

# CANADIAN INJURED WORKERS ALLIANCE

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

CIWA  
ACVAMT



Spring / Summer  
2005  
Printemps / été

### Severance Pay - Law Overturned:

**Disabled workers must get same compensation !  
Employment Standards Act (ESA) section violates charter of rights !**

In a ruling hailed as a major milestone, Ontario's highest court has struck down part of a law that allows employers to deny severance packages to disabled workers who can no longer continue in their jobs.

*Read more on page 8*

### Accessibility for Ontarians with Disabilities Act (AODA) 2005

**Replaces: Ontarians with Disabilities Act (ODA) 2001 /**

The ODA was often maligned for its lack of teeth. Now broader disability legislation has been passed by Dalton McGuinty's government – May 10/05.

In 2001, the Ontarians with Disabilities Act was passed. Advocates quickly dismissed it as a piece of legislation which was largely ineffective.

In October, 2004, Dalton McGuinty's government proposed new legislation to replace the Ontarians with Disabilities Act. This new act, known as the Accessibility for Ontarians with Disabilities Act (AODA), is described as strong, effective and comprehensive and will lead to significant changes in barriers faced by people with disabilities in Ontario.

*Read more on page 9*

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***THANKS for Your SUPPORT!***

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

**MAILING ADDRESS:**

P.O. Box 10098  
Thunder Bay, Ontario. P7B 6T6  
Phone: 807-345-3429  
Fax: 807-344-8683

**CANADIAN INJURED WORKERS ALLIANCE**

Toll Free 1-877-787-7010

**STREET ADDRESS**

1201 Jasper Drive  
Thunder Bay, Ontario P7B 6R2  
email: ciwa@vianet.ca  
Web-site: www.ciwa.ca

## **Canadian Injured Workers Alliance of Youth (CIWAY)**

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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](mailto:ciwa@vianet.ca) or visit our website at [www.ciwa.ca](http://www.ciwa.ca)

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## **Informative Websites to Check Out:**



[www.owa.gov.on.ca](http://www.owa.gov.on.ca)

[www.owa.gov.bc.ca](http://www.owa.gov.bc.ca)

### **Office of the Worker Advisor**

Contains info such as:

- workers self help kit
- how to obtain the WSIB Policy Manual

Check for an office in your province by changing the two letters in the website address to your own.



[www.axi.ca](http://www.axi.ca)

### **Association Xpertise Inc**

Contains info such as:

- Specializing in Non-Profit Info
- how to keep groups (non-profit) organized
- various rules & regulations to follow

[johnhennessyfoundation.com](http://johnhennessyfoundation.com)

On December 5, 2004, Grettie Hennessy's only son and child, John Hennessy-Moore, 18 years old was killed when the pipe system he was working on that was not properly bolted and/or clamped down, moved off the I-Beam's and struck John in the face and head, at a Husky Energy Plant in Lloydminster, SK. This web site and the **John Hennessy Workplace Head Injury Foundation**, was developed with a mission to improve the quality of life for survivors of traumatic workplace head injuries, serious brain damage and their families.



CIWA is very pleased to say *thank you* to HRDC – Social Development Partnerships Program (SDPP) and the Office for Disability Issues, for the approval of funding through the “Organizational Capacity Building” support program for a three year term.

This funding enables CIWA to continue providing valuable services and support to injured and disabled worker's groups and individuals, and is, to a large extent, contingent upon their continued support of our organization. In part, this funding also provides the support required to publish this newsletter.

## CIWA/ACVAMT Activities

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### **CLC Winter Schools - 2005**

- Harrison Hotsprings - Abbotsford, BC
- CAW H&S Centre, Port Elgin, ON
- Best Western, North Bay, ON

### **Board of Directors Meetings**

- February 2005, Calgary, AB

### **Day of Mourning Ceremonies – April 28, 2005**

- Various activities across Canada

### **CCOH&S Convention, March 2005**

- Toronto, ON

### **Round Table Project – 2005**

- Toronto, ON

### **CLC H&S Committee Meeting, March 2005**

- Ottawa, ON

### **Chronic Pain Meeting, May 2005**

Halifax, NS

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### INTERNET

We are hopeful in receiving funding once again through the HRD Summer Experience Program to be able to hire a Summer Student to help with our web site development and updates.

For a number of years now, our Summer Students have assisted in creating, developing and updating our site. Each year different parts of our site take on a new look or feature, depending on the creativity and skills of the individual that we engage services with.

### INFORMATION & REFERRAL

Our predominant tool of communication for information and referral continues to be via the internet. Whether individuals find and access our direct website through a search engine, or by word of mouth, we constantly receive requests from injured workers, their friends or relatives for information or direction on who to contact or where to go for assistance with their claim file.

Because of the many injured worker groups that exist throughout Canada, we are usually able to refer them to someone within a close proximity to where they reside.

The existing constant need for referral is endlessly apparent as too many persons injured in the workplace are unaware of the resources available to them or the problems and complications that could arise once they are injured or acquired a workplace related disease.

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### CLC Winter School

The following is a report we received from the President of the Hamilton & District Injured Workers Group, Peter Page, who had attended the Winter School in Port Elgin, Ontario.

"My one week course at Port Elgin's CAW training complex was quite educational and therapeutic. Being that I am an injured worker and have been out of the workforce since 2002, one can be nervous about re-entering the working community, but I survived due in part to the friendly and welcoming environment fostered by the staff.

The course I chose was EFFECTIVE COMMUNICATIONS and MEDIA SKILLS. This course I felt would be helpful in my duties as President of the Hamilton & District Injured Workers Group. Our class learned public speaking and dealing with media, and overcoming stage fright.

The whole experience was fun and educational and I would recommend the school to anyone who wants to improve old skills and learn new ones.

I would like to thank the Canadian Labour Congress, Canadian Injured Worker Alliance and the Ontario Network of Injured Worker Groups for this wonderful opportunity and hope that the scholarship continues. Many injured workers need support in rebuilding their lives, so keep up the good work and remember there is strength in numbers.

*Peter Page, President HDIWG"*

## Activités CIWA/ACVAMT

### Écoles d'hiver du CTC - 2005

- Harrison Hotsprings - Abbotsford, C.-B.
- Centre SS TCA, Port Elgin, Ont.
- Best Western, North Bay, Ont.

### Réunion du conseil d'administration

- Février 2005, Calgary, Alb.

### Cérémonies du Jour de deuil national – 28 avril 2005

- Différentes activités au Canada

### Congrès du CCHST, mars 2005

- Toronto, Ont.

### Projet de table ronde – 2005

- Toronto, Ont.

### Réunion du comité SS du CTC, mars 2005

- Ottawa, Ont.

### Réunion sur la douleur chronique, mai 2005

Halifax, N.-É.

### INTERNET

Nous espérons recevoir du financement encore une fois par l'entremise du Programme expérience été, de la DRH, afin de pouvoir embaucher un ou une stagiaire d'été qui verra à développer et à actualiser notre site web.

Il y a déjà quelques années que des stagiaires d'été nous aident à créer, mettre au point et actualiser notre site. Chaque année, différents volets de notre site changent d'allure selon la créativité et l'habileté de la personne embauchée.

### INFORMATION et AIGUILLAGE

Notre principal outil de communication pour l'information et l'aiguillage continue d'être Internet. Que l'on accède à notre site web directement ou par un moteur de recherche, ou que l'on entende parler de nos services, nous recevons constamment des demandes de la part de victimes d'accidents et de maladies du travail, ou de la part de leurs parents ou amis, au sujet de l'endroit où s'adresser pour obtenir de l'aide au sujet d'une demande d'indemnité.

Compte tenu des nombreux groupes de victimes d'accidents et de maladies du travail au Canada, nous sommes normalement en mesure de diriger ces personnes vers un ou une responsable proche de leur lieu de résidence.

Il y a un réel besoin d'aiguillage permanent parce que trop de personnes victimes d'un accident ou d'une maladie du travail ignorent les ressources mises à leur disposition ou les problèmes et complications qui pourraient découler d'un accident ou d'une maladie du travail.

### École d'hiver du CTC

Voici le rapport que nous avons reçu de la part du président du Hamilton & District Injured Workers Group, Peter Page, qui a assisté à l'école d'hiver à Port Elgin (Ontario).

« Mon cours d'une semaine au complexe de formation des TCA à Port Elgin a été une expérience éducative et thérapeutique. Je suis une victime du travail hors du marché du travail depuis 2002 et j'étais nerveux au sujet de la réintégration de ce marché; mais j'ai survécu à cela grâce en partie à l'ambiance amicale et chaleureuse créée par le personnel.

Le cours que j'ai choisi a été *EFFECTIVE COMMUNICATIONS & MEDIA SKILLS*. J'ai déterminé que ce cours me serait utile en tant que président du Hamilton & District Injured Workers Group. Notre classe a appris des notions sur la façon de parler en public, de traiter avec les médias et de surmonter le trac.

Cette expérience dans son ensemble s'est avérée amusante et éducative. Je recommande cette école à quiconque désire améliorer ses connaissances et en acquérir de nouvelles.

Je désire remercier le Congrès du Travail du Canada, l'Alliance canadienne des victimes d'accidents et de maladies du travail et Ontario Network of Injured Workers Groups pour cet excellent cours; j'espère que les bourses seront maintenues. Plusieurs victimes d'accidents et de maladies du travail ont besoin de soutien pour refaire leur vie; donc, continuez votre bon travail et rappelez-vous que l'union fait la force!

*Peter Page, président du HDIWG «*

### ROUND TABLE – RTF/RTW

It is now two years since CIWA has been actively involved on the Advisory Board with the Round Table Project. Members of the Round Table Project on "Return to Function, Return to Work" (RTF/RTW) met in September 2004, in Toronto, Ontario.

The goal of RTF/RTW is to give all disabled people the right to participate in a program that will be more meaningful and productive. Too many employers and insurance companies implement RTW programs in the best interest of themselves which are usually geared to fail the disabled person.

Our belief is that only in implementing a team approach, will RTF/RTW be successful.

The next meeting to finalize changes is planned for April 8, 2005.



### STRENGTHENING RELATIONSHIPS WITH ORGANIZED LABOUR

CIWA's representatives have attended spring & winter schools hosted by the Canadian Labour Congress (CLC), for a number of years now. Once again, CLC afforded us the opportunity for two of our representatives in two regions to attend CLC Winter School training sessions in Ontario and British Columbia.

The feedback from the attendees to the Winter Schools is just fantastic. Even though the courses are naturally geared to the Labour Movement, our participants learn valuable information which they can use in their local injured worker organization.

Participants this winter took part in courses such as:

- Duties to Accommodate
- Unions in the Community
- Taking Back our Municipalities / Mobilizing Communities
- Resolving Workplace Disputes & Conflicts
- Effective Communications & Media Skills

### **CLC 2<sup>nd</sup> National Disability Rights Conference**

The Canadian Labour Congress hosted it's 2<sup>nd</sup> National Disability Rights Conference in November, 2004, in Montreal, Quebec, titled "Doing MORE – Moving FORWARD". CIWA representatives attended this conference.

### **CAW Annual Compensation Conference – October 2004**

News from the Ontario Network of Injured Workers Groups:

The objective of the conference was to strengthen and deepen the CAW Workers' Compensation "Take It Back" campaign. Delegates voted unanimously in favour of the following recommendations:

1. Make Occupational Disease and RSI's the focal point of activities
2. Organize for:
  - November 30<sup>th</sup> – Injured Worker Demo's
  - RSI Day – February 28<sup>th</sup>
  - April 28<sup>th</sup> – Int'l Day of Mourning
  - June 1<sup>st</sup> – Injured Workers' Day
3. Continue lobbying MPP's with new cases
4. Educate our membership focusing on (but not limited to) occupational disease and RSI's
5. Become an associate member of ONIWG
  - Participate in the newsletter committee and the political action committee
6. Establish a CAW Internal Occupational Disease Network

The CAW will join with ONIWG and others to organize joint activities in areas such as Thunder Bay, Timmins, Windsor, London, Toronto and Hamilton.

***Congratulations to ONIWG on the support  
you are receiving! Good Job!***

### BOARD OF DIRECTORS

The CIWA Board of Directors has held their regular board meeting in February, 2005 in Calgary, AB in order to discuss the on-going operation and direction of the organization.

The CIWA Board of Directors will hopefully meet again in the fall or winter of 2005/2006 sometime, (at minimum will meet via conference call), to continue to direct the organization and review its goals, activities, and current activity progress, and its outcomes and achievements.

The Executives of the Board of Directors continue to meet on a regular basis to review financial statements and discuss ongoing issues. The Executives went to the National Office in Thunder Bay in January, 2005 in order to review financials, and offer assistance to the Office Manager.

The CIWA sub-committees meet regularly to review plans and goals for CIWA.

## TABLE RONDE – RETOUR À LA

### FONCTION/RETOUR AU TRAVAIL

Il y a déjà deux ans que l'ACVAMT participe activement au sein du comité consultatif du Projet de table ronde. Les membres du Projet de table ronde sur le retour à la fonction et le retour au travail se sont réunis en septembre 2004 à Toronto.

L'objet de ce Projet est de permettre à toute personne handicapée de participer à un programme plus sensé et plus productif. Trop d'employeurs et de compagnies d'assurance introduisent des programmes qui visent plutôt leur propre intérêt et laissent tomber la personne handicapée.

Nous croyons que c'est en adoptant une approche d'équipe que les programmes de retour à la fonction/retour au travail peuvent réussir.

La prochaine réunion qui mettra la dernière main aux changements aura lieu le 8 avril 2005.

### **PROJET DE TABLE RONDE Sur un retour à la**



### **fonction/retour au travail sécuritaire et opportun Pour un processus qui appuie la personne**

## RESSERRER LES LIENS AVEC LE MOUVEMENT

### SYNDICAL

Cela fait quelques années que les représentants et représentantes de l'ACVAMT participent à des écoles de printemps et d'hiver organisées par le Congrès du Travail du Canada (CTC). Encore une fois, le CTC a donné l'occasion à deux de nos représentants dans deux régions de participer à des sessions de formation d'hiver en Ontario et en Colombie-Britannique.

Les réactions des participants et participantes aux écoles d'hiver sont tout simplement étonnantes. Même si ces cours sont naturellement orientés vers le mouvement syndical, nos participants et participantes acquièrent des renseignements utiles qu'ils peuvent appliquer à leur groupe local de victimes d'accidents et de maladies du travail.

### **Deuxième colloque national sur les droits des personnes handicapées du CTC**

Le Congrès du Travail du Canada a tenu son Deuxième colloque national sur les droits des personnes handicapées en novembre 2004 à Montréal sous le thème de « *Doing MORE — Moving FORWARD* (Faire davantage — Aller de l'avant) ». Des représentants de l'ACVAMT ont participé à ce colloque.

## **Colloque annuel sur l'indemnisation des TCA – Octobre 2004**

Nouvelles de Ontario Network of Injured Workers Groups (ONIWG) :

L'objet du colloque était de renforcer et d'approfondir la campagne *Take It Back* sur l'indemnisation des travailleurs et travailleuses TCA. Les délégués ont voté à l'unanimité en faveur des recommandations suivantes :

1. Faire des maladies professionnelles et des microtraumatismes répétés le point central des activités.
2. S'organiser pour :
  - 30 novembre – manifestation des victimes d'accidents et de maladies du travail
  - Jour des microtraumatismes répétés – 28 février
3. 28 avril – Jour de deuil international
  - 1<sup>er</sup> juin – Jour des victimes d'accidents et de maladies du travail
4. Maintenir la pression sur les députés provinciaux avec de nouveaux cas.
5. Éduquer nos membres en mettant l'accent sur les maladies professionnelles et les microtraumatismes répétés sans s'y limiter.
6. Devenir un membre associé d'ONIWG
  - Participer au comité du bulletin d'information et au comité d'action politique.
7. Établir un réseau interne TCA de maladies professionnelles.

Les TCA se joindront à ONIWG et à d'autres organismes afin d'organiser des activités conjointes à Thunder Bay, Timmins, Windsor, London, Toronto et Hamilton.

*Félicitations à ONIWG pour l'appui que vous recevez! C'est du beau boulot!*

## CONSEIL D'ADMINISTRATION

Le conseil d'administration de l'ACVAMT a tenu sa réunion régulière en février 2005 à Calgary afin de discuter du fonctionnement continu et de l'orientation de l'organisme.

Il est à espérer que le conseil d'administration de l'ACVAMT puisse se réunir à nouveau à l'automne ou à l'hiver 2005-2006; il y aura au minimum une conférence téléphonique afin de continuer à diriger l'organisme et à discuter des objectifs, activités et réalisations.

Les directeurs et directrices du conseil continuent à se rencontrer régulièrement pour étudier les états financiers et discuter des questions courantes. Les directrices et directeurs se sont rendus au siège social de l'ACVAMT à Thunder Bay en janvier 2005 pour examiner les états financiers et offrir de l'aide à la directrice du bureau.

Les sous-comités de l'ACVAMT se rencontrent régulièrement pour étudier les plans et objectifs de l'organisme national.

### CHRONIC PAIN

CIWA is proud to be part of a very important organization, the Canadian Pain Coalition (CPC). In the last year the CPC has been working hard at ensuring that persons suffering from chronic pain are receiving proper care and recognition.

The CPC has been busy to accomplish having a motion brought to the House, with the support of the Senate to declare "National Pain Awareness Week", which will be the first week in November every year.

In November 2004, the Canadian Injured Workers Alliance attended a Gala Fundraising event in Toronto, Ontario to raise money to kick off the "National Pain Awareness Week". The next Gala Fundraising Event is currently being planned for November 3, 2005.

The CPC is in the process of becoming incorporated, having their constitution and bylaws in place. They have a web site up and running and you can explore it at: [www.painhurtscanada.ca](http://www.painhurtscanada.ca)

The next meeting is planned for May 13 - 16, 2005 in Halifax, NS.

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## Severance Pay - Law Overturned:

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### **Disabled workers must get same compensation ! Employment Standards Act (ESA) section violates charter of rights !**

A section of the ESA entitles employers to refuse severance pay to employees whose ability to remain on the job has been "frustrated" as a result of an illness or injury. Basically, the employer would be off the hook for providing severance pay to an employee who had a long-term illness.

The Ontario Court of Appeal said that this legislation violates the Charter, and affects a crucially important aspect of the dignity of disabled people by denying them equal treatment & compensation in employment.

The Ontario Court of Appeal ruled in a case in Toronto, Ontario where a nurse employed for 13 years by Mount Sinai Hospital, was sent a termination letter after being unable to return to work (RTW) after a non-work related injury she had suffered in August of 1995.

She had tried several times to return to work, but suffered a relapse in January of 1996, and was approved for long-term disability benefits. Medical doctors were unable to determine when she might be able to RTW.

The Attorney General and the lawyer for the hospital argued the ESA legislation for severance pay was meant to compensate workers moving ahead to new employment and was not discriminatory because "employees unable to work because of injury or illness are unlikely candidates for returning to the workforce".

The Ontario Nurses' Association argued that the purpose of severance pay was intended to compensate long-serving employees for their years of service and investment in their employers' business.

The court said that the hospital and government's position reflects a stereotypical presumption about the adaptability, industry and commitment to the workforce of persons with disabilities severe and enduring enough to frustrate their employment.

This generalization can only perpetuate and promote the view that disabled individuals are less worthy of recognition, value as human beings, and members of the Canadian Society."

Last year the Division Court ruled the legislation was unconstitutional because it denied disabled employees an employment benefit to which they would be entitled, just like other workers, were it not for their disability.

Phil Brake, National Coordinator for the Canadian Injured Workers Alliance, called the decision a "positive step" for injured workers. He said it would encourage employers to try harder to accommodate employees before letting them go. "To our knowledge, Ontario is the first to do something like this," he said in an interview from Newfoundland.

The Hospital has 60 days to decide whether to seek an appeal to the Supreme Court of Canada.

### DOULEUR CHRONIQUE

L'ACVAMT est fière de faire partie d'un organisme très important, la Coalition canadienne contre la douleur (CCD). Au cours de l'année écoulée, la CCD a œuvré très fort pour s'assurer que les personnes souffrant de douleurs chroniques reçoivent des soins appropriés et une reconnaissance.

La CCD a déployé de gros efforts pour faire adopter une proposition à la Chambre, avec le soutien du Sénat, reconnaissant, chaque année, la première semaine de novembre comme étant la *Semaine nationale de la sensibilisation sur le problème de la douleur*.

En novembre 2004, l'Alliance canadienne des victimes d'accidents et de maladies du travail a participé à un gala bénéfice à Toronto afin de recueillir des fonds pour lancer la *Semaine nationale de sensibilisation sur le problème de la douleur*. Le prochain gala bénéfice aura lieu le 3 novembre 2005.

La CCD est en voie de se constituer en personne morale, ayant déjà adopté sa constitution et ses règlements. Elle a son site web que vous pouvez consulter à [www.painhurtscanada.ca](http://www.painhurtscanada.ca)

La prochaine réunion est prévue pour les 13 au 16 mai 2005 à Halifax.

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## Indemnité de départ – Loi annulée :

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### **Les travailleuses et travailleurs handicapés doivent recevoir la même indemnisation! Un article de la *Loi sur les normes d'emploi* viole la Charte canadienne des droits!**

Un article de la *Loi sur les normes d'emploi* permet aux employeurs de refuser une indemnité de départ aux employés dont la capacité de demeurer au travail a été « contrecarrée » comme résultat d'une maladie ou d'une lésion. Fondamentalement, l'employeur ne serait pas tenu de fournir une indemnité de départ à un employé ou une employée ayant une maladie de longue durée.

La Cour d'appel de l'Ontario a déclaré que cette loi transgresse la Charte et porte atteinte à un aspect d'une importance cruciale de la dignité des personnes handicapées en leur refusant une indemnité et un traitement égaux dans leur emploi.

La Cour d'appel de l'Ontario a pris une décision dans un cas à Toronto où une infirmière employée depuis 13 ans par l'hôpital Mount Sinai a reçu une lettre de fin d'emploi après ne pas pouvoir réintégrer ses fonctions à la suite d'une lésion non liée à son emploi subie en août 1995.

Elle avait essayé à plusieurs reprises de retourner au travail mais avait connu une rechute en janvier 1996, puis avait été admissible aux prestations d'invalidité de longue durée. Les médecins ne pouvaient pas déterminer à quel moment elle pourrait retourner au travail.

Le procureur général et l'avocat de l'hôpital avaient fait valoir que cette loi sur l'indemnité de départ visait à indemniser les travailleurs et travailleuses qui se dirigent vers un nouvel emploi et qu'elle n'est pas discriminatoire parce que « les employés ne pouvant pas travailler par suite de lésion ou de maladie sont des candidats et candidates peu susceptibles de retourner sur le marché du travail ».

L'Association des infirmières et infirmiers de l'Ontario a pour sa part dit que l'objet de l'indemnité de départ était d'indemniser les employés pour leur long état de service et pour leur investissement dans l'entreprise de l'employeur.

La cour a déclaré que la position de l'hôpital et du gouvernement reflétait une présomption stéréotypée au sujet de l'adaptabilité, de l'industrie et de l'engagement envers la main-d'œuvre des personnes ayant des incapacités graves et assez durables pour contrecarrer leur emploi.

Cette généralisation ne peut que perpétuer et encourager la conception selon laquelle les personnes handicapées sont moins dignes de reconnaissance et de valeur en tant qu'humains et membres de la société canadienne.

L'année dernière, la Cour de secteur a décidé que la loi était inconstitutionnelle parce qu'elle refuse aux employés handicapés une prestation d'emploi à laquelle ils auraient droit, tout comme les autres travailleurs et travailleuses, si ce n'était de leur incapacité.

Phil Brake, coordonnateur national de l'Alliance canadienne des victimes d'accidents et de maladies du travail, a qualifié la décision de mesure positive pour les victimes d'accidents et de maladies du travail. Il a dit qu'elle encouragerait les employeurs à s'efforcer davantage pour accommoder les employés avant de les licencier. « À notre connaissance, l'Ontario est la première province à agir dans ce sens », a-t-il déclaré dans une entrevue à Terre-Neuve.

L'hôpital a 60 jours pour décider s'il ira en appel devant la Cour suprême du Canada.

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## Chronic Pain:

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The Manitoba Federation of Labour – Occupational Health Centre located in Winnipeg, MB has developed a program by physician Rob Chase, to help workers with musculoskeletal injuries, where the pain has spread to other areas. This pilot program is called “Stretch, Massage, Breathe,” or “SMB”.

OHC Clients having difficulties with chronic pain, discomfort and disability, meet once a week for a two-and-a-half hour session that includes education and exercise based on Yoga, self awareness and massage, and home based self-management of pain.

This program is intended to help injured workers better understand their injury and develop practical skills to better manage their condition. The results of this program seem to be quite positive. According to follow-up studies, program participants have reduced their perceived level of pain and continue to reduce their pain in the months following the program.

For more information visit the MFL Occupational Health centre website at:

[www.mflohc.mb.ca](http://www.mflohc.mb.ca)

Phone: 204-949-0811

Email: [mflohc@mflohc.mb.ca](mailto:mflohc@mflohc.mb.ca)

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## OFL / FOL DAY OF MOURNING STATS:

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The Ontario Federation of Labour provided a report of all Workplace Claims made with and accepted by WSIB.

Interestingly, between 1980 and 2004, the average number of annual fatalities is 284 – which shows 325 in 1980 and 328 in 2004.

At the time of this report, outstanding decisions for fatality claims were as follows:

- 76 from 2002
- 35 from 2003
- 123 from 2004

These figures are not included in the stats.

The majority of pending claims are for occupational disease, which now accounts for over 60% of the allowed fatal claims.

Not reflected here is the true toll taken by occupational disease, estimated to be as high as 6,000 Ontario workers annually. This comes from a study entitled “Occupational Disease & Workers’ Compensation”, prepared by Dr. Annalee Yassi for Paul Weiler’s inquiry into the Ontario compensation system.

Occupational cancer makes up a significant portion of occupational disease. In addition to the human

suffering, the health care costs of these cancers range from 130 million dollars to 500 million dollars. If the occupational cancers were recognized, most of this money would be reimbursed to the Ontario health care system by the WSIB.

Few workers make the connection between their ill health and the unhealthy workplace exposures they’ve had over the years. In 2004, only 384 fatal occupational disease claims were made to the WSIB.

In 1991, Bill C-223, An Act Respecting a Day of Mourning for Persons Killed or Injured in the Workplace, a Private member’s Bill sponsored by Rod Murphy, NDP M.P., passed through all stages of the House of Commons and Senate. The bill, which now proclaims April 28 of each year as a National Day of Mourning, received royal assent on February 1, 1991, and is now law.

According to the International Confederation of Free Trade Unions (ICFTU), commemoration activities are held in over 70 countries around the globe.

## Douleur chronique :

Le centre de maladies professionnelles de la Manitoba Federation of Labour, situé à Winnipeg, a mis au point un programme du D<sup>r</sup> Rob Chase pour venir en aide aux travailleurs et travailleuses ayant des lésions musculosquelettiques quand la douleur s'est répandue à d'autres parties du corps. Ce programme pilote s'appelle *Stretch, Massage, Breathe (SMB)* (s'étirer, masser, respirer).

Les clients et clientes ayant des problèmes de douleur chronique, d'inconfort et d'incapacité se rencontrent une fois par semaine pour une session de deux heures et demie qui comprend de l'éducation et des exercices basés sur le yoga, la prise de conscience de soi et des massages; il y a aussi la gestion de la douleur à domicile.

Ce programme vise à aider les victimes d'accidents et de maladies du travail à mieux comprendre leur lésion et à développer des moyens pratiques pour mieux gérer leur état. Les résultats de ce programme semblent être très positifs. Selon des études de suivi, les participants et participantes ont réduit leur niveau de perception de la douleur et continuent à réduire leur douleur au cours des mois qui suivent le programme.

Pour obtenir plus de renseignements, visitez le site web du centre de maladies professionnelles de la Manitoba Federation of Labour :

[www.mflohc.mb.ca](http://www.mflohc.mb.ca)

Téléphone : 204-949-0811

Courriel : [mflohc@mflohc.mb.ca](mailto:mflohc@mflohc.mb.ca)

## STATISTIQUES SUR LE JOUR DE DEUIL FTO :

La Fédération du travail de l'Ontario a émis un rapport sur toutes les demandes d'indemnité faites auprès de la CSPAAT et acceptées par celle-ci.

Il est intéressant de constater qu'entre 1980 et 2004, la moyenne annuelle de décès était 284, soit 325 en 1980 et 328 en 2004.

Au moment de publier ce rapport, les décisions en suspens pour les demandes d'indemnité pour décès s'établissaient comme suit :

- 76 en 2002
- 35 en 2003
- 123 en 2004

Ces chiffres ne figurent pas dans les statistiques.

La majorité des demandes en suspens concerne les maladies professionnelles, qui représentent maintenant plus de 60 % des demandes d'indemnité accordées pour des décès.

Ces chiffres ne tiennent pas compte du nombre réel attribué aux maladies professionnelles, lequel est estimé à autant que 6 000 travailleurs et travailleuses d'Ontario chaque année. Ce chiffre provient d'une étude intitulée *Occupational Disease & Workers' Compensation* réalisée par le D<sup>r</sup> Annalee Yassi dans le cadre de l'étude de Paul Weiler sur le système d'indemnisation de l'Ontario.

Le cancer professionnel occupe une part importante des maladies professionnelles. Outre la souffrance purement humaine, le coût de santé de ces cancers varie de 130 millions à 500 millions de dollars. Si les cancers professionnels étaient reconnus, la plupart de cet argent serait remboursée au système de santé ontarien par la CSPAAT.

Peu de travailleurs et de travailleuses font le lien entre leur mauvaise santé et l'exposition à un lieu de travail insalubre pendant des années. En 2004, seulement 384 demandes d'indemnité pour maladie professionnelle mortelle ont été déposées auprès de la CSPAAT.

En 1991, le projet de loi C-223, *Loi concernant l'institution d'un jour de compassion pour les personnes tuées ou blessées au travail*, soit un projet de loi d'un membre privé présenté par Rod Murphy, député NPD, a passé toutes les étapes de la Chambre des communes et du Sénat. Ce projet de loi qui proclame désormais le 28 avril de chaque année *Jour de deuil national*, a reçu la sanction royale le 1<sup>er</sup> février 1991 et est maintenant loi.

D'après la Confédération internationale des syndicats libres (CISL), il y a des activités commémoratives dans plus de 70 pays partout dans le monde.

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## CPP / LTD / WCB - Benefits / Pensions

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### Request from an Injured Worker:

Dear Sir/Madam:

I was injured at work in Nov/1995, and received WSIB / WCB benefits for 6 months. The WCB terminated my benefits based on a pre-existing impairment.

I appealed this decision with the assistance of the Office of the Worker Advisor, and was successful in having the WSIB decision overturned in Nov/2004.

The WSIB has to pay me retroactively. I have been advised by the WSIB adjudicator that the money I have been receiving from the CPP Disability fund will be deducted from my back pay.

How can this be? The CPP benefit is federal, while the WSIB is provincial, is it not? The CPP-D benefit kept

me alive during the past 9 years, however also having to borrow money, and redeem retirement bonds before maturity.

I have lost my retirement savings and investment interest, and paid interest on borrowed money which would have all been unnecessary if the WSIB had not erroneously terminated my compensation benefits.

If someone could shed some knowledge on these matters, I would certainly appreciate your assistance.

Thank You, Injured Worker in Ontario

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**ON – In Ontario** the WSIB will not pay the worker full benefits if the worker is receiving benefits from an alternative source for the same disability.

The WSIB will deduct the CPP, or an employees' revenue from a private insurance policy, when benefits are paid for the same disability.

WSIB is not taxable, but CPP is taxable. Therefore if there is a choice between collecting benefits from both agencies, and if the WSIB is going to deduct the CPP in any event, then the injured worker should collect the full payment from the WSIB with no income tax. If there are other reasons for collecting other benefits from CCP-D, or another LTD benefit, then those reasons should be clearly

More information on this subject is available on the CPP web site under **CPP Policy Review**.  
*Rodger, Ontario*

**BC – British Columbia** follows the general rules dictated with union contracts. A person receiving WCB benefits for an injury, is entitled to immediately apply for LTD upon which WCB benefits are discontinued.

Various LTD plans allow the individual to collect benefits until 60 or 65 (dependent on occupation). Medical and superannuation coverage continues until

retirement. The employer pays all medical benefits and superannuation costs on behalf of the worker. Upon retirement, the employee receives company pension, CPP and OAS (age 65).

Many private industry employers provide benefits which entitle their employees to apply for LTD. However, in most cases, the LTD entitlement is for a very limited time. When the LTD benefits expire, the employee must apply to the Canada Pension Plan for Disability benefits.

The CPP-Disability benefits are calculated according to the total contribution that the applicant has credited. In many cases, the payment is very low, and the worker can apply to BC Social Assistance for Disability Benefits. However, when on BC Disability Benefits, there is no medical coverage included. So it is an additional expense to the worker. BC Social Assistance benefits are about \$800.00 per month, but medical, prescription, eyeglasses, bus passes (\$43.00/yr) are covered

At age 65, the person may receive a company pension, plus Canada Pension and Old Age Security.  
*Lee, BC*

**AB** – In **Alberta**, an LTD plan is usually jointly funded by the employer and the employee. Most LTD plans ensure that you receive 70% of your pre-disability salary, up to a maximum of \$3,000 per month.

If any of the following sources of other income are received, the LTD benefit will be reduced by the amount of income you receive from these other sources:

- CPP Disability,
- WCB benefits
- Any other employer-sponsored group disability plan benefits
- Self Employment Income or "Other" Income
- Benefits awarded by a Crime Compensation Board
- Benefits from Public Service Super Annuity Act (PSSA)
- Disability Insurance Benefits payable under the legislation of any government
- Income replacement benefits under a no fault auto insurance plan
- Any amounts received under a third party damage award.

LTD's are considered a taxable income.  
*Gerry, AB*

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## Ontarians with Disabilities Act – Act Two:

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### **Disabled workers must get same compensation ! Employment Standards Act (ESA) section violates charter of rights !**

Information from an article in "Total Access" a Canadian Paraplegic Association magazine and the Ministry of Citizenship and Immigration Website

**Queen's Park** – The Ontario legislature today passed a historic law that will make Ontario a world leader in breaking down barriers for people with disabilities.

The act will take effect on royal assent and will require government to work with partners to jointly develop standards to be achieved in stages of five years or less, leading to a fully accessible Ontario in 20 years.

The new legislation, the **Accessibility for Ontarians with Disabilities Act (AODA)** promises to improve accessibility in workplaces and public spaces and improve access to employment, customer service, communications and transportation.

The scope of the proposed legislation would be much broader than the previous legislation. For the first time, it would include the private sector, as well as government and the broader public sector.

Under the proposed act, people with disabilities, stakeholders and the provincial government would develop standards that could deal with the width of aisles in buildings, staff training in serving customers with disabilities, large print menus or adaptive technology in the workplace. These standards would address the full range of disabilities and barriers including physical, mental, sensory, developmental and learning disabilities.

According to Statistics Canada, there are approximately 1.5 million Ontarians with a disability – or about 13 per cent of the population. By 2025, it's expected this number will increase to 20 per cent of the population – or three million people.

To find out more about the Act, visit the ministry of Citizenship and Immigration website at:  
[www.gov.on.ca/citizenship/accessibility/](http://www.gov.on.ca/citizenship/accessibility/)

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## Ergonomic Issues in Ontario Workplaces:

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Cathy Walker, Director of Health & Safety Dept. for CAW-Canada is currently a worker rep on the Minister's panel looking at ergonomic issues in Ontario Workplaces.

The first meeting of the Ontario Ministry of Labour's Sub-committee on Ergonomics met on March 7, 2005. Members include the Minister's Parliamentary Secretary, Kevin Flynn, as well as: Wayne Samuelson, OFL; Nancy Hutchison, Steelworkers; Maureen Shaw, IAPA; Mark Nantais,

CVMA; John Macnamara, BCOHS. Assisting as well are the staff of WSIB & MOL.

The Sub-committee plans to meet monthly to discuss issues such as codes of practice, regulations, best practices, policy and enforcement with an aim of reducing musculoskeletal injuries.

A report to the Minister will be prepared and submitted by the beginning of September 2005.

## WCB's Failing Injured Workers:

A summary of an article written by D.M. Boyle, a counselor and activist who is committed to fighting the injustices committed by WCB's across Canada. His article appeared in Straight Goods, an internet based media publisher. For more information, or other related articles visit: [www.straightgoods.com](http://www.straightgoods.com)

Will Workers' Compensation protect you and your income if you have an injury at work? For up to five percent of workers who have permanent injuries, that answer is "no". They have been denied benefits from Workers' Compensation Boards and have no recourse or formal advocate to act on their behalf.

The history of Workers' Compensation in Canada begins in 1910. The WCB was conceived by the then Chief Justice of Ontario, Sir William Meredith. In his report to the provincial Conservative party he outlined what are now commonly referred to as the Meredith Principles:

- No fault compensation
- Collective Liability
- Security of Payment
- Exclusive Jurisdiction
- Independent Board

Since then, these principles have been so manipulated that it's hard to see what is principle and what is simply a guideline.

Accusations and claims have been made that WCB's practices unlimited authority over the injured worker. Medical practitioners have been threatened to change their reports to suit the adjudicator's decision, or have their fee payment withheld.

A seriously injured worker who is not likely to work again, and if their WCB claim is denied, another government agency is naturally pursued to help them with their daily living expenses, not to mention the medical treatments, medication, and so on. This is costing tax payers millions of dollars, when Worker's Compensation is funded by employers, and across Canada they have assets worth billions of dollars.

Injured workers cannot sue their employers, they cannot complain to the Human Rights commission, nor are they protected under the Canada Health Act. They can be misdiagnosed and mistreated. Even their unions discard them for not being able to keep up the dues.

Injured Worker support groups are popping up daily on the internet. There you can find doctors and adjudicators names to help protect injured workers. They also warn injured workers to keep a copy of their own medical records and transcripts in case they somehow "disappear" from their WCB files.

A lot needs to be done to improve the Workers' Compensation System in this country. All of us have a role to play to make that happen. Just because you are injured on the job doesn't mean that you have to suffer for the rest of your life.

## *Events to Remember*

|                                        |                                                                   |
|----------------------------------------|-------------------------------------------------------------------|
| <b>April 28, 2005</b>                  | <b>International Day of Mourning</b>                              |
| <b>February 28, 2005</b>               | <b>RSI Awareness Day</b>                                          |
| <b>May 1 – 7, 2005</b>                 | <b>North American Occupational Safety and Health Week (NAOSH)</b> |
| <b>June 1, 2005</b>                    | <b>Injured Workers Day</b>                                        |
| <b>April 17 – 23, 2005</b>             | <b>National Volunteer Week</b>                                    |
| <b>1<sup>st</sup> Week in November</b> | <b>National Pain Awareness Week</b>                               |

# Miscellaneous

## RECOGNIZING A STROKE

Sometimes symptoms of a stroke are difficult to identify. Unfortunately, the lack of awareness spells disaster. The stroke victim may suffer brain damage when people nearby fail to recognize the symptoms of a stroke.

Now doctors say that a bystander can recognize a stroke by asking the individual three simple questions:

- 1. SMILE.**
- 2. RAISE BOTH ARMS.**
- 3. SPEAK A SIMPLE SENTENCE.**

If he or she has trouble with any of these tasks,

**call 9-1-1 immediately** and describe the symptoms to the dispatcher.

After discovering that a group of non-medical volunteers could identify facial weakness, arm weakness and speech problems, researchers urged the general public to learn the three questions. They presented their conclusions at the American Stroke Association's annual meeting last February.

Widespread use of this test could result in prompt diagnosis and treatment of the stroke and prevent brain damage. A cardiologist stated that if every person who receives this e-mail sends it on to 10 people, you can bet that at least one life will be saved.

## Fun with Words

|                 |                                                     |             |                                                   |
|-----------------|-----------------------------------------------------|-------------|---------------------------------------------------|
| Arbitrator:     | A cook who leaves Arby's to work at McDonalds.      | Paradox:    | Two physicians                                    |
| Avoidable:      | What a bullfighter tried to do.                     | Parasites:  | What you see from the top of the Eiffel Tower.    |
| Bernadette:     | The act of torching a mortgage.                     | Pharmacist: | A helper on the farm.                             |
| Burglarize:     | What a crook sees with.                             | Polarize:   | What penguins see with.                           |
| Control:        | A short, ugly inmate.                               | Primate:    | Removing your spouse from in front of the TV      |
| Counterfeiters: | Workers who put together kitchen cabinets.          | Relief:     | What trees do in the spring.                      |
| Eclipse:        | What an English barber does for a living.           | Rubberneck: | What you do to relax your wife.                   |
| Heroes:         | What a guy in a boat does.                          | Selfish:    | What the owner of a seafood store does.           |
| Left bank:      | What the robber did when his bag was full of money. | Sudafed:    | Brought litigation against a government official. |
| Misty:          | How golfers create divots.                          |             |                                                   |

## Congratulations!

*Mr. Dave MacKenzie – a long time Board of Director with CIWA/ACVAMT was recently elected in his home town of Westville Pictou County, Nova Scotia as Town Counsellor for a 4 Year Term. Congratulations !!!*

*We'd like to extend our Sincerest Best Wishes to him during his term.*

| <b>CIWA/ACVAMT<br/>IS ABOUT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>OUR GOALS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>PUBLICATIONS<br/>AVAILABLE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>SUPPORT</b><br/> 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.</p> <p><b>INDEPENDENCE</b><br/> We believe that injured workers should be in control of their own destinies &amp; Injured Workers Groups must be democratically controlled by injured workers.</p> <p><b>PARTNERSHIPS</b><br/> 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.</p> <p><b>INFORMATION SHARING</b><br/> 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.</p> | <ul style="list-style-type: none"> <li>✓ To work towards a just system of compensation, rehabilitation and re-employment in all of Canada.</li> <li>✓ To provide a national forum for debating issues concerning injured workers at national conferences and board workshops.</li> <li>✓ To gather and share information with groups across Canada.</li> <li>✓ To improve the Occupational Health &amp; Safety of workers across Canada.</li> <li>✓ 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.</li> <li>✓ To enhance the local base of the injured workers movement through all our activities.</li> <li>✓ To form partnerships that will achieve common goals.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> The VOICE OF INJURED WORKER</li> <li><input type="checkbox"/> PLAIN TALK</li> <li><input type="checkbox"/> HOW TO IMPROVE RELATIONS BETWEEN INJURED WORKERS &amp; ORGANIZED LABOUR</li> <li><input type="checkbox"/> REPORT ON RELATIONS WITH LABOUR SESSION AT CIWA NATIONAL CONFERENCE, REGINA 1992</li> <li><input type="checkbox"/> RETURNING TO WORK</li> <li><input type="checkbox"/> VOC REHAB &amp; RE-EMPLOYMENT FROM THE INJURED WORKER'S PERSPECTIVE</li> <li><input type="checkbox"/> INJURED WORKERS ... ON THE MOVE</li> <li><input type="checkbox"/> COMING TOGETHER</li> </ul> <p><b><u>VIDEOS &amp; WORKBOOKS</u></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> YOUTH PROJECT MANUAL, 2002</li> <li><input type="checkbox"/> SURVIVORS, 1997</li> <li><input type="checkbox"/> TOGETHER WE CAN WIN, 1997</li> <li><input type="checkbox"/> PEER HELPER TRAINING MANUAL, 2000 - "PEOPLE HELPING PEOPLE"</li> <li><input type="checkbox"/> LE COMBAT QUOTIDIEN DES VICTIMES DU TRAVAIL, 1999</li> </ul> <p><b><u>To find out more, please contact us at:</u></b><br/> CIWA/ACVAMT<br/> P.O. Box 10098, 1201 Jasper Drive<br/> Thunder Bay, ON P7B 6R2<br/> Ph: 807-345-3429<br/> Fx: 807-344-8683<br/> Toll Free: <b>1-877-787-7010</b><br/> Email: <a href="mailto:ciwa@vianet.ca">ciwa@vianet.ca</a><br/> Web Site: <a href="http://www.ciwa.ca">www.ciwa.ca</a></p> |

*Connect with an injured workers group near you.*  
*Check out our web site at: [www.ciwa.ca](http://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.