

WSIB: The big ship

By: Terri Aversa

Basil describes the Workplace Safety and Insurance Board (WSIB) as a big, shiny ship sailing along the seas. The ship represents the promise of a fair and just compensation system that workers supposedly got in exchange for giving up their right to sue employers for workplace injuries back in 1913. For injured workers who are lucky enough to visit the ship, their stay is all too brief. Many injured workers are overboard fighting for their very lives and some luckier ones battle the rough seas in tiny boats linked by a rope until their rope finally breaks and they fade back into the sea far from the fancy ship.

Basil did not expect to get injured on an assembly line doing heavy lifting. He didn't expect to be rushed back to work and have his injury deteriorate his condition further. He certainly didn't expect to get criminally charged and have to defend himself against fraud after his employer hired a spy who photographed him gardening while on his short time on WSIB. I wonder who the employer thought should be doing Basil's household chores and gardening—Does WSIB send someone? And Basil's doctor had approved gardening. The fact that Basil's decision was overturned later didn't help much because, despite the wrong, no money was paid.

Basil was one of six injured workers graduating in March 2011 from “Injured Workers Speakers School,” a program funded by Research Action Alliance on the Consequences of Work Injury (RAACWI). The program empowers injured workers to learn about the compensation system and use their voice to speak about the issues. Injured workers spend three hours a week for fourteen weeks discussing origins and intents of the compensation system and practicing public speaking. Their stories are eloquent, powerful—and real. Their knowledge about the origins and intentions of the compensation system combined with their real-life experiences is a powerful combination. Injured Workers Speaker School works to put research and knowledge into the hands, minds, and voices of those who matter and who have the courage to use their voices and experiences to motivate change.

Basil's story is echoed by other speakers also suffering from trying to be fairly compensated for their workplace injuries. Flo and Amy were both nurses until injuries at work robbed them of their ability to earn a living as well as to enjoy activities outside of work. Flo gave up hiking the Bruce Trail where she used to regularly hike 20 km, while Amy spent more time navigating the WSIB system than enjoying her 2 month old Golden retriever who is now 14. Today? Flo thinks WSIB hopes she dies before she collects her compensation but she doesn't plan on dying anytime soon. Amy says “compensation doesn't happen in real life.” Rather, WSIB is a system that has lost its focus along the way. She points out that while the system's founder—Sir William Meredith—envisioned a fair and just no-fault system paid for by employers to provide full compensation for workers injured at work, in reality, the way workers are treated is really a disgrace to our democratic and human rights system. Heather too thought WSIB should have been her

hero when she passed out and had to be revived at work, but quickly found out that “they were not, they are not, but they should have been.”

Shufang worked as a building superintendent until dragging heavy bins cost him his livelihood. He knows of the big transition from “Worker” to “Injured Worker” and the stigma and blame that goes along with that. Shufang’s “full justice” was getting dumped by WSIB before he obtained the skills to be reclassified into a job he was deemed to be able to do but that he didn’t actually hold.

Negasi firmly believes that the compensation system is designed to further victimize workers but in the next breath he is a proud Canadian happy for the opportunities in Canada to work hard and raise his three teenage children. Negasi worked for over 10 years at a good job with good money until he was dragged out of a confined space and rushed to hospital after being overcome by an explosion of toxic chemicals at work. When asked about his WSIB story since his workplace injury was so obvious, his answer was shocking. Before approving his claim, the system first made him prove that he didn’t have TB since before becoming a Canadian citizen he emigrated from Africa. Luckily, upon his arrival in Canada thirty years ago, his family doctor had done a routine TB test that satisfied WSIB on that front. However Negasi continues to battle the system trying to obtain the “fair and just compensation” promised to injured workers like him. He knows first hand how a family can go from living comfortably to struggling for survival in a blink of an eye and can’t help but wonder about the effects of his workplace injury—and therefore poverty—will have on his children.

Despite their hard realities, all six of these injured workers remain determined to seek justice for themselves and others. They will present to Harry Arthurs and the WSIB funding review panel to urge change. Their voices will remain heartfelt and strong. They call in unison for the compensation system that workers were promised—the system that workers gave up their right to sue for. They call for a system that treats them like people, not money, and not files to be closed as quickly as possible. They call to organized labour and worker organizations to use their voices as well to force the change that we all need. We need to refocus the compensation system on the workers it was meant to protect. We need to refocus the discussion from the supposed “crisis” of the unfunded liability, the amount that if the WSIB closed tomorrow that it would have to pay out for existing claims. The truth is the compensation system will not close tomorrow and it also has enough money in its holdings right now to pay claims for the next 25 years. The unfunded liability is really a phantom crisis. Employers will continue to exist and continue to pay premiums to fund the system into the future. There is no need for the shiny ship to sail along empty.

The real crisis is the injustice being done to injured workers. It is time to refocus the system to what it was meant to be, a system that provides full compensation for as long as the injury lasts and a system of justice that protects the dignity and worth of injured workers.