew Doctors would be forced to charge fees for such things as doctors notes, reports, and other documents. Harris' plan or the powers that be, plan was working. This was because many people were pissed at doctors having to pay for these things. They started to want a private healthcare system.

Fast Forward to today and after Harris' reign of terror. It is now extremely hard to find a doctor in Ontario. Let's not even talk about getting to see a specialist. Many doctors just gave up and moved to the U.S. or went to work for the WSIB.

### Downloading programs

Another thing Harris is famous for was downloading programs to local counties. This was around the same time Paul Martin, who was Prime Minister at the time and was doing the same thing at the federal level. Harris downloaded the roads and many provincial services onto counties and expected them to foot the bill. My favorite part of this was why the hell did he remove all the highway signs. I always believed Harris owned a map company.

### YES, we used maps back then LOL!

The road signs became utter chaos for many, but this was minor compared to the more serious issues of out-sourcing. To save a few bucks Harris made all the snow plowing out-sourced. This was obviously in an effort to save a few bucks by paying workers less money. The result was disastrous. Instead of having six or seven plows plowing in a row. Blocking traffic as they went. You now have one in the middle of the 401, doing 40 kph. Again this was not to do with saving taxpayers but giving private business more money from taxpayers.

### Move to take control of Justice

Harris also moved many legal matters that were previously dealt with by the courts to administrative boards and tribunals. The common claim for this move was to be fairer and quicker for all. I remembered reading in Ron Ellis' book [Unjust By Design](#) that he quoted tenant advocates saying after the transition from the courts to the residential tenancy board it was nicknamed the **“eviction machine.”** This is because in the first year of operation they had over 150,000 evictions in Ontario. They were NOT fair nor are they today!

Continued on page 5

Continued from page 4

### Move to Privatization of Long Term Care

Harris's Conservatives were instrumental in moving Ontario from a government run not for profit long term healthcare system to a private long term care system.

As I mentioned previously, when for profit business gets involved, they find many ways to cut costs. This includes paying workers much much less. In addition to reducing the number of workers to safely perform a job.

Sadly, for many years prior to the Pandemic hitting Canada, there have been many horror stories of elderly people being treated like human trash in the private long term care homes. I remember several stories being covered by CBC's Marketplace where they provided overwhelming evidence of not just neglect but criminal neglect in their episodes. These are shows that I do not encourage you to watch as it can be quit emotional. However, it is something we all as voters MUST KNOW!



(Click Image to watch video)

Here is one episode I found that aired on January 26, 2018. It is CBC's marketplace showing staff neglect and neglect of other residents within the for-profit long term homes. [https://youtu.be/gk5iEo-s\\_6M](https://youtu.be/gk5iEo-s_6M)



(Click Image to watch video)

<https://www.youtube.com/watch?v=CpkSWRdVT0>

In this next episode of Marketplace, they send a marketplace producer undercover, into a Long term care facility as a personal support worker. They take video and document the understaffed and overworked workers.



(Click Image to watch video)

Then in another episode on CBC News Special it was further discussed and more issues exposed about private long term care.

<https://www.youtube.com/watch?v=CZXUMhBlxUE>

What is even more disturbing, is that advocates, if there is any, would argue that these incidences are rare and offenders are punished. However, in yet another Marketplace Story, it was discovered the majority of long term care homes are rarely, if ever punished for wrong doings. The story headline says it all!

### 85% of Ont. nursing homes break the law repeatedly with almost no consequences, data analysis shows



Hidden camera reveals staff hitting, yelling at resident in nursing home with repeat abuse offenses

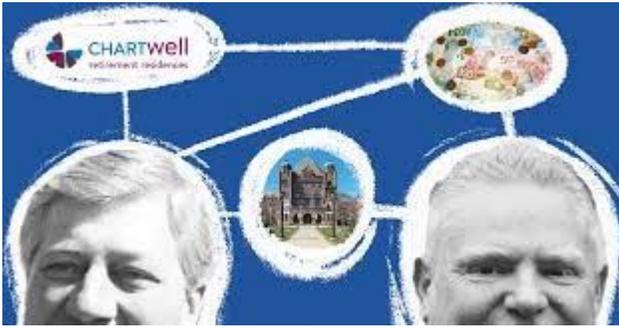
Katie Pedersen, Melissa Mancini, David Common, William Wolfe-Wylie - CBC News - Posted: Oct 23, 2020 4:00 AM ET | Last Updated: October 23, 2020



(Click Image to see story)

<https://www.cbc.ca/news/marketplace/nursing-homes-abuse-ontario-seniors-laws-1.5770889>

Continued on page 6



Ultimately, we know what happened. Many countless Canadians died due to a failing private for-profit long-term care system. That only cares about profits over people!

Ironically, after Mikey Harris *liked it*, he really liked Long Term Care. He was appointed Chair of the Board of Directors for Chartwell, Canada's largest Long term Care company. It was such a shock to our society that even the rich shareholders of Chartwell had joined forces with **nuns** and demanded change and the removal of Mikey Harris. As explained in an in-depth story by Toronto Star Reporter Josh Rubin.

### Shareholders, including a group of nuns, are demanding changes from Chartwell Retirement Residences – including the ouster of Mike Harris

By **Josh Rubin** Business Reporter  
Thu., May 20, 2021 | 4 min. read



(Click Image to read story)

#### Then the Dreaded BILL 99!



Harris then voted into law, in the summer of 1997, the newly and improved workers compensation law the Workplace Safety & Insurance Act. The revised law made countless sweeping changes. One of the changes was the renaming of Ontario's workers compensation board to the Workplace Safety & Insurance Board. Some twenty years later I still ask **WHY?**



There was a cost to change the name, the sign on the buildings, letterhead etc. was it really needed NO! The law claimed to be about helping injured workers. This was alleged by getting injured workers back to work and ensuring workplace safety. Hence that in the name of the new law at the time included workplace safety. As did the new board and tribunal.

#### In reality it is a slap in the face to all injured workers!

While there were so many negative changes imposed on injured workers some of the highlights were as follows:

- Injured workers, including injured workers who were injured prior to the enactment of the law, had newly imposed time limits to file any appeals.
- Injured workers, including those injured prior to the enactment of the law, were forced to take part in a return to work program. *In all cases they were unsafe and unsuitable!*
- Injured workers injured after January 1, 1998, income benefits were reduced from 90% of net income to 85% of net income.
- Injured workers injured after January 1, 1998, entitlement to healthcare benefits became a privileged and was not longer a right.
- Ironically, even though the entire law was re-written the legislature left in the section that injured workers could not seek judicial review. This even though the Supreme Court of Canada has repeatedly stated to deny judicial review is unconstitutional.

There were many countless other changes. These changes literally turned the workers compensation system from a right, to a privilege. A privilege that is rarely given!

I find this ironic, as injured workers are often told workers compensation is a *"historic trade-off"*. It is explained that injured workers give up their right to sue their employers and in return injured workers are guaranteed speedy determination and payment of workers compensation benefits. I say ironic as when you fast-forward to today, a worker injured is expected to return to work the next day. So where eis there anything for the injured worker? This is why I have renamed it what it should be rightfully called:

#### The *"Historic Rip-off"*!

Continued on page 7



### McGuinty & Wynne's Liberals

McGinty won a whopping three consecutive terms. However, his government brought us no real positive change for injured workers.

They never killed 99. They never restored the 5% loss in income replacement benefits to injured workers. They never restored the right to healthcare benefits.



However, what the McGinty's Liberals did bring us was a law that allows the government to snoop through our private medical records without our consent and **WITHOUT OUR KNOWLEDGE!**

This proved to be a huge issue with injured workers. This was because the WSIB would obtain an injured workers medical file. The main reason was, not, to help an injured worker get coverage, but the opposite. The WSIB would meticulously scan a worker's private medical file. They were looking for any reason to deny the claim. That the injured worker had a

### Preexisting Condition!

I think my second favourite dumb move of the Liberals was the appointment of Mr. David Marshall to oversee Ontario auto insurance industry. After Marshall was done with destroying injured workers he moved onto the auto insurance industry. This was to guarantee insurance companies claims would remain denied. This was because instead of going to court against a insurance company, they had to go up against a pro-auto insurance decision maker at a tribunal!

Between McGinty and Wynne the fight with our most valued professionals, the healthcare profession continued.

I did meet Wynne in Kitchener one day with some other prominent injured workers. This is when we appeared in a pop-up protest. Ironically, I was more impressed with meeting Christine, Heidi, and Peter, then I was with meeting Wynne. When Peter explained to her about deeming Wynne said I thought we dealt with that. Peter then explained to Wynne, yeah you did, but the WSIB just changed the name to **determining**. I screamed in my head OH MY GOD! What scam artists! I then got the opportunity to shake Wynne's hand. To be honest I was

very under impressed with Wynne. I jokingly said to the others, afterwards, that shaking her hand felt like shaking the hand of a Velociraptor. I kept looking to my left and right sides for two others to come in and kill me!

Towards the end, WYNNE of her government reign, they did begrudging try to appease the labour movement with the passage of laws. This recognized the long and very hard fought fight of the \$15 and fairness campaign. However, it would be very short lived. This was because fear rampaged the province that the average person would have to pay massive of amounts of money for their morning coffee, latte, or mocha cup of crap. I remember Galen Weston crying the blues to the media that his company would lose \$100,000 a year in profits if the minimum wage went up to \$15 per hour. When I heard that. **I thought what a moron!** Any extra money low-income people get in their pockets is going right into food and clothing two things Mr. Weston's company sells. Ironically, Mr. Weston never said what he makes or his company makes each year.

### Ontario Election 2018

The end result was that the voters listened to the fear mongering of business and voted out the Liberals. In that election it was a little special to me. This is because I ran.... errr I actually like to say I walked in that election. I don't run.

GUELPHTODAY.com

### Schreiner shines at first all-candidates forum (9 photos)

May 11, 2018 10:30 AM By: Tony Saxon



1/9 Seven of the eight local candidates for the upcoming provincial election were at an all-candidates forum Thursday at the Italian Canadian Club. Tony Saxon/GuelphToday

Perhaps neophyte fringe candidate Paul Taylor, representing the None Of The Above Party, summed up Thursday's night's all-candidates forum best.

Seating arrangements on stage at the Italian Canadian Club had the affable Taylor sitting to the right of Green Party candidate Mike Schreiner's, meaning Taylor had to repeatedly address a question after Schreiner's energetic, precise and crowd-pleasing responses.

"Oh shit. I should have sat down there," said Taylor motioning further down the table.

As he probably should, given the circumstances, Schreiner led the pack at the first local public all-candidates forum.

(Click Image to see story)

Continued on page 8

Yes that is me the chubby guy, wedged between the contender, Mike Schreiner who won and the PC candidate. **OH JOY!**

You see what led up to me throwing my hat in the race. It was because when I had a meeting with the former Liberal MPP Liz Sandals I requested another meeting to speak for my local injured worker group. The MPP's office refused saying that she did not want to talk to me because I was suing the government, the WSIB. I was pissed!

So, I ran... err walked! The photo above was at the candidates debate. I was not really impressed with where the organizers placed me. They placed me right after "Mr. Green" Mr Schreiner. It was an environmental debate—OH joy! How can I or anyone follow the leader of the Green party in an environmental debate. Well I did and I had a little fun in the process. I just agreed with everything Mike said. Then when it came to the wonderful healthcare system, which had been brutalized by the previous Conservatives and Liberals I had to tell my personal stories of waiting for ever in the Emergency department of the Hospital, while my daughter was cared for. I told the story of when she fell of a horse and broke both her arms. I joked saying to her "give daddy a hug". She was not impressed! However, everyone at the debate laughed. Most importantly, they all related to the horror stories of the cuts to healthcare! In the end I lost 😞 Mike Schreiner won the election. With the win it meant the first ever seat for a member of the Green Party in Ontario. The positive thing was that in the local area the issues of injured workers were raised right to the top as I made it a major issue in the campaign.

### Doug Ford's Conservatives:

Not surprisingly, even though the NDP had a strong lead going into the election they lost to Doug Ford and his dreams of Buck-A-Beer! Something even I an avid beer drinker, thought was completely irresponsible! However, ya gotta give the big guy credit he knows how to buy votes ... with cheap beer!



***I always joked that Ford wants us to have cheap beer, as we are going to need it, to numb the pain of his coming disastrous changes!***

Ironically, right off the bat Ford caused major problems across the province when he imposed a hiring freeze on all

civil servants. I actually believed this was very moronic in a time when all the baby-boomers were retiring. In some ways it was a little funny. Previous to Ford's brilliant (*sarcasm*) move to implement a hiring freeze the Landlord and Tenant Board was holding hearings within weeks of a request by a landlord.

I know right how is it that the LTB can hold hearings so quickly, yet appeals to the WSIB appeals division and WSIAT take years? The answer is simple ...it is for landlords — BUSINESS!

So, the LTB went from an extremely efficient **eviction machine** to one where landlords were waiting months and months for hearings. Now I laugh, but then even tenants were being hurt by this. These are the tenants that are fighting for maintenance repairs to be done.

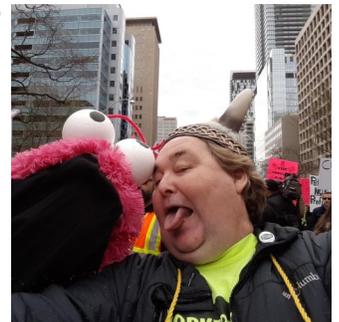


### Attack on Healthcare Again!

Then Ford focused his energies on how to find creative ways of cutting even more services to healthcare. The first was when Ford attacked the people who rush to our aid when we are

in need of help—our paramedics!

Then in an attempt to push us all to want privatized healthcare. Ford announced the amalgamation of the local health units into one health unit. Translation more control and less healthcare service.



These two actions caused numerous political actions and one was held on April 30 2019 at Queens Park. I was honoured to take part. I even had a little fun attending this event with the Gulph Labour Council as you can see. ***They are crazy and fun!***

Ironically, the only so called saving grace for our beloved public healthcare system was when the pandemic hit. This caused Ford to quickly back off any further cuts. However, and ironically, Ford is still today maintaining privatization of Long Term Healthcare. This even though it is a hotly debated subject by the federal political parties.

### Attack on Injured Workers Again!

I should not really say attack. This is because there was nothing left to attack on injured workers. Ford's buddy Mikey Harris made

***Continued on page 9***

sure of that. The only thing left to do was to funnel the billions in surpluses stolen from injured workers, back to employers. Ford did this by claiming that employers were such good little boys and girls they deserved a premium rebate. Most importantly, Ford claimed that giving back billions to employers in premiums they paid would actually save taxpayers billions.

**OK Dougy, I am REALLY CONFUSED?**

The way I look at it is this. Workers had their right to sue their employer taken away from them. I say stolen! In return, workers were given a right to speedy determination and payment of worker compensation benefits. So says the courts, across Canada. The most important point here, is that the main purpose of workers compensation was to prevent injured workers from becoming a financial burden on taxpayers. This is because when injured workers are left to fend for themselves they are forced to use taxpayer funded social programs like Ontario Works, Ontario hospitalization insurance plan, student grants & loans, and many more. Remember workers compensation is privately funded by those employer paid premiums Ford gave back to employers.

**So then Mr. Ford,  
how is giving billions of dollars  
back to employers  
saving taxpayers money?**

So, now it is estimated that well over 4,500 injured workers a month are forced onto taxpayer funded welfare income programs. The full extent of the cost to Canadian taxpayers is completely unknown.

**Surprisingly no one wants to study this issue!**



The rest of the Ford reign of terror we all know very well. How the healthcare system has repeatedly been on the verge of utter collapse, due to the countless cuts of the past. How now Ford is

seriously thinking of further privatization in long term care! Yep you heard that right! My point to this extremely long rambling and sort of political history lesson is that no one party is going to swoop in and save the day. We have to do that ourselves. We MUST learn how the parties acted in the past and learn their current political positions. Most importantly we MUST push the cause of injured workers to the top of their agenda—Yes even with the NDP!

**Update on National Charter Class Claim**

National Charter Class Claim with the British Columbia Supreme Court. Therefore, the National Charter Class Claim against all of Canada’s workers compensation boards and tribunals have been filed in two different provincial courts in Canada!

**Special thanks to David Curtis of Ontario and George Kavallis of British Columbia for their financial support to injured workers by paying the court filing fees in Ontario and British Columbia!**

We will next be working on drafting the National Charter Class Claim to be filed in the Province of Alberta. This was discussed at the Sunday afternoon meeting in August and agreed. I hope to have some definitive news with the Alberta filing by the next ZOOM meetings in September.

We will continue to look for individuals in under or unrepresented provinces and territories. This way we will have achieved our goal of filing the National Charter Class Claim in every Province and Territory in Canada

Many people have expressed an interest in helping with the filing in Saskatchewan, Manitoba and many other provinces. They will likely be the next to have the National Charter Class Claim drafted to be filed in those provincial courts.

I have tried my best not to ask for money for the simple reason most of us are completely broke. This is thanks to Canada’s workers compensations system! However, it would be nice to raise monies for this National Campaign. Unfortunately, I am really busy with drafting the paperwork for each jurisdiction. This is a small amount of money needed for the National Charter Class Claim to be filed in each jurisdiction across Canada. This is so the individuals filing do not incur the full cost on their own. The court cost to filing is approximately between \$250 and \$300 depending on the region.

So, if anyone has any ideas to organize a fair, transparent, accountable, and honest way to collect and maintain the money that would be great. We can discuss this at our next ZOOM meetings in September.

**Please do not get your hopes up too high!**

**New ZOOM Meetings Have been Scheduled throughout the Fall 2021!**

I just want to let you all know that the ZOOM meetings have been scheduled for the Fall on a basis of every two weeks on Sunday afternoons. I have updated the webpage to list the new meeting dates and have updated the registration page.

Please register for the ZOOM meetings.

You only have to register once.

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

**I require registration for your protection!**

## What are the Positions of the Political Parties During the 2021 Federal Election?

Often we as injured workers wonder what exactly the position of a political party is towards the plight of injured workers. Are they sympathetic, or are they of the opinion that injured workers are nothing but lazy welfare cases?

### More importantly are they going to do anything to help us all?

This is something we all as injured workers in Canada really need to know. Now before you say what MPs always tell you, that injured worker issues are a provincial matter and not federal, I already have provided a response to that position. I sent a message to every Federally registered political party in Canada. In my message, I wanted to know, and most importantly I wanted you to know, their position on workers compensation. I also explained how they were wrong to say it is only a provincial matter.

### The following is what I sent:

Good day,

My name is Paul Taylor, and I am writing your political party to inquire your party's political position on **justice for injured workers in Canada!**

I will be sending this request for information to each political party. I will then be posting the political parties' response, if they, or your party bothers to respond, in my monthly E-newsletter **Injured@Work**. A newsletter that goes out to injured workers, advocates of injured workers, and the families of injured workers. This is a monthly newsletter that goes across Canada. I will only say I have a very large following and your political's party's position will influence how these thousands of injured workers vote. For example, in Canada according to the Association of Workers Compensation Boards, in 2019, there was 271,806 lost time claims. However, this number does not include claims reported. Most importantly does not report the number of claims intentionally suppressed by employer which has been rated as high as 30% according to reports done in several provinces. So injured worker numbers on a per year basis are much closer to half a million Canadians each year.

**My point is that there are a lot of Canadian voters injured at work and denied justice!**

Many Members of Parliament ("MPs"), when approached by injured workers, who are begging and pleading for help, the MPs wrongly assert that workers compensation is a Provincial/Territorial matter, and they cannot help! This is false and I will briefly explain.

I first wish to dispel the falsehoods, which are obviously spread by employers, who claim that when workers get workers compensation benefits it costs taxpayers because workers compensation is welfare and how all injured workers are faking.

To believe the claim that workers compensation is taxpayer funded is easy for one to draw that conclusion. This is because injured workers receive the same tax slip, a T-5007, as those on welfare. A good question to the people at Revenue Canada – Why? However, Canada's workers' compensation system is **NOT** funded by taxpayers. It is solely funded by employers. Yet, when a legitimate claim for workers compensation benefits is denied. Then it ends up costing taxpayers immensely. For example, in Ontario it is estimated that more than 4,000 injured workers a month are forced onto Ontario and Canada's social assistance programs This costs all taxpayers in untold millions each year. This does not include health insurance and the many other taxpayer funded programs.

Additionally, and this is my favourite one, **employers falsely state all injured workers are faking**. This is understandable when an employer follows a worker around, much like a stalker. The purpose of which is to video every movement and then edit the video to prove a worker is fine, without any "**independent**" medical examination. A very disturbing example was reported by CBC news where an injured worker was followed for two years by Ontario's WSIB. The WSIB had no legitimate reason to do so and found no wrongdoing. Moreover, the individual they followed developed severe PTSD as a result. Ironically, the WSIB will never be held accountable for their intentionally harmful and criminal actions. Also, in two separate reports in Ontario and Manitoba they confirmed intentional employer fraud. This is where employer claim suppression was as high as 30%. Moreover, when reviewing enforcement cases in provinces like Ontario it shows some 40 employer enforcement cases with only one injured worker. I have no doubt the injured worker was injured. However, their employer was very convincing to the WSIB with fancy edited video. In effect employers, the workers compensation boards, and the public become medical specialists, when looking at injured workers. They WE do this by giving our own personal opinion that an injured worker LOOKS FINE TO ME!

Workers Compensation came into existence in 1914 in

*Continued on page 11*

Ontario. Then over the course of the next several years in other provinces and territories across Canada. Unlike any other matters that Canada's governments deal with in Canada, workers compensation is not listed in Section 92 or 93 of the Constitution of 1867. As I am sure you are aware Canada is unique as its Constitution spells out the powers between Parliament, and the Provincial/Territory Legislatures. For obvious reasons workers compensation was not considered by the fathers of confederation. This is because governments showed no interest in workers being injured at work. It was not until the late 1800's and even then, it was only due to public outrage. Public outrage occurred when five workers were killed, I say murdered, in Hamilton at their work. This was when the plant they were working at blew up. Their employer was never charged with any wrongdoing. Most disturbingly, their families got nothing! This forced governments to take some interest with ensuring workers are compensated when injured at work. Ironically, the political party who investigated, created the Meredith Principles, and passed the law in Ontario was a conservative government. Even Meredith himself was a former Conservative leader. I say ironically as today, conservative governments across the country have worked at a feverish pitch to dismantle what they created a hundred years ago – Canada's workers compensation system.

Then in 1982 when Canada, being the last British colony to develop its own constitution - finally did! The new constitution made no mention of workers compensation. That being whether it was specifically to be handled by provinces/territories or the federal government. This confirms that either level of government can manage and maintain Canada's workers compensation system.

My second point regarding justice for injured workers is how Canada's judiciary, which is a federally managed program has overwhelmingly supported Provincial & Territorial governments, regarding workers compensation matters. I do not make this as an opinion, but as a statement of fact.

There are two common instances where injured workers deal with the judiciary. The first is with a process called judicial review. This is where under s. 96 of the Constitution it empowers our courts to review a government decision, whether it be a government officer and/or government agency. The courts had set a very high standard for a decision to be reviewed by the courts being patently unreasonable. This included workers compensation decisions. As I mentioned above, workers compensation is not taxpayer funded, more over unlike civil matters where balance of probabilities is used, in workers compensation matters decision makers are mandated by law to use "**benefit of doubt.**" Even when the Supreme Court of Canada did away with patently unreasonable in 2008, the lower courts disregarded this in workers compensation matters. Then in 2019 when the Supreme Court

defined what a reasonable decision was. The lower courts still held firm and ignored it with workers compensation matters. To confirm the position of the lower courts one only need look at the lower courts' actions. For example, in Ontario in reviewing case law involving judicial review decisions of the Ontario workers compensation tribunal. It was discovered that over the more than 40-year history of the tribunal,

**the courts have only reversed three decisions!**

It is arrogant presumption to assume a tribunal or court is that good. Sadly yes, the tribunal does take that position of being that good or perfect. However, what the tribunal or the lower courts fails to tell anyone is that the courts allow the tribunal to stand as an opposing party in a review hearing of the tribunal's own decision. In most cases, the courts' justification is taken from the Supreme the Court of Canada citing that a court should be able to hear both sides of a dispute and allowing the tribunal to stand is fair for that reason. Ironically, the court neglects to mention often this pits a self-represented injured worker against a well-resourced tribunal. Moreover, it is an incorrect interpretation of the Supreme Court of Canada's decision. This is because workers compensation is not protecting the interests of society like that of a say a licensing board. Therefore, this is how workers compensation boards and tribunals are easily able to manipulate the law for their own benefit. A benefit that not only violates the principles of the Rule of Law but brings

**Canada's Administration of Justice  
into Complete Disrepute!**

The second process where injured workers deal with the courts is when they have been treated very badly and attempt to seek justice in the courts by bringing a civil claim against the workers compensation board and/or tribunal. In virtually every case their claims are dismissed by the courts. Any reasonable person would agree that when a government agency acts so horribly or outside the standards of decency of society against one member of society, then they that agency MUST be held accountable. However, courts often claim that a workers compensation board and/or tribunal are above the Rule of Law and ultimately accountable to no one. This is because the courts reason that the boards and/or tribunals are like that of a court and as such cannot be sued. The courts are incorrectly blending immunity of a judge to that of the courts and a board/tribunal, and a board/tribunal decision maker. A court is correct to assume that a judge cannot be sued as they have immunity. However, a court can be sued. By this I mean one would bring a claim against the government and not the judge. Moreover, in every worker compensation law in Canada it clearly states a decision maker can be sued when they have acted in bad faith. In most

laws it makes no reference of any immunity of the boards/tribunals. Yet courts across the country routinely hold injured workers to an extremely high standard and in doing so deprive them of ANY JUSTICE!

**I now ask you to provide me your party's political position on dealing with the systemic injustice of injured workers in Canada by Canada's Courts and Canada's workers compensation boards/tribunals.**

**Beside the typical "lip service" what does your party intend to do to right this well-known injustice?**

You can send any responses to me directly by e-mail at [fightwcb@gmail.com](mailto:fightwcb@gmail.com)

As I said before, I anticipate none of the well-known political parties will respond.

That being the Liberal Party, the Conservative Party, The NDP Party or the Green Party!  
Let's see if you prove me wrong!

After sending the above message to all of the political parties I only received one response and the was from the **Animal Protection Party of Canada**.

I guess in some way it is kind of fitting as injured workers are viewed by **the powers that be** as animals. I say this as the way the workers compensation boards are able to treat us like animals.

**Here is their response:**

Hi Paul,

Thank you for your e-mail. My heart goes out to anyone who is injured on the job. My aunt who worked at Canada Packers years ago was the victim of an ammonia leak. She had permanent damage to her lungs. The partner of one of our long time volunteers also suffered a serious injury while on the job.

As a Party, we would:

1. Reach out to injured workers, legal clinics and lawyers who represent injured workers to determine what changes federally would assist in improving the WCB process for injured workers and implementing them; and
2. by working with the provinces to:
  - Create a Fair Practices Commission independent of the WCB to deal with worker and employer complaints and an independent medical services office to address medical disputes;
  - Include worker representatives on the WCB Board of Directors;

- Eliminate the discriminatory barriers to compensation for psychological injury;
- Amend the *Workers Compensation Act (WCA)* to properly resource and personalize vocational rehabilitation while involving the worker;
- Place the needs and recovery of injured workers above the speed at which a worker returns to work as a key measure of success; stop relying on a computer system to determine when an injury will heal;
- Amend the WCA to stop deducting CPP disability from workers' benefits;
- Provide resources to ensure appropriate engagement with Indigenous communities, farmworkers and other groups of workers that face systemic barriers;
- Improve communication with workers and employers, with more resources to help workers navigate the complicated compensation system;
  - Allow the WCB to consider exceptional circumstances impacting workers' pre-injury earnings; pay interest to workers when the WCB wrongly denies a worker benefits and must endure a lengthy delay.

Our platform is not specific about injured workers and I am not totally familiar with all the jurisdictional issues. In reviewing some of the recommended changes to the current system, the recommendations above made in a report by BC legal aid advocates seems to include some progressive recommendations.

We describe our politics as Compassionate Politics and the description of our party - To create government that will protect animals, empower people and preserve the environment.

I hope this is the kind of answer you are looking for.

Thank you for working on behalf of injured workers who need strong advocates to fight for a better system.

Sincerely,

Liz White, Leader  
Animal Protection Party of Canada

**Also let's not forget the single injured worker running in this election!**

I received the following message from Christine Nugent who is very courageously running in the ridding of **Fiera Foods**. Fiera Foods is where FIVE workers were killed at work. Not to mention the countless Toronto Star exposes including an in-depth undercover report.

Continued on page 13

Here is Christine’s Message to me:

Good morning Paul

I hope your meeting yesterday went well. I am the Marxist-Leninist Party of Canada candidate. Once again in the riding of Fiera Foods and I am sure, during this pandemic workers faced untold crisis with health and safety in all workplaces in the Humber River Black Creek riding.

I would like your views on the federal election and what can be put forth nationwide on behalf of workers, their families, killed made ill, or injured at work. What should we say? I propose writing for Renewal Update, (<https://cpcml.ca/ru-index-of-articles/>) my party's publication, during this election and I may be able to attend zoom all candidates meetings if my health allows it. Hoping you can send me some thoughts, some talking points.

My initial thoughts, "Workers are gearing up to make sure the so-called post-pandemic recovery is not used to block a human-centered alternative that affirms the rights and dignity of all. They are fighting to open a path to a new direction for the economy and for all the affairs of society. Going back to "business as usual" is the last thing Canadians want and the last thing society can afford."

Our voices must be heard.

For injured workers nationwide, this means...

My Response to Christine:

Christine,

First, thank you Christine for throwing your hat into the ring and not only running, but running in a notorious riding for killing workers, while they work.

Secondly, the biggest and best talking points I can give you is the lack of interest by the federal government with injured workers. The MPs always say it is a Provincial/Territorial matter and push the injured workers away. Christine, I have provided below the message I sent to all the political parties. In addition to this I would add that injured workers MUST be asking of their MPs the following:

- 1. **That workers compensation be taken over by the Federal government.** Just like Employment Insurance. However, unlike EI this MUST be guaranteed.

- 2. **That the Federal Judge’s Act be revised to provide for mandatory training, discipline, and if needed removal by the Canadian Judicial Council.** That the council be made up of Canadians, with no political affiliation and represent all types of Canadians and are elected by the people for a maximum five year term.
- 3. **Constitution Must be amended by the People for the People!** I would also say that the Constitution MUST be amended to include the above two issues. That in addition to a guarantee of fairness for all Canadians and not just the rich. Most importantly, the Constitution be changed as follows:
  - That only a majority vote of Canadians can amend the Constitution.
  - That section one of the Charter be removed.
  - That amend s. 33 “notwithstanding clause” that only the people by majority vote can invoke it, unless of time of war then Government can.

If someone claims you’re wasting your vote, recognize that they don’t care about you. It’s a selfish statement. They are saying your beliefs aren’t worth being represented, that you should silence your voice so theirs can be louder. Don’t give in to that. Vote your conscience.

### Jokes From Injured Workers!

3 are kids were overheard talking who has the fastest dad.

The first kid says their dad plays baseball and can throw a fastball from the pitching mound and then catch it at home plate.

The second kid says that's nothin', their dad is a physicist and can turn the bedroom light off then get into bed before the light goes out in the bedroom.

First kid goes wwoow!



The third kid says that's nothin', their dad is a physician at WCB from 9-5 and is home everyday by 2.

First, second kid go Wwwwwoow!

Submitted by Michael Furlong

## Ontario Court of Appeal ruling 'sending alarm bells' through construction industry, says lawyer

*Ruling was 'strong affirmation' of one of the 'seminal cases on the definition of employer': Crown*

*By Aidan Macnab 17 May 2021*

A recent decision from the Ontario Court of Appeal is “sending alarm bells” through the construction world, says Sahil Shoor, construction and infrastructure lawyer at Gowling WLG.

Prior to the ruling, when an owner of a construction project and its general contractor signed a contract, the latter would agree to assume responsibility for health and safety standards under the Occupational Health and Safety Act, says Shoor, a partner at Gowling’s Waterloo office. Though the owner is not regularly on the job site, they will send inspectors to approve and review work. In so doing, the owner is liable if work is not up to OHS’s standards.

*“What I’d say is changed is the long-standing practices that existed in the construction world when it comes down to monitoring, quality control, safety and management,”* says Shoor.

The parties were tried in separate proceedings. The trial judge found the grader operator was working without a signaller and there was no fence to separate the public way and the worksite. While Interpaving was found guilty, the city was acquitted, as the judge found Sudbury was neither an employer nor a constructor and owed no duties under OHS. But Sudbury would have been clear, regardless, as the trial judge also found the city had a due diligence defence to the charges.

After its appeal to the Superior Court was dismissed, the Crown was then granted leave to the Court of Appeal to determine whether the trial judge erred in concluding the city was not an employer under the act. Because its status as a constructor was an issue of mixed fact and law, that question was not subject to the appeal.

Justices Michael Fairburn, David Watt and Grant Huscroft reversed the lower court’s ruling and **found Sudbury was indeed an employer under the act and liable for violations to its regulation**, unless it is able to establish a due diligence defence. The Court remitted the case for a hearing concerning the Crown’s appeal of the due diligence finding.

The Court referred to the 1992 Ontario Court of Appeal

decision in R. v. Wyssen, which defined employer in OHS as covering two relationships: **a person who employs workers** and **a person who contracts for the services of workers**. The act puts employers “virtually” in the position of an insurer, which must ensure workers are complying with safety regulations before work is undertaken, said the Court.

In the case of the Sudbury construction site at issue, inspectors employed directly by the city had monitored the site for quality control and work progress, “plainly” making Sudbury an employer for the purposes of OHS, said the Court. This was enough to dispose of the appeal.

The Court left unanswered the question raised by the lower court judge as to whether “control” would be a requirement where the municipality has contracted work to a third party.

*Article originally published in LAW Times. All rights reserved.*

## Important Stuff—Caselaw

***What is caselaw and why is it so relevant to injured workers!***

In law, there are general three types of law. Constitutional law, written law and common-law.

Constitutional law, involves, as it says, the constitution, but more specifically it only involves actions/inactions of government and the laws they make. As most know the constitution sits above all other law and government action/inaction.

Written law, involves any law, or in the case of workers compensation policy and/or procedures. The laws are created by elected officials and voted on. Except of course in the case of board policies and procedures. Often, written laws or a portion of them can be declared by a court as unconstitutional and as such are of no force or effect. This also applies to policies and procedures.

The third type of law is case-law, common-law or judge made law. This is when a judge or panel of judges, interprets the law and expands on its meaning. In the case of common-law, the priority of courts decisions is that decisions of the Supreme Court of Canada applies to all courts, boards, and tribunals in Canada. Within each province/territory the court of appeal decisions applies to the lower courts, boards, and tribunals. The court of appeal decision is not mandatory in other provinces/territories. However, it can be used to sway the court, board/tribunal. Then decisions of lower courts apply to boards and tribunals. Again, decisions of lower courts are not mandatory

*Continued on page 15*

in other provinces/territories but can be used to sway a decision maker.  
Also, an administrative board or tribunal, such as a workers compensation board can hear a *Charter* question on a government action/inaction and/or on a law that is arguably an infringement of the Charter.  
Note that there is process for raising a *Charter* argument or raising a **Constitutional Question**. I will discuss how to do this and how to make an effective argument in the next edition of **Injured#Work**.

## Submissions From Injured Workers!

DISCRIMINATE

This crime I hate.  
Red, white, black,  
We can't wait.

You got rights I got none.  
That isn't any fun.  
I got rights you got none.  
Where you going to run?

Discriminate.  
This crime I hate.

100 years of pain.  
Our misery their gain.  
Injured workers fooled again.  
Flushed down the drain.

Discriminate.  
This crime I hate.

We're all slaves.  
Worked into our graves.  
Blood sweat and tears we gave.  
Might as well be living in a cave.

Discriminate .  
This crime I hate.

Laws to take our rights.  
How to win when you can't fight?  
Law gives them the might.  
How do they sleep at night?

Discriminate.  
This crime I hate.

Join the revolution.  
It is the solution.  
For our evolution.  
And a resolution.

Discriminate.

This crime I hate.

Our words bring understanding.  
Policy and procedure notwithstanding.  
Our message not grandstanding.  
We just want our fair standing.

Discriminate.  
This crime I hate.

Open your eyes.  
Hear our cries.  
Don't listen to lies.  
Injured workers don't despise.

Discriminate.  
This crime I hate.

To work we go every day.  
Just trying to earn our pay.  
Compensation promised they say.  
If harm comes our way.

Discriminate.  
This crime I hate.

We are dead or dying.  
All because of their lying.  
Compensation they are denying.  
On ignorance they are relying.

Discriminate.  
This crime I hate.

Yeah people don't be slow.  
This is a reality show.  
We reap what we sow.  
Inequality and injustice kills you know.

Discriminate.  
This crime I hate.

Yeah people hear my plea.  
Don't discriminate against you and me.  
Change the law for humanity.  
For peace in our community.

Discriminate.  
This crime I hate.

Red, white, black,  
We can't wait.

© Frederick Palmer August 10, 2013

## Never Mind Where's Waldo, where's Injured@Work!

I again apologize for not publishing the July 1st Canada edition of the newsletter. However, I was mortified, when I learned of the amount of children found in residential schools that were buried in unmarked graves!  
How can anyone justify such actions EVER?

Many blame the Queen, but she does not even care or have any interest here. The Queen to Canada has been nothing more than a figure head. Don't get me wrong, if the Queen was directly responsible I would be one of the first demanding accountability and removal of the Crown from Canada.

Many also blame the government, but let's be honest our government is a democratic government. As such it follows the orders from the people... er actually let's be honest it follows the orders from BIG BUSINESS!

If Canada is a truly a free and democratic country then why does it allow such inhumane treatment of its native peoples?

I believe the failure falls directly on our justice system.

For example look at how the courts resolved the long standing and extremely contentious issue of abortion. It was the courts who finally made a permanent decision. Their basis was that it was wrong to force a woman to endure a pregnancy.

The same can be said for what has been called as the "right to die" legislation (*Carter v. Canada*). Again a very contentious issue. Another topic myself I am on the fence about. This is because no one should endure cruel and unusual treatment and has the right to end it such treatment. However, what about institutional abuse with this new ruling. Yes, you know where I am going with this. If an injured worker gets seriously hurt, rather than the workers compensation board taking care of them. The workers compensation board, then treats the injured worker like an extremely sick dog, it is cheaper to put them down! Please understand I do not use this example lightly as I had to put my previous dog down. Many would have thought I was crazy after

spending almost \$4,500 trying to save her. Unlike the workers compensation boards, to me cost was not an issue. Also, don't get me wrong I have often thought of taking my own life, or asking for right to die, like many other injured workers have and continue to think about. The concern is that is the workers compensation system is a COMPLETE FAILURE, or the request truly based on chronic unbearable pain. Either way if this is a FREE COUNTRY should we not have the right to decide our own fate? But are we deceiving it or being pressured.

Another good example of how the courts stepped in to fix a injustice was ironically with the lengthy delays within the criminal court system. I say ironically as in the workers compensation system there are no time limits, no interim relief and no urgent hearing process. Yet the courts right across Canada have said injured workers get speedy determination and payment of benefits. This is why we can not sue our employers. To this I say **YEAH RIGHT!** However, in criminal matters, the courts said enough is enough with trials that go on for years and years. As a result, the courts would then allow accused persons to ask for a dismissal of charges if they did not get a speedy trial.

So for native peoples of Canada they get no justice because the Justice system, just like injured workers do not see them as people deserving of rights!



## Also working on National Charter Class Claim!

Also, I apologize as I was not even able to get out an edition in August. This was because I was just swamped with work. This was mainly because I had been working on the National Charter Class Claim. Doing something to this degree is very complex and requires a considerable amount of time and work. For example, after filing the National Charter Class Claim in Ontario, I am now required to serve all the respondents, which is all the WCBs and WCATs in Canada. One would think that is very simple just E-mail it to them. This is now allowed under the revised court rules. However, many WCBs/WCATs do not publish their e-mail addresses.

***Go figure! what are we in the 1980's?***

At any rate so I faxed it to all the respondents. Low and behold many were not able to receive the fax. Something

*Continued on page 17*

Continued from page 16

to do with a complaint fax system or some stupid thing. So, I as they say "**KICKED IT OLD SCHOOL!**" I printed out the National Charter Class Claim and am getting them ready to mail it to each respondent. I spent most of my Saturday printing, and stuffing envelopes—OH JOY!

The picture below is all the envelopes ready to be mailed out. I just have to put the postage on them and drop them in the mailbox. *Ok I feel sorry for my mailperson LOL!*



The next step will be to wait the required period of time 30 days. Then file a motion with the Court to request the Claim be certified as a Class. I will also be filing a Notice of Constitutional Question. This will be the way for it to be heard quickly instead of having it dragged out for decades.



***As I have repeatedly stated to everyone PLEASE do not get your hopes up as the likelihood of success is EXTREMELY low!***

*I will provide more of an update at our next meetings in September and October.*

[Click here if you have not registered for the meeting.](#)

*You can also learn more and register on the webpage dedicated to the National Class Charter claim here:*

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

## Reader's Comments!

***You have a voice here and I am listening...***

I begged and pleaded for your opinion's thoughts, comments, anything. I believe I wrote give it to me. Gove me the good, bad, and ugly. Well, you did, and I am grateful. If this newsletter and our common fight is going to get better, stronger, it is not because of me, but because of all of us!

So, thank you for having the courageto speak out about the atrocities of the WCB/WSIB/WorkSafes across Canada and elsewhere. Courage that was stolen from you,

-----  
*Is this not one of the best newsletters? Congrats.*

*I haven't read the injured worker story yet.*

*Once our members finish their fights, we can provide some astonishing stories.*

*I like the new format. It flows nice.*

*One idea I have is to report, next issue, of the photos of workers at MPs offices, holding the signs for June1st.*

*Let's see if WCIAR gets some posted.*

*The woman who spoke at the Vigil today from the Waterhouse Workers Centre had a spectacular, very detailed speech and a clear denunciation of government.*

*If you could get a copy of it, print it, that would be great.*



Christine, Ontario

Thank you for your positive comments. The suggestion of publishing the photos of workers at MPs offices, holding the signs for June 1st, in the July edition of **Injured@Work** is a brilliant idea, and I love it. I will definitely do that, if any are sent to me by e-mail at [fightwcb@gmail.com](mailto:fightwcb@gmail.com). I would even suggest we could make it into a Canada Day event across Canada! We can create a simple sign with a #WorkersComplsARight Canada day theme, with a beaver holding a flag over the logo LOL. Then I can send it out to everyone and also use social media to ask, beg, plead, injured workers across Canada to print out the sign as big as they can and then pose in front of their MPs/MPPs/ MLAs office. Do it on a Sunday when they are closed and little traffic for COVID safety rules. Then send me the photo with your first name and province that is it. I will then post the photos in next month's edition of Injured@Work

I will also reach out to ONIWG and ask if I can get a copy of the woman's speech. My sincere apologies to the women of inspiration. I missed their beautiful vigil. I will, if they like and I encourage them to, send me anything and I will post it in the next month's edition for **Injured@Work** this

Continued on page 18

Continued from page 17

way injured workers across Canada and elsewhere, can enjoy their beautiful words. Yes, by the way I do regularly receive input from injured workers in United States and even way down under in Australia.

In fact, I popped into the Australia's Injured Worker Day event to observe. Their event was June 1 at 11:30am but was actually on May 31 at 9pm est. or 6pm pst. our time. It is because of the time zone thingy. Something I always mess up. I am glad I am not an international traveler. I would be so confused!

Sadly, the injured workers in Australia, have the same problems as injured workers in Canada and the U.S. Just like us, they are fighting! I suggest injured workers do as I like to do, drop in on other injured worker groups. Just LISTEN to their stories and difficulties and if invited share your story but do so sparsely. This way you both will learn so much from each other. I must admit I enjoyed listening to the Ausey accent LOL! I encourage you and all injured workers to reach out beyond your group, your province/territory/state, your country and seek out other injured workers and just listen to their stories. Believe me when I say you will learn so much from them. From that you will start to be empowered and maybe start to feel just a bit better.

I did act on Christine's brilliant idea and created a goofy Canada day poster and asked people to pose in front of their MPPs/MLAs, and MPs offices with it. Then I asked Canadians to post on social media with hashtag #CandaDay  
#WorkersComplsARight  
#InjuredWorkersWontBeForgotten

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*The newsletter is great, and many thanks for featuring Greg's story.*

All the best,  
Spencer, BC

Thank you, Spencer, your feedback is much appreciated. I have and will continue to direct injured workers to you. So, you can document their stories. This way their stories can be told and documented.

In addition to putting Greg's story in the **Injured@Work** newsletter, I will also be publishing it to the website [www.fightwcb.org](http://www.fightwcb.org) on a page dedicated to written stories here <https://fightwcb.org/Writtenstory.html> This is so Greg's story and all other stories will be saved for anyone to read, learn from, but most importantly to gain strength to fight from.

A man such as Greg has no greater strength to overcome their REAL fears of reprisal, to speak the truth against a

corrupt government agency.

I have heard of many like Greg and to me **Greg and they, are true heroes!**

#InjuredWorkersWontBeForgotten

I only ask Spencer, if you can, to help spread the word of the website [www.fightwcb.org](http://www.fightwcb.org) and the monthly newsletter for injured workers **Injured@Work**.

I and all injured workers appreciate everything you do for giving us a voice!

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*Thank You for such a great informational Newsletter.*

*Dave Curtis, Ontario*

I am honoured to help all injured workers in any way I can. For when I help them, I am rewarded with satisfaction of doing a small part for change!

## Tunder Bay Is Hosting their Speaker Serries Again!

The boys and girls waaaay up north in Tunder bay are back at it again hosting their Tuesday speaker serries. I have found to be extremely informative and supportive for all who attend. Mahboob, the co-founder of PilotMind and Jaisa Sulit the co-teacher of Mindful Self-Compassion (MSC) will be joining us to give an hour presentation of what Mindfulness and Mindful Self-Compassion is about. This will help a person to navigate their attention through difficult and stressful times, to be in a wiser relation with their anxiety and depression.

To receive a ZOOM link e-mail the Group at [tbiwsg@gmail.com](mailto:tbiwsg@gmail.com)

## Tell me what you think!

I enjoy hearing from you!

Many thank me for doing this, but I humorously tell them don't thank me thank the WSIB. That screwed me over like so many others!

But Please send me your comments, stories, and most of all **I LOVE the jokes!** Let's make fun of what we hate so much the failed workers compensation system!

Send them by e-mail to:

[FightWCB@gmail.com](mailto:FightWCB@gmail.com)

# September 2021

Find the words in the grid. When you are done, the unused letters in the grid will spell out a hidden message. Pick them out from left to right, top line to bottom line. Words can go horizontally, vertically and diagonally in all eight directions.

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w o r k e r s c o n o i t c e l e m c p i s a r i
g h t d k k l c j m r t j d c l d j b g p k p p h
w j k w s i a t b r n u h k h p n t e m x t r q x
r r w f k f l r e g d l i o r z q q f y d k e d t
g v m c p f h p n c g t s f i d t w a r n c e r j
m n w p y g r n i p b m t f s g t k s j h b x m w
t w i n m a h a n g t p o i t r w l k a l q i x c
f s c n h c l h n w q r r c i j b k r d k v s m d
c r t b i r g i d d f h i e n n c t o i x p t j f
n g q h e m r u e r d n c o e h e n w v t q i c p
b k y v g o r e i r r p t f n r p j n i s n n p r
x e i x h i m e o n r w r w u n w t h s c g g r l
t e r s t i r f t k t p a o g l r n g i h n c t n
w b f a n r g l t e v y d r e p k d n o r i o k m
f f g g c w d m a x d m e k n t y t i n e c n k s
o m h m a m r v d m p b o e t b m m s a i r d g i
k b c d l h r t v t i b f r g t f q c l n u i f c
h e a r b o b e w t i n f a k m k l k c e o t w s
w j u s t i c e t s t q a d y x p p c o r s i c a
r k n k g m n p w g l p c v r m r w g u f t o l f
s r o t c o d p v w n m h i k b a r k r r u n m o
t x w m h y c y t y m o b s n b m r l t z o s l e
r m a r k e t p l a c e l o g j b x t n j x l n n
f y m q m d m r n k r m h r d r w f c i m l d g g
t j n k f k f y j a c k l a y t o n w v n l c r t
  
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- |                 |                  |                       |
|-----------------|------------------|-----------------------|
| animalrights    | harper           | officeofworkeradvisor |
| bobrac          | historictradeoff | offshoring            |
| charter         | jacklayton       | outsourcing           |
| christinenugent | judcialreview    | preexistingconditions |
| dawgford        | justice          | schreiner             |
| deeming         | longtermcare     | singh                 |
| determining     | marketplace      | web                   |
| divisionalcourt | martin           | worksafebc            |
| doctors         | mcguinty         | wsiat                 |
| election        | neofascism       | wsib                  |

*Solutions on page 24 of this newsletter*

## Ontario Divisional Court Overturns a WSIAT Decision!

Like in most Provinces and Territories across Canada, it is a BIG DEAL when the court overturns a workers compensation tribunal decision. This is because they rarely do it. For example, in Ontario, only three decisions of the Workplace Safety & Insurance Appeals Tribunal, (Ontario's WCAT) had been reversed, prior to this decision. This is in the in the WSIAT's entire 40 plus year history. To me this should be of great concern to many. This is because it confirms a complete lack of impartiality and a violation of the Rule of Law, which includes the reviewing courts. I remember raising this point in my own Judicial Review application with the court. I raised the concern that it violates the very principles of the Rule of Law. That being the court and the tribunal is no longer an impartial decision maker. Ironically, the judge who presided over my matter was a judge in this current decision. Her Honour Justice Sachs!

### [Morningstar v. WSIAT, 2021 ONSC 5576](#)

I will be honest, when I first heard of the Divisional Court's decision I laughed and thought all my bitching , crying, and complaining about the courts being unjust towards injured workers is sort of paying off. I especially had a chuckle, when I learned it was a judge who heard my matter. Even though it is a little ironic, I do not in anyway believe I had any influence what so ever on the court. I know the court is unpersuaded by the words of an self represented injured worker, especially me!

I then read the decision and became less impressed by it. The decision revolved around a case of an injured worker with PTSD and *constructive dismissal*. Constructive dismissal is when a worker quits their job due to a poisoned work environment. The courts see this as the worker being forced to quit and then punishes the employer by awarding a large damage award to the worker. This is usually much higher than a labour board award.

The problem I have with this case is that it is as the courts always say **not point on**. That is most cases of injured worker denial revolves around:

**DEEMING,**

**PRE-EXISTING CONDITIONS,** or the boards/tribunals just **IGNORING OUR DOCTORS!**

Yes you guessed it...  
The big three demands of....



Now don't get me wrong. There are some cases with injured workers that this case will be helpful for. However, to me the best case thus far was A truly powerful decision which was

[Ferreira v. Workplace Safety and Insurance Appeals Tribunal, 2019 ONSC 3437.](#)

In this decision it made clear that the **Tribunal decision makers can not act like medical experts when they are NOT!** They **MUST** accept the medical evidence. I know many are like **HEY WTF!** They did it to me! I know, I say the same thing! What is even more laughable is that again I see Her Honour Justice Sachs who was part of the panel of judges and also authored this decision as well. I am really getting the feeling Her Honour just did not like me LOL! 😞

My point is that even when you look at the previous two decisions they dealt with third party suing. This is when a injured worker is allowed to sue a manufacturer of a product for causing their work injuries. Again my point here is that the only one decision that impacts us all mostly, is the Ferriera decision. So the court has issued only one impactful decision in the WSIAT's 40 plus year history.

While this article has solely focused on Ontario, I do eventually plan to study the judicial review/appeal rate in other provinces and territories to determine the level of fairness given to injured workers across Canada. Sadly, I have no doubt the numbers will be very low.

If you like, you can read more on the story published by [Injured Workers Online](#)

Including this [Toronto Star Article](#) by Sara Mojtehdzadeh.

## WCIAR training session on injured worker lobbying

On September 16, 2021 11:00 AM, the [Workers Comp Is A Right \(WCIAR\)](#) campaign is hosting a training session for injured workers and allies on lobbying efforts. It's time to put the worker back in workers' comp, and as a united movement, we will learn how to lobby decision makers to prioritize injured workers.

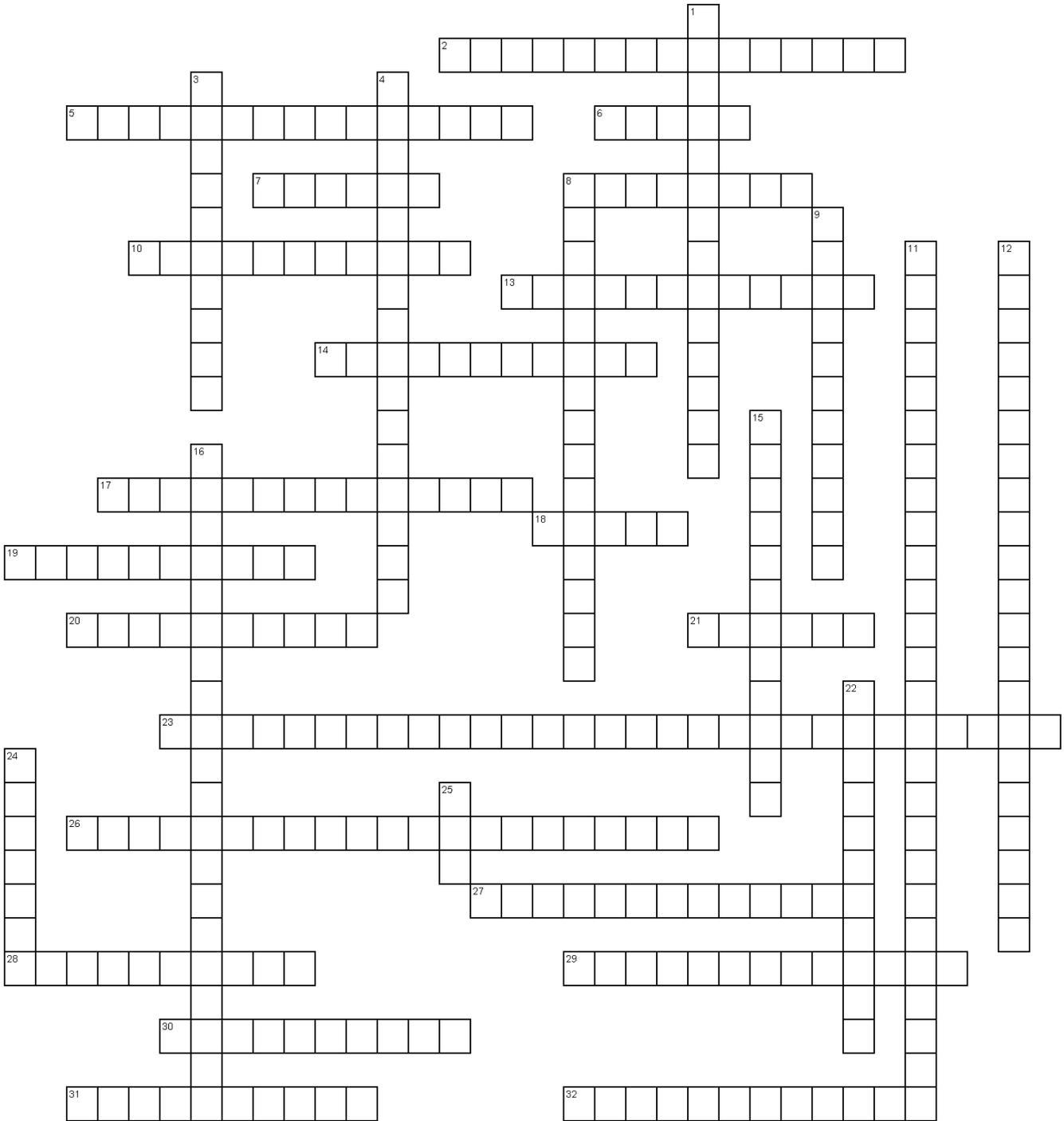
Register now by [clicking HERE](#) or by using this link: <https://tinyurl.com/WCIARtraining>

Together we will make sure  
#InjuredWorkersWontBeForgotten

**September 16, 2021 from 11:00 am to 12:30pm (Est) or 8am to 9:30am (pst).**

# Injured@Work

September 2021



www.CrosswordWeaver.com

**Clues are on next page.**

**To do this puzzle online [click here.](#)**

## ACROSS

- 2 What other province in Canada also filed with the court, the National Charter Class Claim, besides Ontario? - 2 words.
- 5 name of political party the only injured worker is running for in this election? - 2 words.
- 6 section of the Charter that gives us the right to security of person - 1 word.
- 7 Day of the month, when Federal Election will be held - 1 word.
- 8 Who wanted Ontarians to have cheap beer to dull the pain of his cuts? - 2 words.
- 10 section of the Charter that allows governments to override section 2 or sections 7 to 15 of the Charter - 2 words.
- 13 Former leader of the Green party of Canada - 2 words.
- 14 Another name for Deeming - 1 word.
- 17 Name of Ron Ellis' book on Administrative Justice - 3 words.
- 18 Acronym for group that is hosting the training session on injured worker lobbying - 1 word.
- 19 method used by business to move its manufacturing to another country due to cheaper labour and little laws. 1 - word.
- 20 Former Prime Minister who implemented many Neoliberal policies in Canada - 2 words.
- 21 last name of Premier who brought you Bill 99 in Ontario - one word
- 23 Name of the document I will file after I have filed the Motion to certify the Charter Class - 4 words.
- 26 term used to describe when a worker quits working due to a poisoned worker environment, imposed by their employer - 2 words.
- 27 Conservative Prime Minister who increased deficit by \$14 Billion - 2 words.
- 28 Many people including the media think of the NDP party as a \_\_\_\_\_ party - 2 words.
- 29 In the 2018 election I ran in, who won the riding? - 2 words.
- 30 led the Federal NDP to first ever official opposition status in the 2011 Election - 2 words.
- 31 Global economists have a term for the economic policy that brought us globalization, however, I call it a different name - 1 word.
- 32 Voted the most famous Canadian - 2 words.

## DOWN

- 1 In the 2018 Provincial Election

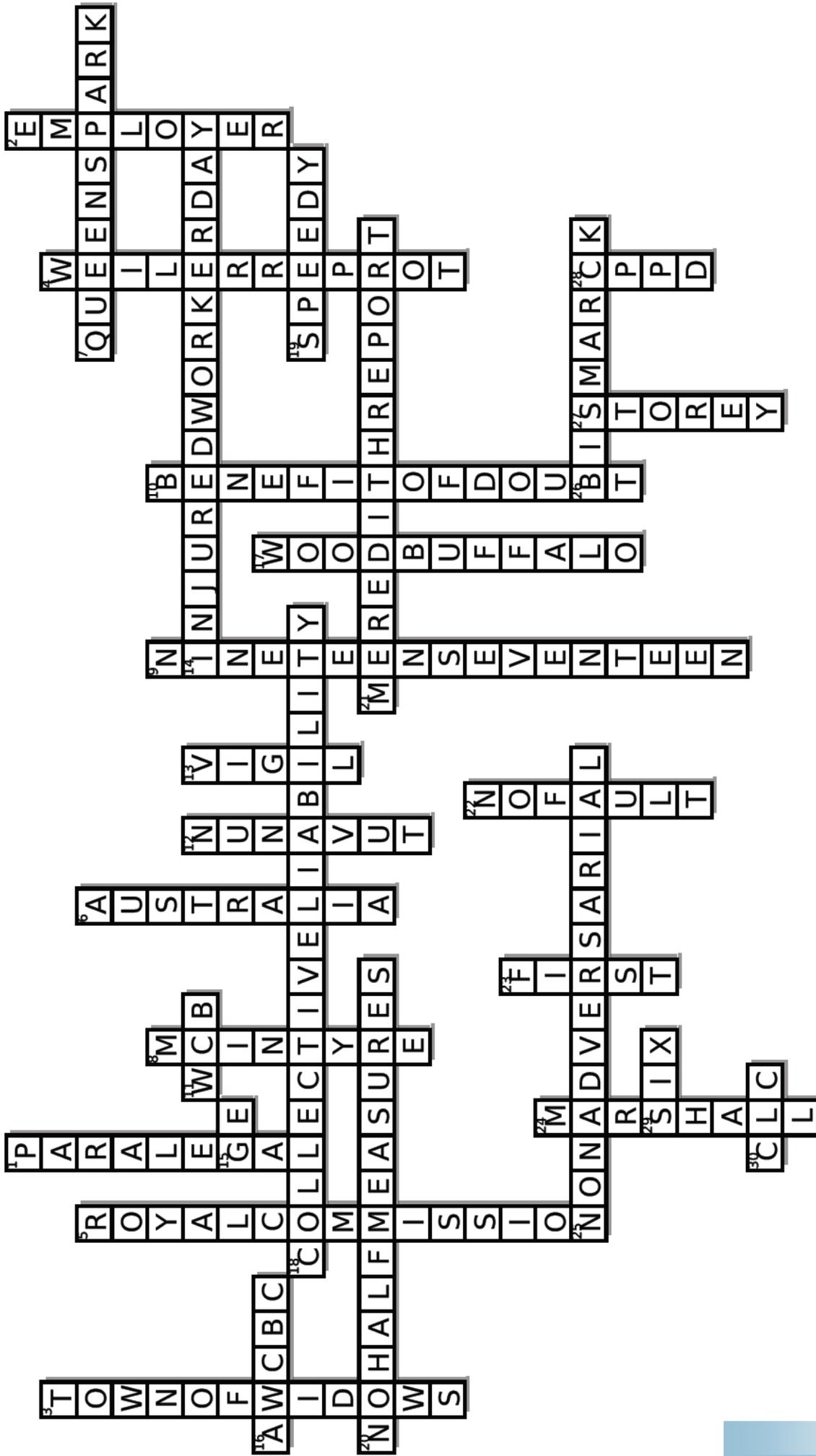
what political party did I represent? - 4 words.

- 3 In Ontario, what did Bill 99 impose on injured workers that had never been done before? - 2 words.
- 4 the term used to justify denying injured workers from suing their employers, because they get workers compensation benefits instead - 3 words.
- 8 Name of Ontario court that recently overturned a workers compensation appeals tribunal decision - 2 words.
- 9 Legal term used describe a lawsuit with many plaintiffs - 2 words.
- 11 The document that is the highest law in Canada and provides us with individual freedoms - 5 words.
- 12 what was the name of the only federal political party that responded to my inquiry? - 3 words.
- 15 What Mikey Harris privatized, and we are now paying the price today as it was the source of the highest COVID-19 cases - 3 words.
- 16 Highest Court in Canada. Highest jurisdiction, not the court that gets really stoned - 3 words.
- 22 method used by business to eliminate its workforce by using another company - 1 word.
- 24 During the NDP majority rule in Ontario, government workers were forced to take not work one day. This day was famously called... - 2 words.
- 25 Political party in Ontario that lost to the Conservative under Mikey Harris - 1 word.

**Crossword puzzle is on next page.**

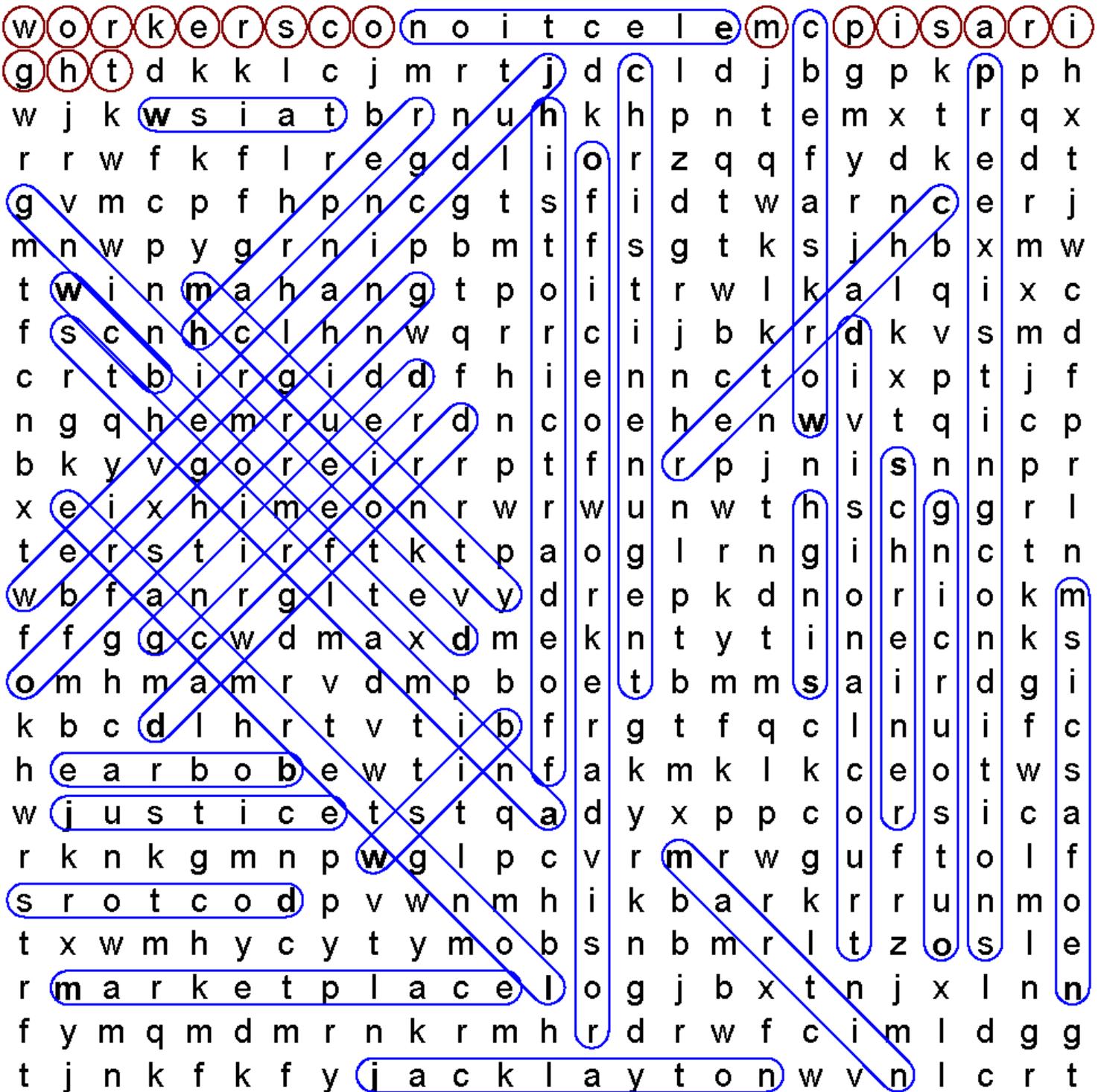
**To do this puzzle online [click here.](#)**

Injured@Work  
June 2021 Crossword Solutions



# Injured@Work

## September 2021 Word Search Solutions



Hidden message: workerscompisarith

## Reader's Comments & Views

*Currently fighting corrupt BAD FAITH WCB of Manitoba with lawsuit and case number pending.  
Darren Schlamb, Manitoba*

Good morning Darren,

I wish you all the best with your legal action. To learn of my difficulties with my civil action you can view my story here in the courts [FightWCB](#) I went as far as the Supreme Court of Canada. I have provided my story but most importantly I provided all the legal arguments and documents from myself and the WSIB/WSIAT. I have done this so others can learn from my success, if I ever get any, and of course my failures.

I would only suggest if the WCB argues the court lacks jurisdiction, as only the WCB and/or WCAT can award benefits under the law. That you try and argue that instead of doing judicial review for benefits claimed and then civil claim for the damages you have combined it as already directed by the Supreme Court of Canada in their case of [Telezone v. Canada](#). Also review that case and understand the argument.

As always keep me posted on your case.

Respectfully yours,  
Paul Taylor  
FightWCB

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Hi,

*I read some of people's stories with WCB . I also have my own problem with them. It's been 18 years of dealing with them after a botched surgery I was bullied into. I continue to battle with them only to keep getting the preexisting condition bullshit. Any and all help would be greatly appreciated. Thank you*

Rick Ernst, Alberta

Good Morning Rick,

I am sorry to hear of your difficulties with the WCB. Sadly, I hear of too many similar stories. I believe what you need to do is establish if you can sue the doctor for the botched surgery. If not, then it is considered a new work injury or secondary injury. In fact, I have no doubt your WCB has such a policy for this.

Additionally, if the WCB is alleging it is pre-existing then prove them wrong with updated specific specialists reports. It is harder for the WCB to refute

evidence that confirms your claim. Yes, I know they will just deny it anyways, but you must try. Also, consider getting a psychologists report confirming you are not faking or **malingering**. This is why I believe that the intentional denial of legitimate claims for workers compensation benefits is an infringement under our *Charter of Rights* and most importantly is a **national crisis!**

It is also why I started the national group to bring a National Charter Class Claim against all the WCB/WSIB/WorkSafes across Canada.

I hope I have provided you some helpful information and if you need more please let me know let me know. Also please keep me updated on your fight.

Respectfully yours,  
Paul Taylor  
FightWCB

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*The TRUTH will set us free! I know for a fact that a judge is human, and can be bought for a price. The sad part is the WSIB is using injured workers money to pay their way. I was injured in 2013. The WSIB also paid off one Doctor. At Trillium health. Then I waited for five long and agonizing years for the WSIB to ignore five of my own Doctor's and specialists. The WSIB went as far as trying to contact my Doctor to sway her initial report. I'm sick and tired. However we can't give up! In the biblical story of David and THE GIANT David wins the battle and **as God is my witness all injured workers will have the JUSTICE!***

**We will never give up and never surrender the WSIB will fall AMEN in Jesus holy name .....**

Giuseppe Marcellino, Ontario

Good Morning Giuseppe,

Thank you for telling me your story. Please also keep me posted on any updates with it.

While I have lost many battles with the WSIB and the WSIAT in Court, I continue to fight in different and unique ways to help all injured workers. For example in my own application for Judicial Review (*commonly known as an appeal to the Courts*), I am not just opposing the WSIAT decision as being wrong or unreasonable I am also challenging the WSIATs ability to be an opposing party in the judicial review. It would be like you appealing a decision of a court to a higher court and instead of the other party opposing you in the appeal, it is the lower court. This I believe is why the court has only reviewed four decisions of the WSIAT in its entire 40 year history. I am also challenging the court's standard for dismissing judicial reviews for delay. If I am able to win it will mean more injured workers may be successful with their judicial reviews and ultimate get the justice they deserve.

**Continued on page 26**

You can learn more about my personal fight here [FightWCB](#)

I also started a national injured worker group that meets on ZOOM to bring a National Charter Class Action against all of Canada's WCB/WSIB/WorkSafe and Tribunals. To take part in the next meeting and learn more about it, you go here [FightWCB](#)

Respectfully yours,  
Paul Taylor  
FightWCB

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*Hello there,  
Not sure if you can help me. I was wrongfully terminated from Canada Post as a letter carrier in July 2020. I am Waiting for arbitration. I am still dealing with foot injury on duty. I broke my foot at work in February 2019. I tore a ligament in the same foot in January 2020. I was getting physiotherapy until the end of January 2021. There was no follow up. The WSIB examiner said I was catastrophizing my injury lol! They said that [Morton's Neuroma](#) happens on other side of foot not where I have pain.  
Douglas Lee, Ontario*

Good Morning Douglas,  
Sorry to hear of your difficulties. While I can not give you legal advice. This is because your union should be doing that. However, what you should do is that if the WSIB has said you are fully recovered and you are not, then provide updated medical proof you are NOT fully recovered. This ideally would be from a specialist in a report who makes specific reference as to why you have not recovered. Objective medial opinions if possible.  
This also commonly works for when the WSIB says that you can return to work whether modified or regular and you can not. Go to your doctor and/or specialist and ask for a letter and in the letter/report have them indicate you discussed with them the physical and psychological working conditions. That they have examined you (that moment) and noted their findings. That accordingly in their professional opinion the work is neither safe nor suitable for your current physicals conditions.  
Also, a note on return to work issues. If your employer/WSIB is saying you are fully recovered and need no modified work. You make clear that you have a disability and as such under the Human Rights Code (*Federal as Canada Post is Federal*) that you are requiring accommodations under the law for a person with disabilities. Also that you are very willing to provide any reasonable medical confirmation of the need for accommodations from your doctor.  
You also said that the WSIB is blaming you for your lack of full recovery by saying that "I was catastrophizing my injury". This

sadly is a very common tactic with the WSIB's *victim shaming*. One way to combat these false allegations is to see a psychologist and/or a psychiatrist tell them the WSIB has falsely accused you of faking and you would like a report from them confirming you are not faking.

I hope this is helpful for you and in return if you could let your fellow union members know of my website [FightWCB](#) and that there are also injured worker support and advocacy groups across Ontario and Canada. I have started to document these groups on my website to help fellow injured workers, which can be found here [FightWCB](#).

As always keep me posted as to your situation.  
Respectfully yours,  
Paul Taylor

*Thank you for the info Paul.  
I was discharged from Canada Post July 2020 for sending emails. I have filed 2 workplace harassment complaints (deemed bit harassment by neutral 3rd party 100% paid by corporation), 2 Canada Industrial Relations reprisal complaints. Also deemed bit harassment. So, I am not confident my Union CUPW will take my grievances to arbitration.  
Through the Privacy Act I have received 2,000+ pages of emails, which are mostly my own. However they confirm that the top level Canada Post HR are covering up a hit and run attempt by the Belleville Manager's wife. They also confirm that ESDC Labour Program Officer instructed HR representative how to deny my harassment complaints.  
Funny how Crown Corps operate.  
Best regards  
Douglas Lee, Ontario*

Hi Douglas,  
It is beyond frustrating when I hear how employers use dirty tactics to get injured workers off the workers compensation system. To be intentionally, knowingly deceptive. This is commonly known as being a F@#\$%king LIER. Most employers are. If you do not believe this when you are told that the company can not afford to give you a nominal pay raise, especial a cost of living increase, look at how much money the company is making on your blood, sweat, and tears!  
However in the world of legal terms this is known as "**Bad Faith**". It is *suppose* to be the only time when an individual or government agency can be sued. Take for example the Ontario Workplace Safety & Insurance Board & Tribunal. The employees there can only be sued when they have acted in bad faith. ([see s. 179 of law](#)) However, there is no section in any workers compensation law in Canada that allows for an employer to be sued for acting in bad faith. Some would argue that it is up to the workers compensation board/tribunal to punish the employer. After I finish rolling on the floor laughing, I would say the board/tribunal rarely, if ever,

enforces employer bad faith conduct.

A good point is how often do we hear of employers being nailed for employer claim suppression. In fact how often do we hear the board/tribunal taking the complaints of claim suppression by injured workers seriously. This even after a in-depth report was done in [Ontario](#) and in [Manitoba](#) confirming numbers close to 30% of workplace injury claims had been intentionally suppressed by employers. In my own case my employer intentionally suppressed countless workplace injury claims. Ironically, even after I proved through unrefuted evidence the employer intentionally suppressed three claims, nothing was done by the board or tribunal.

### Justice Denied!

However, this is why I believe all injured workers should be raising this point of how employers get absolute immunity, which is a clear violation of the Rule of Law.

---

*I was injured October 2002. I worked modified duties until 2004. I had surgery in December 2004. A WCB medical advisor said in August 2004 she could not see I had recovered from evidence done on video at work? I appealed in 2006. The appeal says L4 was considered asymptomatic. First C.T. scan in February 2003 shows L4 and L5 herniations. On August 14th, 2004 my doctor says persistent L4 herniation causing radiculopathy. So I had not recovered. The same WCB medical advisor says in September 2004, "He seems to be developing chronic pain?" Then in November 2004 I had recovered. So in 2008, I appealed, denied, and deemed. The appeal commission says L4 was considered? At the time I was not aware of L4. I asked WCB in 2016, what am I being compensated for? So I appealed in 2017. I had MRI done in 2016. I tried to get class 1 license (driver's license to driver transport trucks). However, then my condition again got worst. An MRI showed L4 compressing nerve root, which was a new finding. The appeal denied the new finding. I requested reconsideration by WCB and Appeal Commission. I asked my doctor says "What do you want me to do, it's WCB?" So I report all doctors I was seeing to college of physicians & surgeons. My grounds were that they know it was not a new finding. I got letter from my family doctor stating he can no longer be my family doctor. I was tossed to curb! So I got addendum of 2016, which showed MRI. I made a statement of disagreement with hospital. I have addendum and again requested reconsideration by WCB CEO and the appeal was denied. The reasoning for the denial was that it does not meet their tests for reconsideration. However, it was not a new finding for what they said in 2017 appeal to*

*deny They themselves considered it asymptomatic in 2006. The act specifically said, ineligible persons. No member of the board or employee is eligible to be commissioner. Well the chief appeal commissioner was corporate secretary of WCB. He helped introduced legislation for WCB surveillances? So I requested from WCB in 2020 after another impairment assessment, according to this assessment my condition improved and I have a pre-existing condition related to pre-existing condition. I started in April 1998 at accident employer. My first lower back complaint was in 1999. This x-ray said L5/S1 minor spurring may well be degenerative. Then I have x-ray in November 2002. Now says severe degenerative narrowing. So in 2021, I appealed the claims manager report that my condition improved and I allegedly have major a pre-existing condition related to pre-existing condition. Now WCB is redacting my letters from my file. I appealed in February 2021. It is now May 2021 and no response. When I call the WCB they tell me to call the review department. Then they provide me a number that is not in service! In my opinion these people belong in jail! it is discrimination, negligence, and torture. I made a human rights complaints, and they say jurisdiction. I then made a human rights complaints before the WCB and I have nor been provided any response. I don't have \$200 per hour for a lawyer to go through the courts!*

Hi Richard,

My apologies for not replying sooner. I am sure you are aware I have been busy preparing the National Class Charter Claim. Hopefully if at the very least it will bring attention to the plight of injured workers.

I drove truck for 30 years and was surprised the number of injured workers who got into driving a truck. Especially, those sponsored by the WCBs. Truck drivers, well the transportation sector has the highest injury rates. Especially, driving a truck. Sadly most truck drivers have back injuries, including myself! These include sudden injuries and overtime injuries (repetitive strain injuries - RSI) RSI is very hard to get accepted by the WCBs. RSI injuries are often discovered after a sudden injury when a person does not recover and of course is blamed for by claiming they are malingering. Or sadly, the WCB will claim you have a pre-existing condition and that condition is age-related as opposed to really being work-related. Arthritis and degeneration are medical terms to look for and often misinterpreted by the WCBs as age-related when they are NOT! I have medical papers under [Important Reports](#) dispelling these WCB statements.

**Take care and fight on!**

## 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 jokes!