

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

HIGHLIGHTS

Focus on Employer' Attack

This issue of our

Also we have news on an exciting CIWA/ACVAMT project reaching out to youth in our communities (see pg. 3 for more info). You may want to get involved. As well, there are news and views from across the country so please, read on.

We encourage you to write in to Highlights, with your story or news in your area of Canada. The next issues will focus on the Employer attack on Injured Workers' benefits.

Visit our Web-site at <http://www.ciwa.ca>



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Highlights is published 4 times per year

Injured Worker/Unemployed	\$ 5.00	_____
Individuals	\$ 10.00	_____
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Donations	\$	_____
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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 opinions.

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CIWA/ACVAMT Youth Project

HAVE YOU HEARD?



We are pleased to announce that The Canadian Injured Workers Alliance has now held _____ training sessions for the Youth Project in Ontario and British Columbia!

The first training session was held in Thunder Bay, Ontario

The second session was held in Orillia, Ontario

The third session was held in B.C.

There was an **awesome turnout** of young folks and injured worker activists from local groups across the province! In total, 38 folks attended the sessions. Participation was extremely high and contributed greatly to the success of each of the sessions! Thanks everyone for making Phase II of the project a great success!

What was the main item on the agenda, you ask? Well, the main focus was learning how to present a 45 minute workshop on Workplace Health and Safety to youth. The workshop is interactive and includes a combination of skits, facts and personal stories. And of course, getting to know each other was very valuable! By sharing experiences and ideas and participating in a variety of exercises, folks learned more about each other and their similarities and differences.

The result: By the end of the session, participants were quite comfortable with the workshop and the idea of presenting it to youth! **As well, folks learned from each other, built links and had FUN!** In addition, many injured workers left the session with a better understanding of how to reach out to young people and get them involved in injured workers' issues.

BE A KEY PLAYER

Good News! Our funding to take the project across the country has been approved. As a result, we will soon be holding a session in your area! If you are or someone you know is interested, contact your CIWA Provincial Representative or CIWA directly on our toll free number at 1-877-787-7010.

Let's try to get as many people involved as possible by spreading the word about the Youth Project to all those we know!

Recommended Reading

"Fast Food Nation", by Eric Schlosser

Houghton-Mifflin (<http://www.houghtonmifflinbooks.com>)

Gerry Tremere suggests this is a great, great book. Every injured worker should read Chapter 8, "The Most Dangerous Job". An injured worker in Colorado won a \$2,000,000 US lawsuit from a company that tried to deny him WCB. The book deals with the abuses of our new age McJob economy. (He borrowed it from the Library)

News & Happenings

DO YOU KNOW OF YOUNG WORKERS

Who Died as a Result of Their Work?

The **Friends of the Quilt Committee** has been looking for names of young workers (ages 15-24) who have been injured or killed on the job. These names are included on the **Quilt For Life**, a quilt mural being created by visual artist, Laurie Swim. This quilt was support to be completed in November 2001. The finished work will tour across the country during the next two years.

The CAW Newsletter November/December 2001 invites you to be part of this exciting and worthwhile project. You can spread the word about this Quilt, invite others to contact the Friends of the Quilt Committee to share their story, making financial or in-kind donations, or even volunteer to help construct the quilt.

For more information, contact Laura Pascoe at the Workers Health and Safety Centre at 416-441-1939, 1-888-869-7950, laura@whsc.on.ca

WHAT'S A GOOD JOB?

The Importance of Employment Relationships

The Canadian Policy Research Networks recently released a study by Graham Lowe and grant Schellenberg on what it is that makes a 'good job.' Typically 'good jobs' have been associated with so-called standard, full-time jobs and 'bad jobs' with contingent types of employment such as temp work, part-time jobs or self-employment. The study seeks to flesh out our understanding of employment relationships from workers' actual experience.

The authors define employment relationships in terms of their legal basis and in terms of four social/psychological components: trust, commitment, influence, and communication. Their conclusion is that "not all non-standard jobs involve week employment relationships. Nor do standard jobs necessarily guarantee strong employment relationships."

This study merits serious attention from trade unionists as it offers new insights about the nature of both standard and non-standard work. For instance, many temporary help agency workers consider themselves to be permanent employees by virtue of their relationship with an agency. As a result, there could be as many as 50 per cent more temp workers out there than typically thought. In a different vein, the study shows what many already suspected: 12 per cent of self-employed individuals have a "high overlap with paid employment – they could be 'disguised employees'."

The study fleshes out the legal arrangements governing employment. For instance, while virtually all unionized workers have a written contract, less than one-half of non-unionized workers have only a verbal agreement with their employer.

While some conclusions of the study will be self evident to most, i.e. the strength of individuals' appreciation of their job largely reflects the environment in which they work, that a healthy and supportive work environment is the most important factor in creating 'robust' employment relationships, that organizational change, such as downsizing and restructuring, is associated with reduced levels of trust, commitment and worker influence, the study contains many findings that might be useful for both organizing and negotiation purposes.

ROTATING SHIFTS HURT WORKER

Michelin man suffered a 'disabling' ailment

Shift work that results in badly disrupted sleep patterns and leaves workers unable to function safely is a compensable workplace injury, a Nova Scotia

Workers' Compensation Board appeals tribunal has ruled.

Employer's Attack

Strong words ... however, in the opinion of workers injured on the job, these words are not strong enough.

Workers' Compensation is a mandatory, employer financed, no-fault insurance system which was designed to provide benefits to workers for workplace injuries and diseases. The fundamental principles of Workers' Compensation legislation were established by The Meredith Royal Commission in 1913.

These principles, which were incorporated into all provincial Workers' Compensation legislation, have been grossly misunderstood, misrepresented and distorted to the benefit of employers.

Following are a few examples of such manipulation of a system that was created to benefit both the employers and the employees.

Security of payment: Many employers, across the country, work to ensure that claims are not accepted. Often, they do so by trying to prove that some pre-existing condition is at fault. If you are active in sports, hobbies or work around the house, the employer frequently tries to link the injury to those activities instead of work duties. Commonly, applications for compensation are being denied and delayed as the worker is considered guilty until s/he proves him/herself innocent. Most importantly, many employers are lobbying intensively that "benefit of doubt" not be given to the worker.

No-fault system: With the "historic compromise", workers gave up their right to sue the Employer in exchange for fair compensation. No longer is this no-fault system stable or an option for many workers. The erosion of workers' rights, mainly the right to fair compensation, may be directly related to the demands of many employers to have less responsibilities placed upon them and to employers attempts to deny workers of their financial and moral rights.

Employer funded collective liability: "The sins of the past and the present" have a lot of employers fighting with all their might because they don't want a collective liability fund. They only want to pay for their own costs.

Administration by an independent agency: A number of employers want independent investigators and believe that management should be given these responsibilities because employers don't trust the Board. As such, the employers attack is directed at the worker to avoid their liability and their accountability.

Injured workers can not sue their employers: This practice was supposed to benefit employers and workers to avoid years of court cases & the costs associated with that process. Today, giving up the "right to sue" by the employee is not considered to be in the best interest of the worker.

The employers attack is real, and it is believed to be destructive to the healthy functioning of our society. The employers attack is making a mockery of the No-fault system that was put into place to help and to protect workers and employers. Today, workers across the country would certainly oppose giving up the right to sue, if we were considering an alternative system!

Editor's Note:

Employer's Attack (continued)

In order to report to our readers on the subject of "Employer's Attack" for information on each of our provinces, we asked our Steering Committee members the following questions:

1. What are employers demands regarding Workers Compensation?
2. How do they promote their demands, do they have a strategy? For example, do they use other Provinces as examples? Please explain.
3. How does the Government respond to the demands of employers?
4. Are employers successful in having their demands implemented? If yes, what are the issues?
5. How is the injured worker movement responding in each province?

These are the responses we received:

British Columbia

Northwest Territories / Yukon

In the Yukon, many employers are demanding that Workers' Compensation reduce assessment rates, create stricter benefit payments to injured workers and employ an advocate for employers. In order to promote their demands, employers use other provinces as examples. When we (injured workers and activists) point out that the Yukon is the smallest jurisdiction in the country and that problems in other provinces are not necessarily applicable here, our comments fall on deaf ears.

Employers' tactics are working because, unfortunately, the government listens to their demands. Here, the government is a member of the Chamber of Commerce which we feel is grossly out of line!!! On the other hand, they are not a member of the Yukon Federation of Labour.

Alberta

Saskatchewan

Manitoba

Ontario

Employers have many demands regarding the current compensation system in Ontario. The main issues appear to be economically driven, for example, encouraging the Board to reduce employer premium assessment rates.

Employers also target entitlement issues, and more recently, early and safe return to work issues as well. The strategy used by employers in seeking their demands is apparent both directly and indirectly. Employer representatives meet with the WSIB (WCB) and Provincial Government on a regular basis to discuss and promote their issues.

Another strategy is reflected in the rising number of employers who challenge and contest entitlement or related decisions in a worker's claim. As a counter-attack, the Ontario Network of Injured Worker Groups continues to meet

at bi-annual stakeholder meetings with the WSIB, where employer stakeholders are also present. ONIWG also meets with the management of the WSIB to promote the interests of the injured worker community. ONIWG continues to lobby both the WSIB and the Provincial Government in its efforts to achieve a fair and just system for all injured workers in Ontario.

Lobbying comes in many forms, ranging from public demonstrations, letter-writing campaigns, petitions, and bringing forth awareness to the issues affecting injured workers. The demonstration of June 1st, 2001 regarding the Government's proposed Mega-Tribunal is a great example of how effective injured workers are when united and working together to achieve a common goal. As a result of the demonstration, the Provincial Government pulled back on the issue.

Quebec

LES EMPLOYEURS ATTAQUENT!

Des paroles dures... cependant, de l'avis de travailleuses et de travailleurs blessés au travail, ces paroles ne sont pas assez dures.

L'indemnisation des travailleurs et travailleuses est un régime d'assurance sans égard à la responsabilité, obligatoire et financé par le patronat, qui a été conçu pour indemniser les salariés subissant des accidents et des maladies au travail. Les principes fondamentaux de la législation sur l'indemnisation des travailleurs et travailleuses ont été établis par la commission royale Meredith en 1913.

Ces principes, qui ont été intégrés à toutes les législations provinciales d'indemnisation des travailleurs et travailleuses, ont été mal compris, déformés et dénaturés de façon éhontée au profit des employeurs.

Voici quelques exemples de pareille manipulation d'un régime qui a été créé pour profiter tant au salariat qu'au patronat.

Garantie de paiement : Plusieurs employeurs au pays s'efforcent pour que les réclamations ne soient pas acceptées. Souvent, ils font cela en essayant de prouver qu'une quelconque condition préexistante est en cause. Si vous êtes actif ou active dans les sports, dans les loisirs ou dans les travaux à la maison, l'employeur essaiera souvent de lier la lésion à ces activités plutôt qu'aux tâches professionnelles. Il est courant que les demandes d'indemnisation soient refusées ou retardées parce que le travailleur ou la travailleuse est considéré-e coupable jusqu'à ce que cette personne prouve son innocence. Mais surtout, plusieurs employeurs exercent des pressions intenses pour que le « bénéfice du doute » ne soit pas accordé à l'employé-e.

Régime d'indemnisation sans égard à la responsabilité : Dans le cadre de ce compromis historique, le salariat a cédé son droit de poursuivre le patronat en justice en échange d'une juste indemnisation. Ce régime sans égard à la responsabilité n'est plus stable ni une option pour plusieurs salariés. L'érosion des droits des travailleurs et travailleuses, notamment le droit à une indemnisation équitable, peut être liée directement aux requêtes de plusieurs employeurs d'avoir moins de responsabilités qui leur soient imposées et aux efforts d'employeurs de priver les salariés de leurs droits financiers et moraux.

Responsabilité collective financée par l'employeur : « Les torts du passé et du présent » font que beaucoup d'employeurs se battent de toute leurs forces parce qu'ils ne veulent pas de fonds de responsabilité collective. Ils veulent payer seulement pour leurs propres coûts.

Administration par un organisme indépendant : Nombre d'employeurs désirent des enquêteurs indépendants et estiment que cette responsabilité devrait échoir au patronat parce que les employeurs ne font pas confiance à la Commission. Ainsi, l'attaque de l'employeur est dirigée à l'employé-e afin que l'employeur ne soit pas responsable.

Les victimes d'accidents et de maladies du travail ne peuvent pas poursuivre leur employeur : Cette pratique était censée profiter aux employeurs comme aux employés afin d'éviter des années de litige devant les tribunaux ainsi que les coûts afférents. De nos jours, céder « le droit de poursuivre en justice » par l'employé-e n'est pas considéré être dans le meilleur intérêt du travailleur ou de la travailleuse.

L'attaque de l'employeur est réelle et elle est considérée comme dévastatrice pour le bon fonctionnement de notre société. L'attaque du patronat bafoue le régime d'indemnisation sans égard à la responsabilité qui a été institué pour aider et protéger employeurs et salariés. Aujourd'hui, les travailleurs et travailleuses d'un bout à l'autre du pays s'opposeraient certainement à l'abandon du droit de poursuivre en justice si un autre régime d'indemnisation devait être envisagé!

Newfoundland

The 2000 Annual Report from Workplace Health, Safety & Compensation presented to Government, documents for that year, Long-term disability caseload -2,561, Short-term claims - 6,541, Health Care Only Claims - 6,306 and Accepted Fatality Claims -38. Conclusive proof that our workers are under attack... and with Governments consent!

Employers demand that assessment rates be lowered, that it is a disincentive because of the "high cost of doing business here". They compare this province with other provinces that have lower premiums & lesser claims. They insist that Case Managers at the Commission are not trying rigorously to "reduce and eliminate the financial liability to the Employer". Blame is cast on the workers; they are not co-operating with their recovery or they are not trying hard enough to get better. The worker is at fault for even having an accident and the burden on employers is the workers' fault. They want lesser claims accepted and want the workers rights taken away.

They plead ignorance to Occupational Health & Safety procedures and Legislation. Justice and fairness is not an option if you can't go back to work 100%. Once damaged, workers are no longer valued by their own employer, who would prefer to send injured workers elsewhere to look for work. They expect & demand more investigation and surveillance of the worker and not of the accident. It is not about prevention of an accident but covering it up.

The Injured Workers Movement is a volunteer, unfunded effort and we lobby Government and Workers compensation to recognize that this employer strategy of attack is destroying lives, families and society. The bottom line: profits are their priority!

Labrador

New Brunswick

Nova Scotia

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> ☐ 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 Thunder Bay, ON P7B 6T6 Ph: 807-345-3429 Fx: 807-344-8683 Toll Free: 1-877-787-7010 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, union activists and their supporters. It provides a forum for sharing our experiences - so we can learn from each other - in order to improve the lives of injured and disabled workers and the system that is there to assist them.
Please help - by sharing your story with us.