

WHAT IS FAIR COMPENSATION?

2013 & LOOKING AHEAD - A submission for public consultation and discussion

INTRODUCTION

Thank-you for the opportunity to comment in your public discussion process: “a **new provincial health and safety strategy**”.

On the 100th anniversary of the Workman Compensation Act, and in celebration of the 1913 Act, we take this consultation and the WSIB Consultation Discussion Paper very seriously. In addition, we recognize that many - but not all - amendments and regulations have improved conditions and relationships for Ontario workers and employers with regard to occupational diseases.

We were impressed with Mr. Douglas Stanley ‘s words in the **WSIB Rate Framework Consultation Discussion Paper** (January 2013): **What is Fairness?**

“...It is key to the success of this consultation and reform, that we focus on the core principles that will guide the necessary changes required to improve Ontario’s workers’ compensation system for everyone - **principle based consultation...**”

The following points are put forward as the areas that need to be addressed in both of the aforementioned discussions/consultations:

TO HONOUR FAIRNESS:

1. In the adjudication of claims submitted for a fair review for compensation, we believe that it is essential to change the practice of relying on the 2003 Hosein Report - that systematically under-estimated worker’s exposures - for information to inform the decision.

This practice must change so that the integration of state-of-the-art science is recognized as the legitimate criterion for granting of claims; ie

Integration of new science into the review process must:

- *Recognize the impact of multiple, complex chemicals;**
- *Review the thresholds used to establish “too much exposure and/or too little exposure”;**
- *Recognition of clusters of disease based on comparable exposures**
- *Recognize the cumulative impact of long-term exposures to small doses of chemicals that are well below current thresholds;**
- *Recognize that industrial workers are potentially exposed to the same chemical exposures as recognized in the presumptive legislation for fire fighters, police and emergency workers.**

2. We believe the Minister of Labour must take the lead and lead the quest to answer these questions: *How would the new science be integrated to make the process fair?*

- * **Combined chemical exposures?**
- * **Threshold adjustments to reflect the new science?**
- * **Ministry and agency staff trained to investigate and incorporate findings from current scientific research into the claimant's documentation?**

Our submission reflects our eight-year history of addressing fair review and fair compensation review (FR-FCR) for workers in the City of Peterborough. In our experience to date, the GE workers along with some from Ventra are the most frequent contacts for our team of volunteers.

Under the umbrella of the Occupational & Environmental Health Coalition – Peterborough (O&EHC-P), we have established a respectful working relationship with OHCOW, OWA & WSIB in order to address the logjam that has delayed, lost, dismissed and denied many claims. However, after one year of meetings, the challenge is too great.

The system is broken! Our analysis points to *THE NEED FOR*:

- **Corporations to make a greater financial commitment to the compensation envelope;**
- **Assurance of separation of responsibilities - the union serves the workers not the employer.**
- **Leadership in recruiting personnel with appropriate expertise so that the new science findings can be integrated into the review process.**

WHO ARE WE?

The O&EHC-P came together in 2005 as a response to the alarming results of a CAW union-initiated Occupational Health Clinics for Ontario Workers (OHCOW) 2004 clinics held in Peterborough. This case was filed subsequently and is often referred to as one of the worst occupational health files documented in Canada.

We are a group of local citizens and Peterborough District Labour Council representatives who are committed to ensuring justice and fair compensation for workers and their families and to ensuring a healthy environment for all in our area and downstream.

We are not scientists and we are not policy writers. We count on you, your Ministry and staff to translate our “bullet points” so that action can take place immediately.

Once again, thank you for initiating this public process. We look forward to the results in your reports and future policies.

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