



**ONTARIO
SUPERIOR COURT OF JUSTICE**

STATEMENT OF CHARTER CLASS CLAIM

Electronically issued : 16-Aug-2021
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Hamilton

BETWEEN:

GREGORY TOOMBS, NORM RYDER, PATRICK JARDINE, DAVID HAMILTON,
CHRISTOPHER SUMMERS, TERRY FEDORAK, ROD BARRETT, JENNIFER BAKER,
BRUCE JUNKER, BLAINE GILBERTSON, KEN GRYSIUK, RICHARD LAST, DARREN
SCHLAMB, CHRIS LAWSON, SARAH LAWSON, EUGENE LAHO, NORMAN
TRAVERSY, DAVID CURTIS, PATRICIA O'CONNOR, GIUSEPPE MARCELLINO,
JAMES ROLLO, ANDRE MARTIN, ARMAND DURELLE, GILLES MARTIN, GORDON
WAYNNE SKINNER, AND PAUL TAYLOR.

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

Lead Plaintiffs

AND

WorkSafeBC

Also known as the Workers Compensation Board of British Columbia

Defendant

AND

Workers' Compensation Appeal Tribunal of BC – WCATBC

Defendant

AND

Alberta Workers Compensation Board – AWCB

Defendant

AND

Alberta Appeals Commission – AAC

Defendant

Saskatchewan Workers Compensation Board – SWCB

Defendant

AND

Saskatchewan Board Appeal Tribunal – SBAT

Defendant

AND

Workers Compensation Board of Manitoba – WCBM

Defendant

AND

The Appeal Commission of Manitoba – ACM

Defendant

AND

Workplace Safety & Insurance Board – WSIB
Also known as the Workers Compensation Board of Ontario

Defendant

AND

Workplace Safety & Insurance Appeals Tribunal – WSIAT
Also known as the Workers Compensation Appeals Tribunal of Ontario

Defendant

AND

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

Defendant

AND

WorkSafeNB
Also known as the Workers Compensation Board of New Brunswick

Defendant

AND

New Brunswick Workers' Compensation Appeals Tribunal – NBWCAT
Defendant

AND

Workers Compensation Board of PEI – WCBPEI
Defendant

AND

Workers' Compensation Appeal Tribunal of PEI – WCATPEI
Defendant

AND

Workers' Compensation Board of Nova Scotia – WCBNS,
Defendant

AND

Workers' Compensation Appeal Tribunal of Nova Scotia – WCATNS
Defendant

AND

Workplace Health, Safety and Compensation Commission – WHSCC,
Also known as the Workers Compensation Board of Newfoundland & Labrador
Defendant

AND

Workplace Health, Safety & Compensation Review Division – WHSCRD
Defendant

AND

Yukon Workers' Compensation Health and Safety Board – YWCHSB
Also known as the Workers Compensation Board of Yukon Territory
Defendant

AND

Yukon Workers' Compensation Appeal Tribunal – YWCAT

Defendant

AND

Northwest Territories Workers' Safety and Compensation Commission – NWTWSCC
Also known as the Workers Compensation Board of Northwest & Nunavut Territories

Defendant

AND

NWT and Nunavut Workers' Compensation Appeals Tribunal – NWTNWCAT

Defendant

STATEMENT OF CHARTER CLASS CLAIM

TO THE DEFENDANT

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

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

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

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

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

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

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

Date: _____.

Issued by: _____.

Local registrar

Address of court office: _____

TO: **WORKSAFEBBC**
PO Box 5350 Stn Terminal
Vancouver, B.C. V6B 5L5
Tel: (604) 231-8888

AND TO: **WORKERS COMPENSATION APPEAL TRIBUNAL OF BC**
150-4600 Jacombs Road,
Richmond BC V6V 3B1
Tel: (604) 664-7800
Fax: (604) 664-7898
E-mail: appeals@wcat.bc.ca

AND TO: **WORKERS COMPENSATION BOARD OF ALBERTA**
150 - 4311 12 Street NE
Calgary AB T2E 4P9
Tel: (403) 517-6000
Fax: (800) 661-1993

AND TO: **The APPEALS COMMISSION FOR ALBERTA WORKERS' COMPENSATION**
#2300, 801 - 6th Avenue SW
Calgary AB T2P 3W2
Tel: (403) 508-8800
Fax: (403) 508-8822

AND TO: **The SASKATCHEWAN WORKERS COMPENSATION BOARD**
200-1881 Scarth Street
Regina SK S4P 4L1
Tel: (306) 787-4370
Fax: (306) 787-4311

AND TO: **The SASKATCHEWAN BOARD APPEAL TRIBUNAL FOR WORKERS**
200-1881 Scarth Street
Regina SK S4P 4L1
Tel: (306) 787-4370
Fax: (306) 787-4311
E-mail: boardappeal@wcbask.com

AND TO: **The WORKERS COMPENSATION BOARD OF MANITOBA**
333 Broadway
Winnipeg, MB R3C 4W3
Tel: (204) 954-4321
Fax: (204) 954-4900

AND TO: **The APPEAL COMMISSION OF MANITOBA**
600-330 St Mary Ave,
Winnipeg, MB R3C 3Z5
Tel: (204) 925-6110
Fax: (204) 943-4393

AND TO: **WORKPLACE SAFETY & INSURANCE BOARD**
Legal Services Division
200 Front St. West, 22nd Floor
Toronto, ON, M5V 3J1
Tel: (416) 344-2953
Fax: (416) 344-4684
E-mail: Legal_Proceeding_Documents@wsib.on.ca

AND TO: **WORKPLACE SAFETY & INSURANCE APPEALS TRIBUNAL**
505 University Ave. 7th Floor
Toronto, On, M5G 2P2
Tel: (416) 314-8800
Fax: (416) 326-5164
E-mail: WSIATCallCentre@wst.gov.on.ca

- AND TO: **YUKON WORKERS' COMPENSATION HEALTH AND SAFETY BOARD** 401 Strickland Street,
Whitehorse, Yukon, Y1A 5N8
Tel: (867) 667-5645
Fax: (867) 393-6279
- AND TO: **WORKERS' COMPENSATION APPEAL TRIBUNAL OF YUKON**
456 Range Road
Whitehorse, Yukon Y1A 3A2
Tel: (867) 667-8731
Fax: (867) 393-7030
- AND TO: **WORKERS' SAFETY & COMPENSATION COMMISSION**
Centre Square Tower, 5th Floor
5022 49 Street
Box 8888, Yellowknife, NT X1A 2R3
Tel: (867) 920-3888
Fax: (867) 873-4596
- AND TO: **The ATTORNEY GENERAL OF ONTARIO**
Constitutional Law Branch
4th floor
720 Bay Street
Toronto, Ontario M5G 2K1
Tel: (416) 326-4012
Fax: (416) 326-4015
E-mail: clbsupport@ontario.ca
- AND TO: **The ATTORNEY GENERAL OF CANADA**
Department of Justice Canada - Ontario Regional Office
120 Adelaide Street West Suite #400
Toronto, Ontario M5H 1T1
Tel: (416) 973-0942
Fax: (416) 954-8982
E-mail: NCQ-AQC.Toronto@justice.gc.ca

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CHARTER CLASS CLAIM

1. The Lead Plaintiffs, on behalf of the class of plaintiffs, claim the following:
 - a. A declaration certifying this as a Charter Class Claim under s. 24.1 of the *Charter of Rights and Freedoms* and any other applicable legislation.
 - b. Charter general damages of \$25 Billion, or as otherwise calculated on an aggravated basis for infringement of the Class Plaintiffs *Charter Rights*.
 - c. Charter punitive, aggravated, and exemplary damages in the amount of \$20 billion, or as otherwise determined by this Honourable Court.
 - d. Prejudgment and post judgement interest calculated in accordance with sections 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended.
 - e. The costs of this proceeding on a substantial indemnity basis, plus all applicable taxes.
 - f. The cost of administering the distribution of any amounts recovered on behalf of Class of Plaintiffs for this Charter Class Claim.
 - g. An interim, interlocutory, and final mandatory order directing that the Defendants perform their public office duty of ensuring workers injured at work, while

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working in Canadian workplaces are cared for financially & medically in a fair, just, and immediate manner. Specifically,

- i. That the board of directors of the workers compensation boards and tribunals be ordered to be composed of 55% of representation of workers, specifically all be injured workers, elected by injured workers; 45% employer representation, elected by employers; and 5% represent the appointment of leader by the provincial/territorial governing legislature.
- ii. That injured worker groups locally and provincially be fully funded to provide support services for injured workers.
- iii. That all injured workers be guaranteed speedy representation in appeals at the workers compensation board level and the tribunal level and for judicial review and appeal before the courts. That the cost of the representation be paid fully out of the employer funded fund.
- iv. That as it is well accepted that workers compensation is supposed to be speedy. Additionally, that the average person should have 3 months' salary in savings. Therefore, any workers compensation matter should be managed within three months or less. So, initial decisions must be rendered within one week of a request, or the decision automatically falls in favour of the injured worker. Also, appeals must be scheduled and heard within 2 weeks of being requested and decisions rendered within

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one week, or the decision automatically falls in favour of the injured worker.

- v. That worker compensation boards/commissions/tribunals be ordered to adopt a system of hearing urgent matters. This be provided in the form of a fair written policy/procedure.
 - vi. That injured worker support groups be provided full funding for any functioning group who supports injured workers. This funding to come out of the employer funded fund.
- h. Such further and other relief as this Honourable Court may deem just.

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

The Parties to this Charter Class Claim:

The Lead Plaintiffs

2. The following: Greg Toombs, Norm Ryder, Patrick Jardine, David Hamilton, Christopher Summers, Terry Fedorak, Rod Barrett, Jennifer Baker, Bruce Junker, Blaine Gilbertson, Ken Grysiuk, Richard Last, Darren Schlamb, Chris Lawson, Sarah Lawson, Eugene Laho, Norman Traversy, David Curtis, Patricia O'Connor, Giuseppe Marcellino, Andre Martin, Armand Durelle, Giles Martin, Gordon Wayne Skinner, and Mr. Paul Taylor (the "**Lead Plaintiffs**") are a group of individuals who have suffered injuries because of workplace accidents.

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3. The Lead Plaintiffs, in addition to suffering the injuries from the workplace accidents, have also suffered additionally physical, emotional, and financial harms, because of the Defendants' intentional actions and/or inactions which infringed their *Charter of Rights & Freedoms*.
4. The Lead Plaintiffs are all Canadian Citizens, residing in various Provinces & Territories across Canada.
5. Mr. Paul Taylor (“**Mr. Taylor**”) will be acting as the main contact for the Lead Plaintiffs, or other person, as designated by the Lead Plaintiffs. Mr. Taylor will also be acting as the Lead Plaintiffs' self-representative representative. This is only until such time as counsel can be found and approved by the Lead Plaintiffs to represent the Class Plaintiffs.

The Class of Plaintiffs

6. The Lead Plaintiffs bring this Charter Class Claim, on behalf of a group of individuals, who have been injured while working in Canada.
7. These are individuals who are either Canadian citizens, permanent residents and/or foreign migrant workers (“**Class Plaintiffs**”). All of which suffered personal injuries because of a workplace accident(s), which occurred in Canada.
8. The Class Plaintiffs have had their lawful entitlement to workers compensation benefits, wrongfully reduced and/or denied by the Defendants. As a result, of this unlawful denial, the Class Plaintiffs' *Charter Rights* were infringed by the Defendants. The Defendants

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knowingly did this, or ought to have known they did this, by using one or all the following methods or processes:

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

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

The Defendants

The Defendant - WorkSafeBC

10. WorkSafeBC is an agency of the Government of British Columbia, which is empowered by the British Columbia *Workers Compensation Act*.¹ WorkSafeBC collects premiums from employers, which is used to fund the “*accident fund*.”² The accident fund is then used for the administration of the fund, as well as to cover the cost of workplace accidents.

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

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

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Specifically, WorkSafeBC pays income replacement benefits, healthcare benefits and other benefits to Canadians & others injured at work.

11. The main purpose of WorkSafeBC is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families, and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases, which occur in the Province of British Columbia.
12. WorkSafeBC staff have a lawful duty to all individuals, who work in the Province of British Columbia and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith. WorkSafeBc is a public office and as such all WorkSafeBC staff are all public office holders.
13. From here onwards, WorkSafeBC will be referred to as (the “*Defendants*”).

Workers’ Compensation Appeal Tribunal of BC

14. The Workers Compensation Appeals Tribunal of BC (“**WCATBC**”) is a British Columbia provincially empowered administrative tribunal, which receives its authority from the British Columbia *Workers Compensation Act*.³
15. The WCATBC is a public office and as such all its staff are public officer holders. The WCATBC is a Crown Agency and as such is liable, just as if it were a person for the intentional wrongs it committed against individuals.

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

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

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

Alberta Workers Compensation Board – AWCB

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

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

20. The AWCB staff have a lawful duty to all individuals, who work in the Province of Alberta and suffer a personal injury because of a workplace accident, to render their

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

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

decisions and conduct their actions in good faith. AWCB is a public office and as such all AWCB staff are public office holders.

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

The Appeal Commission of Alberta

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

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

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

The Saskatchewan Workers Compensation Board

25. The Saskatchewan Workers Compensation Board (“**SWCB**”) is an agency of the Government of Saskatchewan, which is empowered by the *Saskatchewan Workers' Compensation Act*,⁷. The SWCB collects premiums from employers, which is used to

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

⁷ 2013, SS 2013, c W-17.11

fund the “*injury fund*”.⁸ The injury fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the SWCB pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

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

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

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

The Saskatchewan Board Appeal Tribunal

29. The Saskatchewan Board Appeal Tribunal (“**SBAT**”) is a Saskatchewan provincially empowered administrative tribunal, which receives its authority from the Saskatchewan

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

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

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Workers Compensation Act.¹⁰ The SBAT hears appeals from final decisions from the SWCB. The main purpose of the SBAT is to be impartial and fair to ensure that the individual's seeking benefits are giving the benefit of the doubt¹¹ based on the evidence before them.

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

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

The Workers Compensation Board of Manitoba

32. The Workers Compensation Board of Manitoba ("**WCBM**") is an agency of the Government of Manitoba, which is empowered by the Manitoba *Workers Compensation Act*¹⁴. The WCBM collects premiums from employers, which is used to fund the "*accident fund*".¹⁵ The accident fund is then used for administration of the fund, as well as to cover the cost of workplace accidents. Specifically, the WCBM pays Canadians &

¹⁰ C.C.S.M. c. W200.

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

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

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

¹⁴ C.C.S.M. c. W200.

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

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

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

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

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

The Appeal Commission of Manitoba

36. The Appeal Commission of Manitoba ("**ACM**") is a Manitoba provincially empowered administrative tribunal, which receives its authority from the Manitoba *Workers Compensation Act*.¹⁷ The ACM hears appeals from final decisions of the WCBM.

37. The ACM is a public office and as such all its staff are public office holders. The ACM as a Crown Agency is liable and as such is liable if it were a person, for the intentional

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

¹⁷ C.C.S.M. c. W200.

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wrongs it committed against individuals.¹⁸ The ACM's staff have a lawful duty to all individuals, who come before them, to render their decisions in a procedurally fair manner and conduct their actions in good faith¹⁹.

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

The Workplace Safety & Insurance Board

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

40. The main purpose of the WSIB is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families,

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

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

²⁰ 1997, S.O. 1997, c. 16, Sched. A

and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases that occur in Ontario.

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

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

The Workplace Safety & Insurance Appeals Tribunal

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

44. The WSIAT is a public office and as such all its staff are public office holders. The WSIAT as a Crown Agency and as such is liable just as if it were a person, for the wrongs committed against individuals.²⁴ The WSIAT's staff have a lawful duty to all

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

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

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

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

individuals, who come before them, to render their decisions in a procedurally fair manner and conduct their actions in good faith²⁵.

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

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

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

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

48. The main purpose of the CNESST is to promote fiscal responsibility. That being because of workplace injuries and/or diseases that workers who are injured at work, their families,

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

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and that *Canadian & foreign taxpayers do not suffer financially*, because of workplace injuries and/or diseases that occur in Quebec.

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

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

WorkSafeNB

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

²⁶ S.N.B. 1994, c. W-14

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

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

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

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

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

New Brunswick Workers' Compensation Appeals Tribunal

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

56. The NBWCAT is a public office and as such all its staff are public office holders. The NBWCAT is a Crown Agency and as such is liable if it were a person for the intentional wrongs committed against individuals. NBWCAT staff have a lawful duty to all

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

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

individuals who come before them to render the decisions in a procedurally fair manner and conduct their actions in good faith.³¹

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

Workers’ Compensation Board of PEI

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

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

60. The WCBPEI’s staff have a lawful duty to all individuals, who work in PEI and suffer a personal injury because of a workplace accident, to render their decisions and conduct

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

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

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

their actions in good faith³⁴. The WCBPEI is a public office and as such all the WCBPEI's staff are public office holders.

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

Workers Compensation Appeal Tribunal of PEI

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

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

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

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

Workers' Compensation Board of Nova Scotia

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

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

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

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

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

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

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

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

Workers’ Compensation Appeals Tribunal of Nova Scotia

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

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

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

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

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

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

The Workplace Health, Safety and Compensation Commission

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

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

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

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

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

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

The Workplace Health, Safety & Compensation Review Division

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

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

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

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

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

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

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The Yukon Workers' Compensation Health and Safety Board

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

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

84. The YWCHSB's staff have a lawful duty to all individuals, who work in Yukon and suffer a personal injury because of a workplace accident, to render their decisions and conduct their actions in good faith⁴⁵. The YWCHSB is a public office and as such all the YWCHSB's staff are public office holders.

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

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

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

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

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The Yukon Workers' Compensation Appeal Tribunal

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

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

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

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

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

90. The Workers' Safety & Compensation Commission (“WSCC”) is an agency of the Government of Saskatchewan, which is empowered by the Northwest Territories *Workers' Compensation Act* and the *Nunavut Workers Compensation Act*,⁴⁸. The WSCC collects premiums from employers, which is used to fund the “*Workers Protection Fund*”.⁴⁹ (s. 67) The injury fund is then used for administration of the fund, as well as to

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

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

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

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

cover the cost of workplace accidents. Specifically, the WSCC pays Canadians & others injured at work, income replacement benefits, medical benefits, and for other services.

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

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

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

The Northwest Territories and Nunavut Workers' Compensation Appeals Tribunal

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

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

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

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

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

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

The Charter Class Claim

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

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

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

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

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

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

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

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

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

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

105. The Defendants' knowingly or ought to have known their actions, using DEEMING, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 2(b) of the *Charter of*

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Rights and Freedoms on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs.

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

DEEMING Infringes s. 7 of the Charter:

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

108. This is because through the Charter infringing actions of DEEMING on the part of the Defendants, many injured workers have either taken their own lives, attempted to take their own lives, or their life has been put in great danger, by the actions and/or inactions of the Defendants.

109. This is a deprivation of the fundamental principle of justice being arbitrariness. This is because there is no real justification for this action aside from saving the Defendants money.

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110. It is also a violation of the Rule of Law as the Defendants have or ought to know they have acted well outside their lawful authority.

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

112. This is because through the charter infringing actions of DEEMING, on the part of the defendants, many injured workers have no liberty. Injured workers have no right to choose and change their healthcare providers, Injured workers have little or no right to decide and choose healthcare treatment & care, Injured workers have **little or no right to autonomy over THEIR OWN BODIES**, Injured workers have little or no right to decide and choose a future career and/or career path, Injured workers have little or no right as to where they live in Canada. This is a deprivation of the fundamental principle of justice being the action is arbitrary, it is overly broad, and a violation of the Rule of Law.

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

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

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

DEEMING Infringes s. 12 of the Charter:

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

117. This is because the conduct of the Defendants towards the Lead Plaintiffs' and the Class Plaintiffs is conduct that would "***outrage our society's sense of decency***" such that Canadians would find it "***abhorrent or intolerable***". Often people see financial harms as

reversible harm, but when those harms occur permanently and over a long period the harms are irreparable.

DEEMING Infringes s. 14 of the Charter:

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

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

DEEMING Infringes s. 15 of the Charter:

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

121. As a result of the knowing intentional infringement on the part of the Defendants, for using DEEMING to unlawfully deny entitlement to workers compensation benefits, the Lead Complaints are requesting, on behalf of the Class Plaintiffs, be awarded damages,

as indicated above, by this Honourable Court under s. 24.1 of the *Charter of Rights & Freedoms*.

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

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

123. This was done through in-person examinations conducted on the Lead Plaintiffs and the Class Plaintiffs by the IMEs, which had pre-determined and favourable outcomes for the Defendants that override the Lead Plaintiffs’ and the Class Plaintiffs doctor’s diagnosis, prognosis, and medical advice.

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

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

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

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

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

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

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

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

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

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

130. The Defendants' knowingly or ought to have known their actions, using IMEs, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 14 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to understand the proceedings and be provided the assistance of an interpreter so the Lead Plaintiff's and the Class Plaintiffs would understand any proceeding involving the Defendants and their IMEs.

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

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

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

The use of PRE-EXISTING CONDITIONS by the Defendants is an infringement of the Charter:

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

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

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

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

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

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

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

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

grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

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

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

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

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

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

141. The Defendants' knowingly or ought to have known their actions, using PRE-EXISTING CONDITIONS, to unlawfully deny the lawful entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter

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

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

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

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

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

145. The workers compensation systems across Canada are completely privately funded. The systems are in no way funded by taxpayers. Therefore, if there is a financial need to hire more staff to meet the demand of processing claims, the Defendants have a lawful duty to

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increase budgets, make recommendations to increase budgets, increase staffing, to if needed increase employer premiums to cover any costs, and do anything else to ensure speedy determination and payment of workers compensation benefits. To do anything else, the Defendants would be completely fiscally irresponsible.

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

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

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

149. These delays cost not only the individuals who have a lawful entitlement to workers compensation benefits, but most importantly the intentional institutional delays cost taxpayers across Canada and elsewhere. This is because workers compensation is **NOT** taxpayer funded. However, when injured workers, are forced to use taxpayer funded social programs to survive, then the intentional institutional delays, within Canada's

workers compensations system end up costing taxpayers in Canada and elsewhere untold amounts.

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

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

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

152. The Defendants' knowingly or ought to have known their actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, it has infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights

under s. 2(b) of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs and the Class Plaintiffs right to their beliefs. Belief in their right to speedy determination of workers compensation benefits.

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

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

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

154. The Defendants' knowingly or ought to have known their actions, actions, and/or inactions to deal with the lengthy INSTITUTIONAL DELAYS, has unlawfully denied the lawful speedy entitlement to determination and payment of workers compensation benefits. Therefore, the Defendants infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 12 of the *Charter of Rights and Freedoms*, on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to not be treated with cruel and unusual treatment and/or punishment, by causing or knowingly allowing to cause lengthy institutional delays, which prevented the speedy determination and payment of workers compensation benefits.

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

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

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

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

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

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

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

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

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

161. For example, a worker is injured at the age of 60, they would receive entitlement to full workers compensation benefits until the age of 65. After which the individual's workers

compensation benefits would be severely reduced, compared to an individual who was injured at the age of 50 or 40.

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

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

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

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

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

165. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully reduce or suspended the lawful entitlement to workers compensation benefits. In doing so the Defendants and/or their

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

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

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

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

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

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

168. The Defendants' and/or their respective governments knowingly or ought to have known their actions, using AGE, to unlawfully reduce or suspend the lawful entitlement

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

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

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

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

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

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

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173. Workers' compensation benefits pay on average between 80% and 90% of an individual's Net income. Additionally, according to the belief of the courts the workers compensation system is to provide speedy determination and payment of workers compensation benefits.
174. Most individuals are told they should have the equivalent of three months net income in savings. The purpose of which is to cover any unforeseen incidents in life, such as a work injury and the having to endure an appeal process. This is if the lawful entitlement to workers compensation benefits is wrongly denied.
175. An internal appeal within the workers compensation system can take anywhere from a year to several years or even several decades. While the individuals are awaiting the outcome of these appeal decisions, they do not receive any entitlement to the disputed workers compensation benefits.
176. Individuals are still expected to pay their rent on time, buy groceries, and other requirements of life. If there is an issue with the individuals to be able to pay for these required items, often they are forced to go on taxpayer funded social assistance income replacement programs. This taxpayer funded social income replacement programs are often substantially less than what the individual was receiving while they were working, or if they were receiving workers compensation benefits.

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

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

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

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

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

180. The Defendants' knowingly or ought to have known their actions and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 7 of the *Charter of Rights and Freedoms* on the grounds of failing to recognize and accommodate the Lead Plaintiffs' and the Class Plaintiffs right to their life, liberty, and security of person.

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

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

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

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

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

183. The Defendants' knowingly or ought to have known their actions, and/or inactions caused SECONDARY INJURIES, which the Defendants unlawfully denied entitlement to workers compensation benefits, infringed the Lead Plaintiffs' and the Class Plaintiffs charter rights under s. 15 of the *Charter of Rights and Freedoms* on the grounds of Equality and failure to accommodate the Lead Plaintiffs' and the Class Plaintiffs right to equality.

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

Commonality of issues

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

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

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

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

THE FOLLOWING ARE THE LEGAL BASIS FOR THE CONSTITUTIONAL QUESTION:

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

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

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

Date: _____.

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