

CANADIAN INJURED WORKERS ALLIANCE

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

Chronic Pain – Research Study:

“Exploring Barriers to & Strategies for Enabling Return to Work/Return to Function (RTW/RTF) for persons with Chronic Disability”

If you have:

- a CHRONIC DISABILITY
- been OFF WORK for TWO YEARS or longer

We would like to interest you in participating in a research study on Return to Work and Return to Function.

Research Process:

- complete & return a Consent and Contact Form
- participate in a telephone interview

If you are planning a board meeting, a public meeting or social gathering this month, we would be very appreciative, if you could pass this message on to anyone and everyone. If you would like to participate, or know of anyone interested in participating, please contact the CIWA office or.

University of Western Ontario – Lynn Shaw, MSc. OT Reg. (ON) PhD, Principal Investigator for the Study. Phone: 1-519-661-2111, ext 88971. Toll free: 1-866-876-3124 or EMAIL: leshaw@uvo.ca

The deadline is quickly approaching ! We look forward to hearing from you.



Table of Contents

CIWA/ACVAMT Contacts	2
CIWAY Contacts, Youth at Risk.....	3
CIWA/ACVAMT Activities	4, 6
Miscellaneous	13
Letters	14
CIWA/ACVAMT Info	16

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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 for their opinions.

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For information on how to contact any of the above provincial representatives, please contact our office in Thunder Bay, Ontario at 807-345-3429, or toll free: 1-877-787-7010, fax: 807-344-8683, email: ciwa@vianet.ca or visit our website at www.ciwa.ca

Youth at Risk

National Union / Straight Goods - July 26, 2005

www.nupge.ca / www.straightgoods.com

Young workers have higher injury, fatality rates in the workplace. In Ontario, seven young workers under age 25 died from traumatic injuries or other "immediate causes" and 49,000 were injured on the job in 2004.

The most common injuries suffered by young workers from 1996 – 1999 were:

- Loss of body part by amputation or avulsion (torn off)
- Fractures;
- Chemical, heat and electrical burns;
- Strains and sprains; and
- Abrasions, contusions, blisters, and fraction burns.

View winning videos from the WSIB's annual Ontario Workplace Safety Student Video Awards contest online at:

<http://www.wsib.on.ca/wsib/wsibsite.nsf/public/PreventionStudentVideoContest>

Our Deepest Sympathy

To Orlando Buonastella and his family

for the loss of his wife and partner, Shelley Thomson.

Many of you probably know Orlando from his many years of helping Injured Workers, and a long time Advisor to CIWA/ACVAMT. Shelley died from cancer on Wednesday, August 17, 2005. Shelley supported a clean environment approach to the prevention of cancer and related diseases.

With Sincerest Condolences from:

**The Board of Directors and Staff of the Canadian
Injured Workers Alliance**

CIWA/ACVAMT Activities

Next Board of Directors Meeting

- October 2005, Winnipeg, MB

Chronic Pain – Research Study: “Exploring Barriers to & Strategies for Enabling Return to Work/Return to Function (RTW/RTF) for persons with Chronic Disability”

CIWA/ACVAMT is currently working in collaboration with members of a research team from the University of Western Ontario, headed up by Lynn Shaw, MSc. OT Reg. (ON) PhD, the Principal Investigator for a Research Study to examine the system and community barriers persons with chronic disabilities face in trying to access services and supports.

The outcome of this research is to help create strategies to address barriers and to move systems towards supporting early RTW and occupation.

For more information on how you can participate in this research study please contact the CIWA office or Lynn Shaw.
(Contact info on cover page)

Empowering participation through collaboration and partnering in the community and in the employment process

CIWA is the lead organization and has partnered with Roundtable (RT) on Return to Work and Function (RTW/RTF), the school of Occupational Therapy at the University of Western Ontario, and the Ontario society of Occupational Therapists.

Full inclusion in society for persons with disabilities ((PWD) includes the right to partner with others in the community to secure meaningful employment. Research has consistently demonstrated that effective collaboration between providers, agencies, employers and PWD is significantly easier to theorize than deliver.

Key to the process of equitable participation are mutual efforts of PWD and disability support personnel (DSP), which may include employment specialists at the system and agency levels, employers, support

workers, and rehabilitation professionals. For PWD, a partnering role involves making choices, exercising influence over decisions, and fulfilling teamwork responsibilities. For DSP, this entails facilitating collaboration and taking steps to optimize the social, practice and community environments for partnering.

However, PWD who are unemployed, experience a multitude of occupational injustices that marginalize their efforts to assume a full partnering role. Providers indicate that inadequate resources and training limit the full implementation of empowering approaches. This project will seek to address these systemic barriers to participation and improve the capacity and coherence of PWD and DSP efforts in securing the rights of PWD to partnering and collaboration throughout the disability employment support context.

Round Table Project “Creation of a Collaborative Centre on People, Health, and Work”

CIWA has entered into a collaborative agreement with the Roundtable Project (RTP) with CIWA being the lead applicant in this initiative.

Graham Lowe PhD, Canada’s leader in Health and Productivity, the evaluator of the Round Project Report recommended that the RTP must transform from a Project of the Ontario Medical Foundation to a formal institution capable of fostering and leading the

implementation of the activities that will bring about this change.

The purpose of this project is to take the steps needed to transform the RTP into a more permanent organization as an incorporated, non-profit agency. CIWA is committed to guide the RTP through this transformation and the RTP is committed to undertake the steps needed to ensure this is accomplished.

Newfoundland Labrador

Widows and Lost Pensions

Submitted by: Patricia Dodd, Newfoundland & Labrador Injured Workers
Story by Tara Bradbury Mallowney, The Telegram.

The Supreme Court of Newfoundland and Labrador has ruled that a Human Rights Commission board of inquiry has jurisdiction to hear a case involving three widows and lost pensions.

On Sept. 23, the court struck down the application by the Human Rights Commission, whose board of inquiry had said it did not have the jurisdiction to adjudicate on the matter.

Discrimination complaint

In July 2001, three women whose husbands had died in industrial accidents many years earlier, filed complaints with the Human Rights Commission alleging they had been discriminated against by the Workplace Health, Safety and Compensation Commission because of their marital status.

Ineligible after remarrying

Each of the women had received their husband's pension until they remarried, since legislation at the time stated that once they were remarried, they were no longer eligible.

In 1993, the legislation changed, and allowed the women to reapply for their late husbands' pension. However, these benefits began from the date of the application.

In an effort to make the Workplace Health, Safety and Compensation Act comply with the Canadian Charter of Rights, the act was then implemented, and anyone whose monthly allowance as a surviving spouse was ended after April 17, 2005 due to their remarriage was then entitled to receive the compensation they would have normally received.

Since the three women had all remarried and lost the pensions prior to this date, they were denied benefits. The women believed they had been discriminated against, and brought the case to the Human Rights Commission.

The commission referred the complaints to a board of inquiry, which concluded that it did not have the jurisdiction to make a decision in the case. When the case was brought before a Newfoundland and Labrador Supreme Court trial judge, he agreed.

However, Supreme Court of Appeal Justices Margaret Cameron and Keith Mercer recently decided otherwise (Justice Malcolm Rowe dissented). "We are not concerned with whether there was, in fact, a breach of ... the Human Rights Code, but with whether a board of inquiry can order a remedy which is inconsistent with a directive contained in ... the Workplace Health, Safety and Compensation Act," the Supreme Court ruling stated.

In making the decision, the court made the distinction between the Human Rights Code and the Canadian Charter of Rights and Freedoms.

"While this is not a charter case, because of the nature of the remedy sought and of the quasi-constitutional status of the Human Rights Code, it might appear to some that the Human Rights Code is analogous to the Canadian Charter of Rights and Freedoms," the decision stated.

"Certain obvious distinctions must be noted. The Charter, as part of the Constitution, is supreme. It supercedes all other legislation whether enacted by the Parliament or a Legislature, including human rights codes. Human rights codes, while declared to be quasi-constitutional, are statutes of the legislative body creating them and can be amended or overridden by those same bodies."

The appeals court ruled the board of inquiry has no jurisdiction to issue a general declaration that a relevant section of the Workplace Healthy, Safety and Compensation Act is inoperative. It could, however, use the Human Rights Code to make changes.

"I conclude that the chief adjudicator and the Trial Division judge were in error in holding that the board of inquiry had no jurisdiction to grant a remedy in this case."

tbm@thetelegram.com

New Brunswick

Workers' Compensation / CPP Disability Benefits

Submitted by: Wendy McGee, Executive Director
Saint John Labour Community Services, Inc., 30-1216 Sand Cove Road, Saint John NB E2M 5V8
Ph: (506) 635-0391 office // Fax: (506) 634-7099

In the Spring/Summer 2005 Newsletter, there was a letter from an injured worker from Ontario regarding how WSIB had handled the payment of his retroactive benefits from CPP disability. I know it is a little late, but I would like to share with you how this situation is handled in New Brunswick.

In New Brunswick worker's compensation is called Workplace Health, Safety & Compensation Commission or WHSCC. Section 38.91(1) of the New Brunswick Worker's Compensation Act reads:

"Any compensation or benefits payable by the commission under section 38.11 or 38.2 to a worker shall be reduced by the same proportion of the amount the worker received under the Canada Pension Plan with respect to the injury or recurrence of the injury, that the estimated loss of earnings bears to the average net earnings." (Emphasis added)

Simply put, if you are receiving Loss of Earnings benefits in New Brunswick and you are in receipt of CPP disability benefits "with respect to the injury", your Loss of Earnings benefits "shall" be reduced. The amount of the reduction depends on how much WHSCC has estimated the injured worker is capable of earning.

Here is an example of how WHSCC calculates the portion of Canada Pension Plan Disability (CPPD) benefits to deduct. Children's benefits awarded to injured workers under the CPP are **not** deducted from loss of earnings benefits.

Worker made \$10.00 per hour before the accident, is not totally disabled, and is subsequently considered capable of earning \$7.00 per hour after the accident.

The remaining Loss of Earnings is \$3.00 per hour or 30% disability. Therefore, 30% of the CPPD benefits would be deducted from Loss of Earnings benefits as that is considered the portion of the CPPD benefits related to the work-related injury. Injured workers receiving full Loss of Earnings benefits, i.e., no net estimated capable earnings would have their full amount of CPPD benefits deducted.

If the CPPD benefits are solely attributable to a non-work-related condition and WHSCC receives evidence from Human Resources Development Canada (HRDC) that verifies this, they will not deduct CPPD benefits from Loss of Earnings benefits.

As an advocate, I have argued that "in respect to the injury" is exactly what the legislation means. If an injured worker receives CPPD benefits because of a heart condition and the work injury is a back sprain, compensation should not be reduced because the heart condition is not "in respect to the injury." A number of appeals have been won in New Brunswick with that argument.

The Canada Pension Plan can also pay Survivor's Benefits. If you are in receipt of Disability Benefits and become eligible for Survivor Benefits because of the death of your partner, there is a section of the CPP Act that comes into play. Read on.

Under the CPP Act, you can receive a CPP survivor's pension and a CPPD benefit at the same time. CPP combines the benefits (survivor and disability) and it comes as one monthly payment. There are **limits** to what a person can receive which will not equal the total of both benefits. For example:

Max. survivor rate under 65 (eff. July 2005)	\$ 462.42
Maximum disability rate (eff. July 2005)	\$1,010.23
Total:	\$1,472.65

However, **the maximum a person can receive, when eligible for both the CPP survivor's pension and the CPPD benefit, effective July 2005, is \$1,010.23** (rate set by CPP as the "Maximum Disability Benefit").

You may be asking yourself "Why did I share this information with you?" Well, in New Brunswick, when an injured worker is in receipt of Loss of Earnings benefits, is receiving CPP Disability Benefits **and becomes eligible for Survivor's Benefits**, the commission may reduce their benefits by more money than they are supposed to. Read on.

"related to the injury", that amount is recorded in the system and is carried forward for every annual recalculation of benefits. If the injured worker does not inform WHSCC that the benefits from CPP have changed due to the receipt of Survivor Benefits, the injured worker is going to receive less money than they are entitled to. For example:

Initially, when an injured worker in NB has their benefits reduced by the portion of CPPD benefits

CPP Disability Benefits BEFORE partner's death **\$774.65 per month.

NEW COMBINED BENEFITS paid monthly, in one cheque:

CPP Disability Benefits AFTER partner's death	\$510.07 per month.
CPP Survivor Benefits	\$444.76 per month.
NEW COMBINED TOTAL FROM CPP:	**\$954.83 per month.

This new combined total is calculated by CPP. You will note that the Disability Benefit of \$774.65 has been reduced to \$510.07, after being combined with Survivor's Benefits, a difference of \$264.58.

Now, if you consider that in New Brunswick the portion of CPP Disability Benefits related to the injury reduces compensation benefits, it is important for the injured worker to advise them of a change if they later become eligible for CPP Survivor Benefits.

Remember the \$10.00 - \$7.00 example I gave you earlier? The \$3.00 difference worked out to 30% of CPPD benefits being taken away from compensation. Considering the example above:

\$774.65 before Survivor's Benefits = Ben. reduced by \$232.95 (30% of \$774.65)
\$510.07 after Survivor's Benefits = Ben. reduced by only \$153.02 (30% of \$510.07)

Injured workers in New Brunswick get far too little as it is. If we are to ensure fair compensation we must be attentive to how changes in our lives and life styles effect our benefits. This is only one example of

change. Perhaps you need to take a closer look at how your provincial legislation and local policy and directives affect your benefits.

Manitoba

Public Input Sought on *The Workers Compensation Act* Review Committee Report

On February 3rd 2005 the Review Committee on the Workers Compensation Act presented their report to the Honourable Nancy Allan, Minister of Labour and Immigration.

Manitobans now have an opportunity to review and comment on the report of *The Workers Compensation Act* Review Committee. The input received through this additional consultation process will assist government in determining legislative changes to be introduced and policy changes to be implemented.

Download a copy of the report "[Working for Manitoba](#)":

http://www.wcbactreview.com/pdf/Working_for_Manitoba.pdf. You may also request a copy of the report by sending an email to info@wcbactreview.com or calling 204-954-4556.

Manitobans now have an opportunity to review and comment on the report by sending their feedback to Workers Compensation Review Committee Report

Consultation, P.O. Box 1770, Station Main, Winnipeg,
MB R3C 2Z9 or fax 204-954-4995.

Saskatchewan

The Western Injured Workers Society (WIWS) has now gotten over the summer and are working at getting back into the swing of things. We are still struggling with trying to increase our membership. We have lost a few of our members due to health reasons and tired of the continuous struggle with the WCB. We are now starting to work on our written and oral submissions for the WCB review board. We hope to have at least 15 submissions. These submissions will be delivered throughout the province as the review board travels to other areas of the province to hear the submissions. Luckily we have members all over the province so we should be able to have a presence at all of them.

We are still working very hard with CUPE, Local 21 regarding WCB matters for their workers. Since they are on strike, it will be some time before we can meet with them again. We are also trying to get other unions in Saskatchewan such as the SGEU, and Steelworkers to support the Western Injured Workers Society.

Our CIWA Rep, Robert Lindsay has been busy working with the aboriginal people trying to drum up some support for WIWS. He has also had a meeting with the Indian Federations in Lloyd Minster, regarding Aboriginals not receiving any training on the job and OH&S and to find out if they know their rights in the workplace for the CIWA survey.

The Western Injured Workers Society would really like to see CIWA become more involved with the provincial groups. We need more and more support from our peers when we are out trying to complete our missions. When we tell other provincial groups that we are affiliated with CIWA, they are not even sure who we are talking about. We think it is now time for CIWA to become more and more visible out in the provinces, as we need all the support we can get. We are quite sure the other provinces feel the same way. We seem to have a National Organization but we seem to have a problem working together. Are we not supposed to be representing all injured worker / groups in Canada?

It seems that the WCB in this province have gotten worse in regards to treating injured workers fairly. We are seeing a tremendous back log in the appeals. Also they are still forcing injured workers to take educational courses that are of no value to the

individual. If the individual refuses then their benefits are terminated.

We also have a serious problem with WCB over-deducting "probable deductions" from claimant's benefits.

WCB are supposed to follow the Revenue Canada Guide Lines for deduction calculations, but It seems they are not, leaving the injured worker with much lower benefits. This is totally unfair to the injured worker and their families. We wondered why after we had brought this issue to their attention, why they are doing nothing about it. This, to us is totally wrong and illegal, but as usual the injured worker has no way or means to fight back.

It seems that when an injured worker questions them on any issue they seem to just ignore it,. Also, if the injured worker tries to pursue it further to try and get some answers, then the WCB will bar you from entering their building and will not take any further calls from that individual. We wonder, with these kind of tactics used by the WCB how in the world would anyone be able to argue his or her case.

We have brought many of these complaints forward to our Labour Minister responsible for the WCB. She and her office just don't seem to want to deal with it. They won't even return the individuals phone calls. We have informed the Premier's office and all we get is a complete run around.

We need CIWA and all injured workers across the country to organize and to start getting tough with these guys. If we do not, then WCB and Our Governments will continue to do what ever they please to injured workers, and their families.

The Western Injured Workers Society Of Saskatchewan, are asking CIWA and all injured worker groups across the country to rally and organize together so we can start getting tough with these people who are treating injured workers and their families in such an unfair and unjust way. If we do not do something about this by everyone working together, then we will continue to see the WCB, and the Government getting worse in regards to how the injured workers across this country are being treated.
Yours Truly, Board Of Directors / WIWS

Alberta

Chronic Pain

The Alberta WCB still does not have a chronic pain policy that conforms to the Supreme Courts decision in Martin v. Nova Scotia Workers Compensation Board which is a violation of Section 15.1 of the Charter.

The Alberta WCB has a chronic pain policy but it does not conform to the reasons given by the Supreme Court in their determination of discrimination. Either the WCB in Alberta do not understand the reasons for the judgment, or they are trying to find a suitable time to make policy changes when no one is paying attention.

In Alberta all disabled workers are given PCI ratings when a doctor has determined that the medical condition will not get any better and will predictably get no worse.

At that time a PCI rating is mandatory. Chronic pain has to be given equal consideration in impairment ratings as are objective physical impairments. Just as in all cases of objective physical impairments, all disabled workers have to reach a medical plateau at

some time and must be given an appropriate PCI rating. The Alberta WCB does not recognize mild, moderate, moderately severe chronic pain, they recognize only severe chronic pain which is a violation of the Section 15.1 of the Charter.

Mild objective physical impairments are recognized by WCB and given small PCI ratings reflecting the severity of the impairment with increased increments of impairment for more severe impairments. To not provide PCI ratings for mild, moderate, moderately severe chronic pain is a violation of Section 15.1 of the Charter. WCB cannot use honest belief as an excuse if a class action civil suit was filed by injured workers who have been diagnosed with any stages of chronic pain.

I do not understand why a class action lawsuit has not been filed when the chances of winning are already based on a legal precedence.

Gerry Miller

Allegations of fraud

A former Alberta WCB Case Manager made some very serious allegations of fraud against the WCB in an article from the Edmonton Journal – Sept. 11/99

Pressure on at WCB, ex-staffer says

Case managers encouraged to deny claims, cut payouts to injured workers.

Case managers at the provincial Worker's Compensation Board are pressured by their supervisors to deny claims or reduce payouts to injured workers as a cost-saving measure, claims a former WCB employee.

The WCB looks for ways to save money by minimizing the income-support payments injured workers receive, and by reducing their permanent disability awards, says former case manager Kevin Becker.

"It's done in a very covert ways," said Becker, who worked for the WCB from 1991 to 1997.

"You (the case manager) put in an earning loss claim for a worker, and your manager will come back and say "No, we can save money if we say the employee is capable of doing some work, when we know he's not."

"Or you are told to tell the injured worker he had a pre-existing condition, like arthritis in his back and he

isn't eligible for disability payments. It's that kind of thing." He said the WCB's prime strategy seems to be a war of attrition – "keep denying and the worker will give up."

Becker, who has a consulting firm and also is an advocate for injured workers having trouble getting WCB payments, said the practices appear to be the same today as they were when he left two years ago. "The focus is on liability – how much liability are case managers able to clear away to protect the WCB fund," he said.

But a WCB official denied Becker's claims, saying the board's primary focus is on customer satisfaction, both for employers and for injured workers.

Becker's comments come as Human Resources Minister Clint Dunford is deciding whether to investigate a number of complaints against the WCB by injured workers. Becker didn't blame individual case managers or supervisors. Instead, he blamed a corporate culture which he says pays more attention to the bottom line than to injured workers. "They have lost sight of what they're supposed to be, which is protection for the worker," he said.

Employees who save the WCB the most money tend to get promoted while those who are deemed to be too generous to injured workers are often forced out of their jobs, he added. "The system generates a lot of statistics on which case managers are costing the most," he said. "Those who are, tend to get ridden a lot harder by supervisors. There's a lot of constructive dismissal."

But a WCB official disputed his allegations. "At no time has there been any motive for case managers to deny benefits," said Nancy Saul-Demers, director of corporate communications for the WCB. She said staff members are paid bonuses based on worker and employer satisfaction, not on the amount of money the WCB saves. "Any bonuses they receive are tied to corporate objective that revolve around customer

satisfaction," she said. "The motivation is to ensure that workers are satisfied. We wouldn't try to do that by reducing benefits."

WCB payouts for income support, medical costs and rehabilitation have been increasing yearly, which She cited as proof the WCB isn't slashing benefits to save money. The average cost per claim has risen to \$9,200 this year from \$8,500 in 1997.

But Becker said he noticed a shift in attitude in 1993 and 1994, as the WCB attacked its mounting deficit.

"They started digging up old claims," he said. "We were told to take a look at old earning losses and to see if we could reduce it. We were phoning up workers who had received entitlements for years, and saying we've just reviewed it, and decided that you're capable of earning more, and next week your cheque will be less."

He left in 1997 to do human resources consulting work for the David Thompson Health Authority. He also turned his WCB experience into a career in workers' advocacy.

"It's my impression the WCB has become much worse since I left," he said.

Ontario

Accessibility for Ontarians with Disabilities Act, 2005

On June 13, 2005, The Accessibility for Ontarians with Disabilities Act, 2005, received royal assent and is now the law. The Ontario government is recruiting for the chair, vice-chair and members of the new Accessibility Standards Advisory Council created under the act. Membership of the council will be drawn from the broader public and private sectors, with a majority of council members being people with disabilities.

Standards will be set in stages of five years or less and address the full range of disabilities. New standards could include:

- Accessible pedestrian routes and entrances into buildings;

- Lower counter heights at cash registers to accommodate wheelchairs
- Large print menus in restaurants for the visually-impaired
- Staff training in serving customers with learning disabilities.

Full implementation of the act to make Ontario accessible, requires fundamental changes, and the target is to be completed in 20 years, achieving results in stages, with milestones every five years or less. Every Ontarian should have the opportunity to work, learn, play and otherwise participate in society to their full potential without facing barriers.

WSIB Rates going up?

The Standard recently reported that employer premiums paid to the Workplace Safety and Insurance Board (WSIB) will rise by three per cent next year "much to the disappointment of the province's business community." Ontario employers really do not have much to be disappointed about. Provincial

government policies have in fact resulted in a reduction of their WSIB premiums by twenty seven per cent over the last ten years and the payout of \$1.8 billion in employer rebates.

Those who have real reason to be disappointed are Ontario's injured workers. Their benefits were cut and made harder to obtain. The purchasing power of their benefits has also sharply dropped because cost of living adjustments to their benefits to compensate for inflation have been almost non-existent. In 1998 the Harris government gouged the formula for calculating cost of living adjustments for benefits.

Injured workers also have particular reason to be disappointed with the current Ontario Liberal government. After being elected it repeatedly promised to change Ontario's workers compensation system so that it delivered **justice** for injured workers. But this government has delivered next to nothing in the way of significant changes to the system. The

then Minister of Labour who made these broken promises has moved on to bigger and better things in the Liberal cabinet.

A lot has been said about how many promises Dalton McGuinty's Liberal government has broken. The failure of it to deliver justice to injured workers should be widely seen as the most callous and disappointing of all its broken promises to date.

Bob Chapman
42 Hamilton Blvd.
Port Robinson, Ontario Ph: (905) 384-9429

Nova Scotia

Injured Workers Suing WCB, Province Board denies groups' claims, hopes to have case dismissed

By Beverley Ware / South Shore Bureau

Submitted by Peggy Hancock, Nova Scotia Injured Workers

BRIDGEWATER – The South Shore Injured Workers' Association is suing the provincial government and the Workers' Compensation Board. The group, in a lawsuit launched in November, claims injured workers have suffered because of actions by government and the board, and is seeking a forensic audit of the board.

The board is calling the action "false" and "scandalous", and has applied to get the lawsuit thrown out of court.

Former Bridgewater businessman, Harold Selig filed the court action on the association's behalf as no lawyer would take his case. If it is thrown out in Nova Scotia, he intends to appeal to the Supreme Court of Canada.

In their statement of claim, the association and Mr. Selig allege the province, labour department, the compensation board, former Chairman Innis Christie, former CEO David Stuewe and Attorney General Mr. Michael Baker have "wittingly or unwittingly caused improprieties regarding benefit payments to (the) Injured Workers' (Association)" by hiring lawyers to represent both the board and the injured workers.

The notice of legal action also alleges the defendants "Failed to comply with reasonable benefit payments made for injuries sustained by injured workers and their families" and that these complaints were

forwarded to the provincial Labour Department through liaison Barbara Jones – Gordon. The statement also says "the injured Workers' (members) have been caused serious injury to their personal and professional goodwill and (have) suffered considerable distress."

The Nova Scotia Workers' Compensation System was the subject of a year-long review that culminated in the Dorsey report in April 2002. That report, written by Jim Dorsey, listed 28 areas of the health and safety and worker's compensation program that needed improvement.

In his final report, Mr. Dorsey wrote: "Before the 1990's, for whatever reason – incompetence, mismanagement, bungling, deceit, apathy, expediency or indifference – there was a breach of the faith workers and employers placed in government and the members of the Workers' Compensation Board."

Mr. Dorsey also said the past "breaches of faith ... have left scars and a pervading distrust" and that some people are not willing to close the book and move on. According to Louis Comeau, Compensation Board Chairman, the Board is taking the Dorsey report seriously and proceeding with changes. The price tag for these changes is at over \$240 million, and is not doable in the short term.

Northwest Territories

An email from John Huffman, Injured Worker

To all injured workers who have or have had claims against the WCB, please contact me, as we have managed to get the Auditor General of Canada to do an audit into the complaints against the WCB in the NWT. If you have any information, this could make a difference in your life and maybe you will finally receive fair treatment.

John Huffman
Ph: 867-669-0963
Email: j.huffman@theedge.ca
Or: Bill Braden, MLA
Ph: 867-669-2276 / 867-69-2275

British Columbia

The Canadian RSD Network Society in Surrey, BC has been working hard on the BC Proclamation for RSD/CRPS Awareness campaign. This July, thousands of British Columbians with Reflex Sympathetic Dystrophy finally have their disease recognized. July has been officially proclaimed RSD/CRPS Awareness month in BC.

Reflex sympathetic dystrophy (RSD), is also known as Complex Regional Pain Syndrome ((CRPS). It is a chronic, painful, progressive neurological condition that affects skin, muscles, joints, blood vessels and bones.

RSD is also seen as a complication following such diseases as heart attacks, stroke, cancer, diabetes, M.S., or spinal cord disorders. In many cases RSD began from a minor injury. Approximately 10 – 20% of cases there is no precipitating event identified.

While millions across North America have this disorder, approximately as few as 2 – 8% of medical doctors are aware of, or recognize this life altering disorder. Two types of RSD/CRPS have been defined:
CRPS Type 1: without nerve injury
CRPS Type 2: with nerve injury (formerly called causalgia)

Both types share exactly the same signs and symptoms, with the only difference being the presence of nerve injury.
There is NO Cure. There is No Control for this disease. Remission can occur for years, but reappear with a new injury.

Awareness and education on RSD/CRPS is the group's main goal. The Canadian RSD Network was founded 10 years ago with a mission to educate, support, raise awareness, aid in early diagnosis and help find a cure for RSD. Run entirely by volunteer RSD patients and their families, they offer an On-Line Support Group, referrals and information website at:

www.canadianrsd.com

The Canadian RSD Network Society can also be reached at:

P.O. Box 367, Surrey Main Post Office
Surrey, BC V3T 5B6

Email: info@canadianrsd.com

To view the BC Proclamation for RSD/CRPS Awareness Month, visit the website:

http://www.qp.gov.bc.ca/statreg/oic/2005/procs/RSDS_CRPS.htm

Miscellaneous

Voluntary Risks Keeping Volunteers Safe

Condensed from "*The Safety Mosaic*", The Official Publication of the Ontario Service Safety Alliance, Fall 2005 Edition.

Volunteer organizations and the volunteers that support their causes are risk takers, no matter what kind of work they do. It is both for the well-being of the organization, and for the safety of volunteers, that these risks must be identified, assumed, and managed.

HEALTH and SAFETY RISKS

Within any organization, the scope of work carried out by volunteers can be quite varied and range from sitting at a desk answering the phone, or working on a computer to moving furniture – either around the office, or to new office spaces.

Since the work of a volunteer at the Ontario Federation of Snowmobile Clubs can range from operating heavy equipment, chainsaws, patrolling trails on snowmobiles, to computer work, community outreach or hosting meetings, they have set up a "Volunteers in Action" committee. This committee has developed many OFSC programs for volunteers, funded training days and encouraged each club to appoint a volunteer coordinator, providing incentives on how to award and support their volunteers.

Habitat for Humanity is also very diverse and goes way beyond actual house building. This organization has developed a National Safety, Health and Environment (SHE) program to promote and implement a comprehensive health and safety emphasis in all of its activities.

All affiliates have been encouraged to consult with local occupational health and safety authorities to ensure compliance with local legislation. All affiliates are encouraged to appoint a dedicated SHE coordinator to manage all occupational health and safety responsibilities.

Whatever the volunteer position may be, organizations should have health and safety policies and procedures in place that are written down and implemented, says Karen Lambert of Volunteer Canada. Organizations should consider the risks involved in all their volunteer positions, as well as the paid positions, she says. The risk assessment should consider all potential risks including:

- Accidents
- Serious injury
- Loss or damage to property
- Breach of confidentiality
- Misrepresentation or speaking inappropriately of the organization
- Theft, misappropriation of funds, fraud
- Abuse (physical, emotional, sexual or financial)
- Loss of agency reputation, organizational credibility, public trust.

Liability insurance coverage for their volunteers should be considered, just as they would for their paid employees, adds Lambert.

Volunteer Canada encourages volunteers to be as informed as possible before undertaking any position. "As more information is available and broadly disseminated, volunteers have become more aware of their rights and responsibilities regarding the choices they make in volunteering assignments," says Lambert. "Individuals have become more aware, and to some degree more knowledgeable, of the potential hazards and risks involved."

Letters from Injured Workers

GOVERNMENT AND JUSTICE SYSTEM ARE AFRAID OF WCB IN SASKATCHEWAN

Minister Higgins and the Government appointed Board to the WCB must go!

The government appointed Board to the WCB in Saskatchewan, seem to be in a category of their own. They are obviously feared by the government and the justice systems in the province of Saskatchewan. When you mention the initials "WCB" our justice system runs and hides. They seem to want no confrontation with the most legislated, protected company in Saskatchewan.

One example is a complaint made to the RCMP in SK, where WCB had released private and personal information to be used for WCB gain. The person's name and email address, who gained the personal information was provided to the RCMP, with a statement of suspicions that WCB released and used the information obtained. The RCMP contacted the WCB in regard to the allegations and were told they had no knowledge of the incident in question.

The investigation concluded and nothing further was investigated as to the person who obtained the personal and private information, or where it was obtained. Is this a sign of the power of WCB in Saskatchewan - when an investigation into a criminal act can be stopped so quickly, when it may involve the WCB?

Since my benefits have been cut by \$800/month which seemed to be a result of questioning a Stakeholder's meeting about a consistent 38% lost time claim allowance for five consecutive years, I am also investigating deductions that WCB takes from claimants benefits. It seems that they are over-

deducting probable deductions from any one deemed capable of earning.

I suggest to anyone reading this to request from their CSR a copy or statement of the weekly probable deductions being charged to them. I believe you will find that WCB is charging you probable deductions on your benefits, as well as probable deductions on the money they have deemed you capable of earning. I have proof that WCB are doing this, and have had it verified by an agent of Revenue Canada.

There seems to be a loop hole which the government failed to close when they legislated the Act. This loop hole allows the government appointed board to be taken to court, and held accountable for the decisions they make. As soon as the board members have been served, including the retired, Mr. Norm Brown, I will release the loop hole to the public. You, as injured workers will have to move fast, as there is no doubt that Minister Higgins will shut the loop in the fall session.

I am not an advocate. All the work I do is for the benefit of all injured workers of SK. We must stick together as one large voice, and fight for the coverage, that the premiums paid for on our behalf to protect us and our families in case of a work related injury, not to be held from us by a deceitful insurance company, and a government appointed board, who should be classed as employees of the insurance company, as they are the company paying the board's wages.

If you have any comments or questions regarding the contents of this letter, please feel free to contact me.

Jim Taphorn

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JUSTICE



To do what is right, and in a broader sense to do what is right for the greater good, and sometimes that means not doing as expected, such as not following written or common law, and in exceptional circumstances to do things most extraordinary.

Things an ordinary individual that has or would have met the criteria for Victoria Cross, Metal of Honour or the Order of Canada, and in the case of a politician – do like Tommy Douglas, who was, and perhaps is the Greatest Canadian that has, or ever will live, *Tommy Douglas* was the impetus for the things that are valued by and effect all Canadians every day, yet past and current politicians are reluctant to follow his example, and ask themselves "What would Tommy do?"

One of the few examples of a politicians that did "*What Would Tommy do*" was *Lester Pearson* with the Canadian Bill of Rights and *Pier Elliot Trudeau* with the Canadian Charter of Rights and Freedoms, and lets not forget *Canada Health Act* and the *Canada Pension Plan* to name a few. What about what Workers Compensation is suppose to be? What about Nationalizing Oil and Gas or Export Tax for it? Is it any wonder Tommy Douglas was voted the Greatest Canadian?

JFK once said, "don't ask what your country can do for you, ask what you can do for you're your country". Well what about what politicians can do for its citizenry, you know, ordinary folk that's not a criminal or wealthy, folk that works for a living with less than a six digit income for the household, what can you do?

At least export tax to pay back the 5 billion in softwood export tariffs, and after that give every Canadian a Tax exempt pay cheque. Every Canadian Citizen that has been born in Canada and is a citizen, or has immigrated and has been a citizen and lived and currently living in Canada for more than eighteen years should receive one. You see all other large oil producing countries do it. If you immigrate to such countries one would probably not get royalty cheque unless one was born there, or is the son or daughter

of one that was born there and currently lives in the country where the Royalties are being paid from.

The common trait among all of the aforementioned is that they feel that they did not do anything special, in that anyone would do the same if in a similar situation. Yes maybe, but probably very few, as you look at the actions of most politicians today and yesterday. Remember as written by R.A. McLary of Ottawa "*Politics is the art of the possible*".

I will tell you what justice is! Justice is the Law, and the Law is man's feeble attempt to set down the principles of decency! Decency isn't a deal, it isn't an angle, contract or a hustle! Decency is what your grandmother taught you. It is in your bones! Now be decent people.

Without Civil Liberties, Citizens are no longer able to exercise their sovereignty over Government, like the *Magna Carta* (The Great Charter) had over the sovereign in 1215! The so called government of the day, primarily made of lords and dukes had the power to make laws while the average citizen had none. Now in the *twentieth century* of so called *Christianity*, Civil Liberties and a Vote are suppose to give *Citizens* the right over government, for which I see the next century the *Single Transferable Vote* (STV) as important as the *Magna Carta* of 1215, for which the rich, powerful and influential will resist as did King John. Without some form of the STV, (where every vote is counted and actually worth something as a form of proportional representation and thereby giving every citizen a voice to advance their wants and needs), there will only be a decline of so called *Western Civilization*, and suicide bombers will reign supreme as without a definitive voice the malcontent will resort to - as some already have! A disproportional and unfairly representational government spells disaster!

Josh Thurston

CIWA/ACVAMT IS ABOUT	OUR GOALS	PUBLICATIONS AVAILABLE
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.	✓ 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.	☐ The VOICE OF INJURED WORKER ☐ PLAIN TALK ☐ HOW TO IMPROVE RELATIONS BETWEEN INJURED WORKERS & ORGANIZED LABOUR ☐ REPORT ON RELATIONS WITH LABOUR SESSION AT CIWA NATIONAL CONFERENCE, REGINA 1992 ☐ RETURNING TO WORK ☐ VOC REHAB & RE-EMPLOYMENT FROM THE INJURED WORKER'S PERSPECTIVE ☐ INJURED WORKERS ... ON THE MOVE ☐ COMING TOGETHER <u>VIDEOS & WORKBOOKS</u> ☐ YOUTH PROJECT MANUAL, 2002 ☐ SURVIVORS, 1997 ☐ TOGETHER WE CAN WIN, 1997 ☐ PEER HELPER TRAINING MANUAL, 2000 - "PEOPLE HELPING PEOPLE" ☐ LE COMBAT QUOTIDIEN DES VICTIMES DU TRAVAIL, 1999 <u>To find out more, please contact us at:</u> CIWA/ACVAMT P.O. Box 10098, 1201 Jasper Drive Thunder Bay, ON P7B 6R2 Ph: 807-345-3429 Fx: 807-344-8683 Toll Free: 1-877-787-7010 Email: ciwa@vianet.ca Web Site: www.ciwa.ca

Connect with an injured workers group near you.
Check out our web site at: www.ciwa.ca and click on "Who to Contact"
.... OR
Call our office at (807) 345-3429 or Toll Free at 1-877-787-7010

This Newsletter is intended to share information of interest to
injured workers/ groups / organizations, 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.