June 02, 2008

To the City Clerk of the Social Service Committee

We are the Hamilton & District Injured Workers’ Group. We are a non-profit community based group that represents many of the injured workers in Hamilton. One of our big concerns with the Workers’ Compensation System is that workers who suffer from permanent disabilities as a result of workplace accident are driven into poverty by the very system that is intended to compensate for their disabilities.

This poverty has a direct impact on the city of Hamilton and the social services that it provides. When an injured worker cannot work and is not compensated for this, the costs of the injured workers disability is downloaded on Hamilton’s tax base. Under compensated injured workers must rely more on Social Services, may have to rely on social housing subsidies, have increased health care costs and in extreme cases have to rely on our local food banks.

Injured workers ought not to face poverty as a result of their injury. We would ask to meet with the Social Services Committee in order discuss putting forward a resolution by city council with respect to three issues that are of utmost importance to the injured worker movement.

The first is the elimination of deeming. Deeming is the process whereby injured workers with a permanent disability are compensated as if they have earnings that they do not, in fact, earn. Deeming systematically under compensates a significant number of injured workers who suffer from permanent disabilities as a result of their work-related injuries.

The second issue is the restoration of the full cost of living indexation. Currently most injured workers get only limited cost of living protection and those injured workers who are being systematically under compensated will have the value of their meagre compensation decrease over time.

The third issue is the elimination of experience rating. Experience rating is an incentive program for employers that the Workplace Safety & Insurance Board operates. Experience rating is supposed to reward employers who have safe workplaces with rebates and punish employers who do not have safe workplaces with fines. Experience rating also rewards employers who return injured workers to the workplace and punishes employers that do not. Experience rating does not work. Instead of achieving the laudable goals of reducing accidents and reducing the lost wages due to an accident experience rating encourages significant underreporting of accidents and aggressive claims management whose goal is to reduce injured workers’ compensation without necessarily replacing their earnings. Experience rating directly contributes to the
systematic under compensation of injured workers and the cost of the experience rating system prevents the restoration of full cost of living protection.

Our goal in meeting with the social services committee is to put forward a resolution to be passed by city council that asks the province to eliminate the deeming of injured workers, to restore full cost of living protection for injured workers and calls for the elimination of experience rating. We appreciate that Hamilton City Council cannot directly change the Workplace Safety & Insurance act. However a resolution by City Council asking the provincial government to change the Workplace Safety & Insurance act would carry some weight with the politicians at Queen’s Park and would greatly assist in our efforts to obtain these changes for injured workers.

We look forward to being able to meet with your committee. Please contact us so that we may arrange a time that we can address the committee. Thank you very much for your time in this matter.

Yours truly

Peter Page
President  HDIWG