

ALLIANCE CANADIENNE DES VICTIMES D'ACCIDENTS ET DE MALADIES DU TRAVAIL CANADIAN INJURED WORKERS ALLIANCE

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*Focus on **Benefits***

We have seen major changes in Workers Compensation benefits over the last ten years. Most of the provinces have "reformed" their WC Acts which has led to reduced benefits for work related injuries and diseases. Most have moved to a projected wage loss plan to compensate for permanent disability. This has led to severe reductions in the number of injured workers receiving long term benefits. For example, in Ontario there has been an 85% decrease since 1990 when projected wage loss came into force.

In response to these changes, the CIWA/ACVAMT Steering Committee held an interactive workshop in Alberta focusing on WC Benefits in October of '99. We were joined by local injured workers and labour reps. in our attempt to better understand the impact of these changes. This issue of HIGHLIGHTS captures much of what we found.

As well, we have our regular features including info on our projects and activities, letters from injured workers and news from south of the border. Read on.

The Steering Committee meets twice each year and plans to hold similar workshops at each of its meetings on various issues of importance to injured and disabled workers. We

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Editor's Note

This newsletter is for sharing and exchanging information. The views and opinions expressed here are those of the individuals or groups making submissions. We take no responsibility for their accuracy or opinions.

L'ALLIANCE CANADIENNE DES VICTIMES D'ACCIDENTS ET DE MALADIES DU TRAVAIL

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Calgary Injured Workers Assoc.
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Western Injured Workers Society - Sask.
MB... **Wayne Desiatnyk**, Winnipeg
Injured Workers Assoc. of Manitoba
ON... **Joan Crevar**, Hamilton
Ontario Network of Injured Workers Groups
QC... **Liane Flibotte**, Montreal
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NF... **Ron Jesso**, Cornerbrook NLIWA
Phil Brake, Labrador City
USWA
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St. John Labour Community Services Inc.
NS... **Dave MacKenzie**, Pictou County

ADVISORS...

Andy King, Occupational Health Clinic for
Ontario Workers
Orlando Buonastella &
Marion Endicott, Injured Workers Consultants

News & Happenings

*Thanks to the Social Development
Partnership Program of HRDC for the
funding necessary to produce this
newsletter.*

We sure appreciate your help !!!

Upcoming Events

February 2000

International RSI Awareness Day
Feb. 29/2000
www.ctdrn.org/rsiday

March 5, 2000

CIWA/ACVAMT Interactive Workshop on
CPP Disability Benefits
Holiday Inn, St. John, Newfoundland

May 19 - 21, 2000

International Injured Workers Conference,
Niagara Falls, NY
Contact: IwonyMary@aol.com

Scholarships are available for persons
with disabilities attending university.

Phone us at the CIWA/ACVAMT office for more
information at
807-345-3429

Workers Compensation Board of Manitoba

Special Notice

To Former Manitoba WCB Widows and Widowers

**WCB
Workers Compensation**

The Manitoba government has passed a law making certain Manitoba Workers Compensation Board (WCB) widows & widowers eligible for a one-time cash payment. If you received Manitoba WCB survivor benefits in the past and those benefits ended because you remarried or entered a common-law relationship - you may be entitled to a special \$83,000 payment.

For the Special Payment information package and application form, contact the Manitoba WCB by telephone at (204) **954-4321** within Canada toll-free **1-800-362-3340** or e-mail

CANADIAN INJURED WORKERS ALLIANCE

New !

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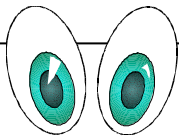
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L'ALLIANCE CANADIENNE DES VICTIMES D'ACCIDENTS ET
DE MALADIES DU TRAVAIL

CIWA/ACVAMT Projects

For more information on any of our projects, give us a call at: 807-345-3429

Look for the "How To" Guide to setting up
Peer Support Groups in your community.
Coming in early 2000.



A NEW LOOK

We are still experimenting and looking for
suggestions for new looks for our newsletter.

A new name? Any suggestions?

ATTENTION: **PROVINCIAL INJURED WORKERS GROUPS**

Is your Provincial Injured Worker Group
interested in developing a web site?

Need some help?

Two injured workers in B.C. have offered to
provide that help - free of charge.

Contact:

Craig McLachlan -

boardwarden@componet.com

Or Dann Buss - busstop@busstop.net

"COMING TOGETHER" PROJECT

There is increasing pressure to reduce the costs of Workers Compensation across Canada. Injured and Disabled Workers are often not included in the planning for reforms and have often faced reduced benefits and services as a result. By having strong provincial groups, injured workers across the country will have a larger role to play in future reforms.

The vision of *Coming Together* is to share our experiences regarding the creation of provincial organizations. We will share information regarding our past successes and failures at organizing at the provincial level.

We will do this through interviewing 50 injured and disabled workers to collect their experiences in their efforts to form provincial organizations. We will then develop a "how to" guide that includes lessons learned from forming provincial organizations, and an analysis of why some are successful while others are not.

We then plan to host meetings in Provinces where no provincial organization exists in order to introduce the "how to guide" and to host discussions about our experiences working with other injured and disabled workers' groups.

“The History of Workers’ Compensation”

There are changes happening to our Workers Compensation Systems in Canada. Historically, Workers Compensation Boards were established in each province to administer the System. Recently, some of the Boards have undergone substantial changes, including their names. New names include:

- Workplace Health and Safety Compensation Commission (two provinces)
- Workplace Safety and Insurance Board (one province)

The word “workers” is missing from both examples; in Ontario, we are also missing the word “compensation.” This is significant as it demonstrates a shift in fundamental principles. This was done without public debate or public consultation.

What are the principles of compensation in operation in these new systems?

- The employers are the “clients” because they supposedly pay for the system;

- The injured worker is the “customer,” but this customer has no power to choose. They can’t say, “no thanks to compensation, I’ll sue instead.” This leaves no individual leverage. This customer is not “always right.”
- The client (the employer), on the other hand, is to be served: a) to have his/her fund managed well to lower his/her costs; b) to protect him/her from lawsuits.
- The employer’s interests are to be served at all costs. This results in lowered benefits, reduced services, and getting injured workers off of compensation as fast as possible.

There is much talk and worrying about OVER-compensation and dependence: this is a way to legitimize UNDER-compensation. The key feature in this shift in principles is to place primary concern on the financial preoccupations of employers and to ignore the financial reality of injured workers. Is this what the compensation system is supposed to be all about? No!

"Historique des organismes d'indemnisation des travailleurs et travailleuses"

Il y a des changements qui se produisent dans nos systèmes d'indemnisation des travailleurs et travailleuses au Canada. Historiquement, les organismes d'indemnisation des travailleurs et travailleuses avaient été instaurés dans chacune des provinces pour administrer le système. Récemment, certains organismes ont subi des transformations substantielles, y compris dans leurs appellations. Parmi les nouvelles appellations nous retrouvons :

- *Workplace Health and Safety Compensation Commission* (deux provinces)
- *Workplace Safety and Insurance Board* (Commission de la sécurité et de l'assurance des travailleurs) (une province)

Le mot « workers » (travailleurs et travailleuses) est absent dans ces deux appellations. En Ontario, le mot « compensation » (indemnisation) est absent. Ceci est significatif, car cela reflète un changement dans les principes fondamentaux. Ceci a été fait sans débat public ni consultation publique.

Quels sont les principes d'indemnisation à l'œuvre ici?

- Les employeurs sont les *clients* parce que, censément, c'est eux qui paient le système.
- La victime d'un accident ou d'une maladie du

travail est la *consommatrice*, par contre cette consommatrice n'a pas le pouvoir de choisir. Elle ne peut pas dire : « non merci à l'indemnisation, je vais plutôt poursuivre en justice ». Ceci n'accorde pas de force individuelle. Cette consommatrice n'a pas « toujours raison ».

- Cependant, le client (l'employeur) doit être servi : a) recevoir une bonne gestion de son fonds afin de réduire les coûts; b) le protéger contre les poursuites.
- Les intérêts de l'employeur doivent être servis à tout prix. Ceci se traduit par des prestations réduites, moins de services et l'annulation des indemnités le plus tôt possible.

On parle et on se préoccupe beaucoup de SUR-indemnisation et de dépendance. Ceci est une façon de légitimer la SOUS-indemnisation. La principale caractéristique de ce changement dans les principes est de se préoccuper prioritairement de la situation financière des employeurs et de ne pas tenir compte de la réalité financière des victimes d'accidents et de maladies du travail. Est-ce que le système d'indemnisation est censé rimer avec cela? Non!

“Principles of Workers Compensation”

Let's review the basic principles the Canadian compensation systems were founded on. Provincially implemented systems came about due to rising discontent (especially in Quebec at first) when workers were being cast into the streets, forced to become dependent on other families and charity. This was found to be unacceptable, but the courts were too slow and out of reach to deal with it.

Nova Scotia and Ontario were the first to have systems of compensation implemented in 1915; Newfoundland was the last in 1950. All provincial systems were based primarily on the exhaustive study by Sir William Meredith, carried out from 1910-1913. Meredith traveled the world, held endless meetings, and thought. He came up with a system to protect workers and employers called the Historic Compromise:

- Employers: would not get sued (significant), and social stability would be the result;
- Workers: no fault system, no delays; non-adversarial, no harassment; an impartial, independent public board;
- Inquiry system: help the worker, give them the benefit of the doubt;
- Employers to pay (as they are protected from lawsuits): the burden was not to fall on the injured worker, their family, or society in general.
- Payment was to occur for as long as the disability lasts;
- Payment was to be based on the concept of lost wages.

SUMMARY POINTS FROM THE MEREDITH REPORT

- No suing employers (brings about social stability and predictable costs);
- No fault: quick, non-adversarial, balance of power;
- Public/independent system;
- Inquiry system (worker-friendly);
- Employers pay into the system;
- Works as long as there is a disability;
- Workers will receive pay for lost wages.

To limit the period during which compensation is to be paid regardless of the duration of the disability . . . is in my opinion, not only inconsistent with the principle upon which a true compensation law is based, but (also) unjust to the injured workman for . . . he will be left without earning power at a time when his need of an income will presumably be greater than (before) he was injured.

Meredith, 1915

This is the essence of our reform. We are providing money to injured workers on a fairer basis—the basis of actual need. Workers will be compensated for their reduced ability to earn a living—and that's what workers' compensation is supposed to be about.

Ontario Liberal government on bringing in “deeming system,” 1990

« Les principes de l'indemnisation des travailleurs et travailleuses »

Examinons les principes de base selon lesquels les systèmes d'indemnisation canadiens ont été établis. Les systèmes provinciaux sont apparus à la suite d'un mécontentement grandissant (notamment au Québec au début) quand les travailleurs et travailleuses étaient jeté-e-s à la rue, forcé-e-s de devenir à la charge d'autres familles et de la charité. Ceci a été perçu comme inacceptable mais les tribunaux étaient trop lents et inaccessibles pour traiter de ce problème.

La Nouvelle-Écosse et l'Ontario ont été les premières provinces à instaurer des systèmes d'indemnisation en 1915; Terre-Neuve a été la dernière en 1950. Tous les systèmes provinciaux ont été établis principalement d'après l'étude exhaustive de William Meredith, réalisée entre 1910 et 1913. Meredith a voyagé partout dans le monde, a organisé des rencontres interminables et a réfléchi. Il a conçu un système pour protéger les travailleurs et travailleuses ainsi que les employeurs appelé le « compromis historique » :

- Employeurs : ceux-ci ne seraient pas poursuivis en justice (un avantage non négligeable) et il en résulterait la stabilité sociale.
- Travailleurs et travailleuses : système sans responsabilité = pas de délais; pas de confrontation, pas de harcèlement; un organisme impartial, indépendant et public.
- Système d'enquête : aider le travailleur ou la travailleuse, lui accorder le bénéfice du doute.
- Les employeurs paieraient (ils sont à l'abri des poursuites) : le fardeau ne devrait pas incomber à la victime d'un accident ou d'une maladie du travail, ni à sa famille, ni à la société en général.
- L'indemnisation devrait durer aussi longtemps que l'incapacité.
- L'indemnisation devrait être établie sur la base du salaire perdu.

GRANDES LIGNES DU RAPPORT MEREDITH :

- Pas de poursuites judiciaires des employeurs (ceci favorise la stabilité sociale et des coûts prévisibles).
- Pas de responsabilité : célérité, pas de confrontation, équilibre des forces.
- Système public et indépendant.
- Système d'enquête qui soit favorable aux travailleurs et travailleuses.
- Les employeurs contribuent au système.
- En vigueur aussi longtemps que dure l'incapacité.
- Travailleurs et travailleuses indemnisé-e-s pour le salaire perdu.

Limiter la période durant laquelle l'indemnisation doit avoir lieu sans égard à la durée de l'incapacité est à mon avis non seulement incohérent avec le principe sur lequel une vraie loi d'indemnisation est fondée, mais (également) injuste pour le travailleur accidenté, parce qu'il sera laissé sans possibilité de revenu à un moment où son besoin (d'un revenu) sera vraisemblablement plus grand qu'avant son accident du travail.

Meredith, 1915

Voilà l'essence de notre réforme. Nous donnons de l'argent aux victimes d'accidents et de maladies du travail sur une base plus équitable, sur la base du besoin réel. Les travailleurs et travailleuses sont indemnisé-e-s pour leur capacité réduite de gagner leur vie; c'est ce que l'indemnisation des travailleurs et travailleuses est censée être.

Le gouvernement libéral d'Ontario lors de l'introduction du système d'évaluation (deeming system) en 1990.

On that fundamental principle of justice . . . we have an obligation to move heaven and earth to put the injured worker in the position that the injured worker would have been in had it not been for the accident.

In these days of social unrest . . . it would be the gravest mistake if questions as to the scope of the proposed legislation was to be determined, not by consideration of what is just to the working man, but of what he can be least put off with or if the legislature were to be deterred from passing a law designed to do full justice, owing to groundless fears that disaster to the industries of the province would follow from the enactment of it.

Meredith, Final Report, 1915

Meredith finished his report with the following statements:

1. Justice: do what is right;
2. Do not mix up compensation with employer concerns.

Meredith's principles were all excellent principles. He was the head of the Conservative Party, whose platform usually included a strong employer lobby. However, these were days of social unrest. Workers WON this system, and the system has something to fear if they are sufficiently unhappy.

We don't want to go back to suing. These principles have stayed more or less intact over the decades, until recently. Improvements have been made on their foundation (i.e., 55% went up to 75% of net; rehab; cost of living). These reflect general improvements in society as a whole. If we want to be legal about it, there have been necessary corrections to keep the system more or less in line with what the courts would give. Until recently, any reforms would be couched in similar language. We have an obligation to adhere to these principles.

We now have a dramatic change whereby the system that was designed to take injured workers off the streets is throwing them onto the streets again. Today, we want to examine where we are at in regard to the fundamental principles of compensation in each province.

"Workers' compensation is not a charity to be more or less generous depending on whether or not these are economic good times."

Meredith, 1915

Selon ce principe fondamental de justice, nous avons l'obligation de tout faire pour placer la victime d'un accident ou d'une maladie du travail dans la position dans laquelle elle aurait été si ce n'eut été de l'accident ou de la maladie du travail.

En cette époque de troubles sociaux, ce serait une erreur des plus grave si les questions touchant la portée de la loi proposée devaient être décidées non par la considération de ce qui est juste pour le travailleur, mais bien par ce qui le déroutera le moins, ou si la législature devait être dissuadée d'adopter une loi visant à donner pleine justice, à cause de craintes non fondées que ce serait désastreux pour les industries de la province en pareil cas.

Meredith, rapport final, 1915

Meredith a conclusion rapport par les déclarations suivantes :

1. Justice : faites ce qui est juste;
2. Ne confondez pas indemnisation et préoccupations des employeurs.

Les principes de Meredith étaient tous excellents. Il était à la tête du parti conservateur dont le programme comportait habituellement de fortes pressions auprès du patronat. Cependant, c'était une époque de tensions sociales. Les travailleurs et travailleuses ont mérité ce système et le système a quelque chose à craindre si ces personnes sont assez mécontentes.

Nous ne voulons pas retourner aux poursuites judiciaires. Ces principes sont demeurés plus ou moins intacts au cours des décennies, soit jusqu'à récemment. On a fait des améliorations grâce à ces principes : on est passé de 55 % à 75 % du salaire brut; la réadaptation; l'indexation au coût de la vie. Ceci reflète les améliorations générales de la société dans son ensemble. Si nous voulons en parler sur le plan juridique, il y a eu des ajustements nécessaires pour garder le système plus ou moins en accord avec ce que les tribunaux accorderaient. Jusqu'à récemment, toute réforme serait formulée en pareils termes. Nous avons l'obligation d'adhérer à ces principes.

Nous avons maintenant un changement radical selon lequel le système qui avait été conçu pour sortir les victimes du travail de la rue est en train de les retourner à la rue. Aujourd'hui, nous voulons examiner où nous en sommes quant aux principes fondamentaux d'indemnisation de chaque province.

« L'indemnisation des travailleurs et travailleuses n'est pas un système de charité dans lequel on est plus ou moins généreux selon le contexte économique. »

Meredith, 1915

PROVINCIAL WORKERS' COMPENSATION BENEFITS - PRESENT COMPARISONS

NF	NS	PEI	NB	QC	ON	MB	SK	AB	BC
BASE RATE									
Net benefits - 80%	75% Net 85% after 30 days	85% Net	85% Net	95% Net	85% of Net	90% of Net	90% of Net	90% Net	75% gross
CEILING ON INSURED EARNINGS - Not to exceed maximum Annual Earnings up to									
		\$31,800	\$44,600	\$50,500	Approx. \$54,000		Based on \$48,000 gross	Based on \$45,600	Based on \$56,900
ARE BENEFITS INDEXED									
Only for full EEL (estimated economic loss)	Cost of living (2%)	No	Yes -- based on NBIAE	Yes	Very limited	On Pensions only	Yes -- consumer price index	100% cost of living	Stats. Can.- CPI based on 6 months
TIME LIMIT ON FULL BENEFITS									
No-- depends on medical information	Not until maximum medical recovery	No	Regular benefits usually paid until able to RTW	No	Yes (medical guides are used)	6 weeks, then average earnings	No	Varies with medical opinion	1 year based on provisions
BENEFITS FOR A PERMANENT INJURY									
Wage loss with deeming	Wage loss	Deemed Wage Loss	LTD benefits pd. Monthly - regular minus deemed and then only 85% of difference	Lump Sum for Permanent Impairment	Deemed earnings, NEL for pain and suffering	Deeming on PPD	Wage loss	Pension & economic loss supplement	Pension, wage loss
UPON RETURN TO WORK									
Loss of benefits - partial	Top up at 85% of loss of earnings	Benefits Stop	Benefits cease unless wage loss benefits stop	Benefits stopped or earnings deducted	Earnings deducted	Wage loss, less deeming	Deeming : even though WCB cannot deem wages since 1994	Benefits stopped -- ELS	Wage loss stopped, functional pension continues
WHEN JOB LOST									
Re-injury on old claim	?	No benefits	No benefits, unless proven accident-related	No benefits, unless proven accident-related	No benefits, unless proven accident-related	Wage Loss Less Deeming		Non Benefits	No benefits
WHEN DISABILITY WORSENS									
Re-injury claim	Hard fight for return to benefits	Re-evaluated	Benefits may be adjusted. May be entitled to PPI increase.	New claim at CSST, usually refused	Deterioration must be significant	Reassessment		Re-evaluate	Re-opening

NF	NS	PEI	NB	QC	ON	MB	SK	AB	BC
CPP /QPP REDUCTION TO WC BENEFITS									
75% WC reclaimed	50% lost	100% lost	CPP associated to injury, WCB reduced	Combined not to exceed full benefits	Yes - 100% (dollar for dollar)	Yes -- full reduction	Yes, 50% of CPP contribution	No-- after June 1, 1995	No except : for survivors
BENEFITS REDUCED BY									
CPP, Prov. pensions, company pensions	Negotiated contract takes priority	Collateral Benefits	Vacation pay, bonuses, overtime, sick leave, EI, etc.		Any material change of circumstance	Any income		Yes: re-assessments (RTW, projected pay raise)	Lack of co-operation
AFTER AGE 65									
Possibility of 2 years	CPP plus 5% tops up lump sum	Benefits cease	Benefits cease -- 5% pension pd. To off-set reduced CPP benefits due to injury.	25% reduction every year	Paltry retirement award	WCB pension	Annuity begins after disabled for two years	Reducing WCB pension	Injured before 50, for life, after 50, 1/15 reduction / year)
HAVE BENEFITS BEEN CUT RECENTLY									
No	No	Yes	Yes -- 3 day wait period; related expenses; pension lowered to 85%	No, but policy is becoming tougher & tougher	Yes (cost of living, net comp. of 85%, retirement award, etc.	No	No	No-- just not paying	Not yet
WHAT WERE THE REASONS FOR CUTS									
WC unfunded liability		Harder to get long term benefits	Unfunded liability; make more after injury	Over - Compensation Competition	Competition, unfunded workers are lazy & cheaters	N/A	None	Pre-existing condition	N/A
NOT COMPENSATED									
Home care, special company perks	Pension and drug plan loss	Pain & suffering, mental stress, chronic pain	Blue cross, life insurance, savings, RRSP's	Benefits packages	No perm. comp. after 65, no actual wage loss	Pain and suffering, loss of benefits package (i.e., dental, vision)	Company benefit plan, pain & suffering	Benefits	Pensions, beg for home-care
ISSUES BEING CONTESTED									
CPP -- benefits increased	Several	Consulting Doctors, reports, protection of privacy	Level of benefits, overpayments, CPP, "family income", survivors benefits	Level of Benefits, lack of retirement benefits	Injured worker cut off due to fake and unsuitable RTW	Interpretation of doctor's reports	Supreme Court: injured workers cannot get proper medical care	Cut benefits, Lost earnings potential	Entire system (Royal Commission Report), Death benefits

Violations of the Principles of Compensation

In our workshop, we identified violations of the original principles of Workers' Compensation as laid out by Meredith as follows:

1. **BASE AND CEILING:** in each province, practices violate the principle of “workers will receive pay for lost wages.”
2. **INDEXATION:** ideal would be full indexation of cost-of-living upheld. Lowered levels of compensation violate the principle of wage loss replacement. When compensation doesn't cover workplace pensions or dental plans, it violates the principle of wage loss replacement. Cost of living protection was intended to do the following:
 - Full wage loss protection;
 - Compensates the injured worker for as long as the disability lasts;
 - Requires the employer to pay, rather than transferring the cost to society.Therefore, reduced cost of living protection also violates the principle of wage loss replacement.
3. **TIME LIMITS:** violates the principles in each province in which compensation systems cut people off before they are recovered. We must examine the role of the medical establishment in this regard.
4. **PERMANENT:** in those provinces where there is wage loss and deeming, the principles of wage loss replacement and “as long as there is a disability” are violated.
5. **RETURNING TO WORK:** where workers' compensation benefits are discontinued because a disabled worker is receiving wages, the principle of “as long as there is a disability” is violated; also wage loss replacement is violated in cases where the injured worker was deemed at a lower paying job.
6. **JOB LOSS:** where the WCB takes no responsibility, the principle “as long as disability lasts” is violated. It also violates the principle of non-burden to the family and society.
7. **WORSENING:** in provinces where injured workers must prove significant “worsening” or deterioration, the principles of “as long as there is a disability” and non-burden to the family and society are violated.
8. **CPP:** in each province except for Alberta and British Columbia (with the exception of survivors benefits), the principle of “the employer pays” is violated. The employers end up, in effect, being subsidized.
9. **REDUCTIONS:** in provinces where benefits are reduced due to the injured worker receiving other forms of income (such as provincial pensions, company pensions, vacation pay, bonuses, overtime, sick leave, EI, or any change in one's material circumstances), the principle of wage loss replacement is violated. These pensions, etc. may be/have been part of the worker's salary and benefit package, lending to their overall quality of life.
10. **BENEFITS END AT AGE 65:** reductions violate the principle “as long as there is a disability.” Also violates the principle of “employers pay into the system” (employers are effectively transferring their responsibilities).
11. **CUTS:** unfunded liability violates the principle of “employers pay.” It gives the message that economic considerations (in the life of an injured worker) are not relevant.
12. **EXCUSES:** operating on the premise that workers are fundamentally lazy and need to be pushed back to work/off compensation violates the principles of “to be paid as long as the disability lasts” and “not to be adversarial.”
13. **NOT COMPENSATED:** failing to compensate injured workers for “non-wage” benefits lost after injury (i.e., company pension, drug and dental family plans, life insurance, RRSP contributions), as well as general pain and suffering, violates the principles of “as long as there is disability,” “employers pay,” and “non-burden to the family and society.”
14. **OTHER:** in cases where survivors or death benefits are lacking, the principle of employers paying into the system is violated. The worker's lost wages are also not compensated to the surviving family members: a portion could be beneficial in at least covering burial costs, etc.

Improving the System: How to improve our benefits

Participants responded to the following four questions from their respective regions:

1. What successes have we had, in the past, in improving benefits? What was done to achieve success?
2. What plans are presently in place to address these issues in your province?
3. What do we want to change in our benefit structure? What are our goals?
4. How can we achieve our goals?

Eastern Canada:

1. Successes: the lobbying of injured workers and labour has resulted in chronic pain being recognized as injury. Workers Compensation denial of benefits have opened the door to suing employers. This is with the assistance of injured workers, as well as politicians and legal advocates.
2. Plans: lobby for legislation changes and benefits increases; upcoming court case (CPP).
3. Goals: want to work toward fair compensation for loss of earnings, getting rid of the ceiling on earnings, and not offsetting CPP.
4. How? Organize injured workers groups and work with CIWA/ACVAMT, have closer relations with labour, educate the general public, get support from public service organizations and churches.

Central Canada:

1. Successes: a) Supplemental Benefits: a joint public campaign that enhanced benefits to more than 10,000 injured workers to a tune of \$50,000,000 annually; b) \$200 monthly increase in pension benefits for unemployed injured workers who were injured prior to

1990; c) full cost of living in 1985 was initiated by injured workers demonstrating at the opening of the legislature session; d) CPP benefits not deducted from WCB benefits in Alberta.

2. Plans: call for independent inquiry of the Alberta WCB; continue with the current campaign to save chronic pain compensation; organize a campaign to prevent abuse (of injured workers) within the returning to work process (i.e., demeaning work); integrate CPP and compensation benefits; continue with the favourable changes that have occurred in Manitoba's Workers' Compensation Act.
3. Goals: want to work toward Just Compensation; use the Meredith Principles; obtain job security or full compensation for injured workers.
4. How? Organize public forums and demonstrations, work to increase awareness, form working coalitions (i.e., with labour, injured workers groups, advocates, present government or members of the opposition), create a crisis, conduct long-term planning, and continue sharing information.

Western Canada:

Using the BC Royal Commission as an example:

1. Successes: none; in fact, after two years the result has been possible loss of the benefits we already have.
2. Plans: canvassing government and the WCB Board of Directors.
3. Goals: to apply the procedures, policies, and legislation that has been published.
4. How? Demonstrate to the WCB and government that they have already recognized the deficiencies within the system.

Letters to the Editor

(from our Web Site)

Dear Editor!

My name is Djuro Maljkovic and I am an injured worker for a long, long time. I was injured in 1975 working in the Lincoln Electric Co. in Toronto. In spite of my back injury that never got better, I worked for Hamburg Dental Lab., until 1987 when I re-injured my lower back and injured my upper back. I went back on full benefits from (then WCB) now WSIB. I was tortured by WCB endless times. I even had a nervous breakdown. My marriage fell apart, and I was on the verge of killing my self.

I moved to the Province of Quebec, thinking that all of my problems will stay behind, but it wasn't like that. Problem with WSIB followed me and got even more complicated! Because I have had two claim numbers, my file ended up in the Complex Case Unit in Toronto, and a decision was rendered in my favour in 1992.

Some time in 1996, I was contacted by a Claims Adjudicator in Ottawa. He told me that I was overpaid, and that I must pay back \$7,000 dollars. I contacted Roy Careless in Hamilton, Ont. to represent me and he took \$300 dollars from me and did nothing. So, I hired a lawyer - Mrs. Foy in Kingston, Ont. from "Neligan Power" based in Ottawa. She gave me the run-a-round on \$100 an hour, raised to \$200 an hour without any decision or appeal. Then, I hired Bill Johnston from Ciw. Consultants (Canadian Injured Workers' Consultants) based on 1000 Huron St., London, Ont. He took \$400 dollars, a so-called "RETAINER" and I never heard from him again.

I think that I hit the wall. I don't know what to do? I asked (before of any previous actions I had taken) for assistance from the Workers' Advisor and I was refused. Please, can you help me? I can't go through misery again! I would rather end up dead!

Yours truly!
Djuro (George) Maljkovic

Dear Editor:

I'm an injured worker and have tried every possible way to get my benefits from the Workers' Compensation Board of Alberta. It has been impossible. I want to let you know a little about my injury.

I started working in a "sandblasting and painting" company in November, 1980. In 1985, the Alberta Health and Safety Department sent a team of three specialists to my workplace. After a week working there, they left and we (the workers) never heard about the results of the inspection. The Health and Safety Department told the Company's Management that the sand used in the process contained a high grade of Silicon Oxide. I quit my Job in 1988, three years after the inspection was carried out. I did not know I was taking with me an "acute silicosis". I looked for another job and worked one more year in Ontario. Then I felt very ill, my health was ruined. I quit my job there and returned to Alberta. I remained working for another year until August 1991, when I had to quit my job for good.

The Workers' Compensation Board made their calculation and gave me an "Award" of \$322.28 per month. Then, they told me to go back to a job where I would have no contact with airborne, or any thing that would aggravate my health.

My problem was not only respiratory. My physical impairment, restricted my ability to do my job. Any physical activity creates a major problem for me. Seeing that there was no solution, I wrote to the International Labour Office (ILO). The answer was "The Canadian Government has ratified none of the ILO conventions", up to date. They supplied me with the related Convention's copies. I followed up by writing letters without any result.

I don't know if my story and opinion is of your interest. I let you have them anyway.

Luis A. Bachmann
Edmonton, Alberta

NEWS FROM SOUTH OF THE BORDER

(REPRINTED WITH PERMISSION FROM THE NATIONAL WORKPLACE INJURY LITIGATOR, A NEWSLETTER FROM DENVER, COLORADO)

Insurance CEO Compensation Skyrockets

The average 1997 CEO salary in a publicly held insurance company was \$1,399,459, according to a recent study by the Firemark Group and SNL Securities. So what?, you might say, jaded by endless "dot com" stories of absurd bonanzas. But available salary documents don't tell the whole story of executive compensation. Bonuses and stock options now comprise a huge portion of the standard package. And some CEOs may draw multiple salaries from separately incorporated companies within insurer "groups" or "families".

The reported compensation figures - i.e. everything but unexercised stock options - for the top ten most highly compensated insurance CEOs for 1997 ranged from \$19,573,910 to \$4,919,337, for an average of \$7,826,656. The average percent increase from 1996 to 1997 for this "top ten" was over 200%!

The largest, typically unreported, component of insurance CEO compensation, however, is unexercised stock option. When the above figures were "option adjusted" to include this value, they ranged from \$175,046,554 (Sanford Weill of Travelers) to

\$10,215,700 - a truly amazing average of \$35,820,089!

The "Crystal Report", a periodical which tracks executive compensation, recently produced an interesting statistic along similar lines regarding HMO CEO compensation. It found that, adjusting for size and profitability of a company, CEOs for HMOs and healthcare companies make 66% more than the average CEO of any company of similar size. This is occurring notwithstanding the relatively poor performance lately by HMOs and the healthcare industry.

Lower Premiums Mean Higher Profits, Not Higher Benefits

According to the Missouri Department of Insurance, that state continues to be on the forefront of lower premium costs to employers and higher profits to insurers. For every premium dollar collected in 1998, only 58.7¢ was paid or reserved on workers' compensation benefits. This Loss Ratio is expected to allow insurers to earn a profit ratio of 26¢ per premium dollar collected, after the operating expenses are deducted, for the second year in a row.

"Relief from workers comp costs continues unabated for Missouri's business community and workers," said Keith Wenzel, the state's insurance director.

Ironically, however, benefits to injured workers or their families haven't appreciable increased since 1980, other than for the annual adjustment to the maximum benefits available to the highest wage earners.

Of note and significance to other states faced with reform is what occurred in Missouri following

significant reforms in 1993. Through deregulation, elimination of the monopoly upon rate making, and open market competition between insurers, employers have received lower costs for workers' compensation and benefits have not been emasculated for injured workers. Missouri's five year experience could be a model for those states facing future reform efforts, as substantial regression of workers' benefits has thus far been avoided.

It is thus possible for meaningful financial savings to be secured by employers, and not from cutting benefits to injured workers, but by focusing reform on insurers and their ability to compete. By opening up the market and by creating a competitive insurance company for which the state "guaranteed" the reserves, over 164 insurers have filed rate reduction requests through June, 1999 alone.

Editor's Note: We wonder if increased competition means it's harder for an injured worker to get benefits?

CIWA/ACVAMT IS ABOUT

SUPPORT

We are a national network of injured worker's groups (IWG's) and we exist to strengthen and support the work of local and provincial IWG's across Canada.

INDEPENDENCE

We believe that injured workers should be in control of their own destinies & Injured Workers groups must be democratically controlled by injured workers.

PARTNERSHIPS

We believe that we can best assist these objectives by providing training and educational resources in partnership with provincial or territorial organizations of injured workers and the trade union movement at all levels.

INFORMATION SHARING

We believe that by sharing our stories and our experience we can learn from each other and become better educated and exert more control over our lives.

OUR GOALS

- ✓To work towards a just system of compensation, rehabilitation and re-employment in all of Canada.
- ✓To provide a national forum for debating issues concerning injured workers at national conferences and board workshops.
- ✓To gather and share information with groups across Canada.
- ✓To improve the Occupational Health & Safety of workers across Canada.
- ✓To identify and make available, educational and training resources produced by the union movement and other agencies, that focus on organizing and maintaining effective injured worker groups.
- ✓To enhance the local base of the injured workers movement through all our activities.
- ✓To form partnerships that will achieve common goals.

***To connect with the injured workers group nearest you
check out our web site at: www.ciwa.ca
and click on people and organizations***

.... OR

Call the office at (807) 345-3429

This Newsletter is intended to share information of interest to injured workers, union activists and their supporters.

It provides a forum for sharing our experiences - so we can learn from each other - in order to improve the lives of injured and disabled workers and the system that is there to assist them.

Please help - by sharing your story with us.