

March 24, 2009

Standing Committee on Justice and Human Rights

CLERK OF THE COMMITTEE:
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6
Canada

Dear Chairperson and Committee Members: *Standing Committee on Justice and Human Rights*

Based on my extensive studies of the Workers Compensation legislation across Canada and how it has been instrumental to further disadvantage those injured on the job, I would advise anyone thinking about the building trades as a career, to think again.

Why would anyone in their right mind even consider a career where it has been proven, statistically, that they are generally one pay check away from a workplace accident? The problems are exacerbated for those workers by the Workers' Compensation ... a sham organization that, through government participation, has been given legitimacy in spite of its track record of abusing injured claimants repeatedly in a manner that bespeaks bad faith in volumes.

When one has the opportunity to examine in detail how the WCB in various jurisdictions across this country as it deals with injured worker, the picture that emerges is anything but pretty. The frightening aspect to all of this is that the Workers' Compensation legislation is administered under the aegis and with the approval (?) of the various Ministers and Departments of Labour in this country.

Injured workers having to deal with their respective (Workers' Compensation) Boards in their home provinces have every right to be wary and mistrusting when one considers the deceit and abusive use of power practiced by these boards.

The method of intimidation, manipulation and outright lying is endemic from my perspective. The WCB, in every province likes to project the myth that they are there to "protect and serve" workers in general and injured workers, in particular, should feel safe in assuming they will be treated in a forthright and equitable manner. Unfortunately, there are glaring examples I can cite where the WCB practices a philosophy that is one hundred and eighty degrees from their credo (of lies).

In fact, the WCB has employed sophisticated methods to perpetuate the great myth ... and to attempt to negate the charges of wrongdoing from their detractors. They do this by approving payment to *some* claimants with a minimum of red tape. After all, it wouldn't look good on their record (if it got around) to deny, out of hand, the majority of claimants (who must go through them) the payment of benefits.

This, though, is exactly what this organization has been able to get away with over the years ... with the abetment of politicians and "governments" at the federal and provincial levels who

tacitly allow the WCB to indulge in practices that fly in the face of morality, ethics and this country's Human Rights laws.

The WCB in Nova Scotia, with which I am most familiar, has free rein to do whatever it deems expedient to settle (read: *deny*) the legitimate claims of injured workers in this province ... and does, with the tacit approval of a government that simply is not concerned about the people it has sworn to protect and the laws it is supposed to adhere to and uphold.

Until the advent of the Internet, the WCB has been able to play its own game and deny legitimate claimants their rights through intimidation ... but not before making their lives more painful than their injuries by imposing additional stresses that defy morality and ethics.

The WCB has done to injured claimants what the most heinous pedophile has done to his small victims. After preying on these children, the pedophile will intimidate the child into keeping silent about the unspeakable acts perpetrated upon them.

Just like the sexual predator, the WCB has been able to shut its victims up ... until now. With the advent and popularity of the internet, the stories of the abusive practices by the WCB across this country are beginning to come out ... and as the details surface, there are indicators that WCB practices are institutionalized and calculated to lower the percentages of benefits paid to injured workers through a process of misrepresentation, outright lies, and manipulation of the legal process (with the complicity of governments) to discourage and otherwise deny legitimate claimants their due and just benefits.

All the while, the coffers of the WCB have grown fat with the millions of dollars and accrued interest that has resulted from the collection of "insurance premiums" from employers and, in addition, the input of public tax dollars.

Beginning in 1999, I have met, directly and indirectly, with a number of injured workers within the province of Nova Scotia who all have similar stories ... the methods and tricks applied by the WCB have slight variations ... with the same objective being obvious in most instances: wear the claimant down, break his resolve to obtain an equitable settlement and, ideally, completely nullify his claim.

To do this, the WCB has made it a requirement that claimants undergo painful (and useless) sessions of physiotherapy, psychological tests with "professionals" who are, basically, in the employ of the WCB on a sustained basis ... and know what conclusions they are expected to reach ... so as not to "bite the hand" that feeds them on a continuing basis. I have documented more than one scenario where claimants who have sought legal council were being represented by the same lawyers who have acted for the WCB in the past and maintain a relationship there... and it can only be concluded they have exercised those contacts in this instance.

The poor, unsuspecting claimant has no idea of these "arrangements" and is left to wonder why his or her claim has been denied ... after the fact. The health "professionals" ... and this includes doctors, and the legal profession, all profit (very well) from what has become a lucrative industry, built on the backs of injured workers.

Once again, a “good old boys” network has been established to take advantage of the disadvantaged. **GREED** rules.

I mentioned earlier that there are those WCB claimants who will tell you how wonderful they were treated and how satisfied they are with the services they received and the settlements they were awarded. What they don't tell anyone is that the result of their situation and circumstances was predicated on politics and positioning. Generally, though, WCB decisions have a history of being arbitrary, if not outright negative, in a high percentage of cases.

As previously stated, the WCB (in Nova Scotia) has operated in bad faith with impunity, and no one is prepared to take them on.

I have documented the letters I have written to politicians, representing all of the parties both federally and provincially, along with the results. The majority of them did not even extend me the courtesy of a reply to my inquiries. Those few who did (reply), gave their best non-specific platitudes while committing to nothing. They did, however, wish me well in my endeavours.

This cynicism typifies the prevailing attitudes toward injured and severely disabled (former taxpayers) workers who, through fate, have become dependant on a system that touts “democratic” but really doesn't exercise that morality or care about their situation.

Meanwhile the WCB, Department of Labour and various other so-called non-governmental organizations, whose paycheques exist because of injured workers, simply exploit them ... any way they can.

I have developed documented proof from one injured worker's case that the system is being exploited for gain. But, the perpetrator was not an injured worker ... it was as the result of a person or persons manipulating things from within. This gentleman had been having never ending problems ... until I encouraged him to demand an audit of his health care records. This audit is well within his rights as a taxpaying resident of Nova Scotia ... but he was met with derision and negativity from the body concerned ... they didn't want to cooperate.

Then, he became adamant. As it turned out this man was a medical marvel ... his MSI account had been charged with a hysterectomy. There were profuse apologies for the sloppy record keeping but, one has to wonder how many more instances exist where public money has been misapplied.

In an effort at self aggrandisement and to make themselves seem more vital to the public, the Workplace Safety division of the Department of Labour for the Province of Nova Scotia has gone so far as to expending thousands of public dollars for the production of television “public service ads” to tell their story. The underlying reason behind these and other similar PSA's is their feeble attempt to mitigate critical complaints that have embarrassed them by showing them in their true colours.

One particularly maudlin piece recounts the death of a young man who was killed as the result of what can only be termed employer negligence. This sickening example of crass cynicism utilizes the young man's family in manner that can only be termed exploitive. No mention is ever made that this young man might be alive if, perhaps, there had been someone there to monitor his workplace and dictate safe work practices.

There wasn't anyone on that job site to police and make safety a priority ... thus proactively circumventing a needless and preventable death. Workers in Nova Scotia are maimed or killed on a regular basis and the best the public can ever expect from a toothless (or useless) Department of Labour is a cursory investigation of the circumstances, after the fact, and the hollow sympathies of the officials who should have been able to prevent such happenings, if they were really doing their job. Unfortunately, there is no political will to actually enforce and test those laws that are already on the books.

It is far more important to create the *perception* that the public is getting value for the millions it is forced to donate to the various organizations who profess to be concerned about workplace safety and injured workers.

I mentioned earlier how the proliferation of the internet has been making it more difficult for the WCB and governments, in general, to continue to keep its misdeeds and transgressions, especially as they apply toward injured and abused workers, out of the public eye. In Canada, the politicians' old tricks of "divide and conquer" are meeting their match as Canadians are given the opportunities to compare notes and situations.

The internet has been a boon to those injured and abused workers who have been denied claims as the result of unjust and, sometimes illegal, practices that, hitherto, were known only to them. Injured workers now are banding together and learning from their peers how to put up a fairer fight against the injustices they have had to endure from the WCB and governments who back it.

For those who would maintain that most injured workers are after "something for nothing" or "scamming" the WCB, I would suggest they look closer to determine who is really scamming whom.

Who stands to make the most money? I can assure, in my experience it is not the much maligned injured worker who profits from his injuries. The real profiteers are the lawyers, the doctors and specialists, the psychologists, the massage therapists, the occupational therapists, and others who have been blessed with a never-ending stream of "clients" who provide them all with very good (professional) incomes ... as long as the claimants' benefits can be denied ... or delayed through the piling on of additional requirements from the WCB. Nice work if you can get it, for sure.

There does come the time, though, when the piper must be paid. When the injured worker has demonstrated to the health professionals that he/she is not able to return to gainful employment because of a limiting disability, sustained on the job that will, perhaps, preclude them from ever becoming actively employed.

It's at this point that the WCB shows itself as a past master of duplicity and obfuscation ... as injured workers are toyed with and lied to, all in an effort to develop plausible reasons (?) to deny them a rightful settlement that will sufficiently allow them to at least maintain a semblance of the lifestyle they had prior to their workplace injury.

After they have seen and consulted with all of the doctors, therapists and, if necessary, psychologists, and morality and ethics still concludes they should be paid benefits ... the WCB has a record of delaying tactics that are designed to stress and, (hopefully) break these people emotionally, physically, and, more importantly, financially.

You can't afford much of a fight if your savings are drained and your last dollar has been taken to provide the basics of life.

This is where the WCB shines! Deny, Deny, Deny! Deny there is anything wrong with the claimant. Deny he or she is unemployable. Finally, deny the claim for the benefits that sustains their lives.

Who cares, anyway? Certainly not the trade union that used to be happy to extort "dues" from this former able-bodied worker. I've already shown just how caring politicians of all political stripes are.

There is certainly no pun intended here, but, when all other hope is gone, you're pretty much at the end of your rope.

I've seen foreclosures as injured workers, no longer able to cover their mortgages, were thrown out of their homes ... while, at the same time, the WCB made them jump through hoops in the belief that they were on the road to getting those benefits that they would eventually be denied. I know of families broken apart as they faced financial ruin ... while waiting for the WCB and it's uncaring, detached (read apathetic) caseworkers decided if their claim was legitimate. Divorces and family break ups are not uncommon as financial stresses add to and exacerbate a bad situation.

One poor man who was toyed and jerked around by the WCB became inconsolable as he sank further and further into debt and despondency ... as his dignity was slowly stolen from him. Thanks to someone's "oversight" at the WCB, this man committed suicide. His wife had come home from her job one day and couldn't find him in the house. She finally looked in the garage and found her husband at the end of a rope he had rigged to hang himself. On his bench nearby she found the "Denial of Claim" letter from the WCB he had received earlier that day.

Later, this collection of criminals discovered "someone" had made a mistake and sent the letter of denial in error and, in an effort to erase their guilt pangs, awarded his wife and child a cheque that amounted to little more than funeral expenses.

The outcome of this injured worker's case is not an isolated incident. Those other injured workers who have been treated like this man ...and, eventually, take their own lives as a result, don't make it into the statistical results. They are simply "suicides" and there is no mention of the underlying reasons that drove these people to commit this most disturbing final act. The

system gets away free from being held responsible for destroying the lives of those unfortunates who depended on WCB to help them get their lives back together after their workplace injury.

Beyond the obvious, there are hidden costs that, I'm sure, have never been taken into account by the politicians ... because they simply download those costs to the overburdened taxpayer. Employers pay thousands of dollars into the WCB for the "insurance" it supposedly is providing to workers with the potential of becoming injured in the workplace. The WCB, as it is presently constituted was sold to employers as a method whereby they could be exempted from becoming sued for negligence by any injured worker. Provincial governments legitimized that arrangement by making it a law.

The burden was shifted to the poor taxpayer in this manner: 1. The injured worker does not receive immediate benefits from WCB ... so; their accounts can earn interest while an injured worker's case is adjudicated by WCB. (2) You have an injured worker, with a family perhaps, who has no income from employment, writing on the WCB to decide if they will pay benefits ... and in what monetary amount.

This is where the WCB simply downloads its responsibility to provide for the injured worker onto the municipal or provincial welfare agencies that is taxpayer supported. The employer is relieved of his responsibility to his employee by virtue of his premium payment to WCB. Meanwhile, WCB, because it has downloaded the problem of the injured worker to be covered by the regular social net, can take its time in deciding whether (and how much) of a benefit it intends to pay, if any. There is no law and no incentive to settle injured worker claims in a forthright and timely manner.

Injured workers in Canada, it appears, are just as expendable and non deserving as those injured and maimed Chinese workers whose stories were aired, not long ago in a CBC documentary. Yet, our politicians have the audacity to quote, whenever possible (like mindless robots) how we (commoners) are so very fortunate to be living in a "democracy" that doesn't allow people to become just another "throwaway" like some other countries. Once again, people are being sold a bill of goods that denies the facts and hides the realities and indignities injured workers must endure every day in their efforts to get a fair shake from the WCB and the Departments of Labour across this country.

Political leaders had better start exercising some authority over the various departments that deal with injured and impaired workers. To continue with what they have been doing (nothing or very little) is to continue the status quo at their peril.

Big business has done much to break down the influence and power of trade unions who would profess to representing workers rights. Trade unions themselves have largely ignored the treatment of injured workers in this country as well. In fact, the trade unions are primarily concerned about maintaining power and the high salaries enjoyed by its representatives at the highest levels.

Consistent with both groups is their disconnection with the facts. The birth control pill and its subsequent influence in reducing the numbers of people available to do various jobs has become a dynamic force no one has seriously considered. When the work force realizes just how

valuable it is (by its scarcity) in contributing to this country's wealth, it is going to demand real change. This work force is not going to put up with shoddy treatment from any government, and, certainly, not from an organization like the WCB that has been well funded with their tax dollars to make their lives more difficult when they are injured in the workplace.

Controls need to be put in place that will nip, in the bud, the unfair practices the WCB and government agencies have been exercising, with impunity, for too many years now.

If not, those advocates, such as myself, and others across this country, intend to publicize and politicize the inaction and apathy to the point where it's reflected in the ballot box.

Injured workers are fed up with being ignored and do not intend to keep quiet anymore about the underhanded treatment they have been subjected to by the WCB.

To be under the impression that the Workers' Compensation is in place to protect and provide security of funding for those injured on the job is a myth. Oh, yes there are a few who receive compensation, but those few are hand picked and approved by the Board, not necessarily base on medical evidence, but because of connections. (**political decisions predicate who gets what, when**)

Since 1999, I have met well over 3000 injured workers here in Nova Scotia and god only know three times that from all across Canada, not one had a story that favoured the treatment they received from any of these Boards. I have written every single political party here in Nova Scotia and in Canada, not one had the guts to address this on going abuse, which is taking place under the watchful eyes of the Provincial and Federal Ministries of Labour.

Injured workers must take up the banner and educate our youth. We must inform our youth that getting involved in the building trades may very well be one of your worst decisions in their life. I say this, because the Workers Compensation Legislation empowers these Boards to abuse and ignore any right that an injured worker might have and that is yet to be proven that we have any rights. Educate public in general and politicize WCB sanctions.

I have been to foreclosures and funeral all brought on because this vile law piece of legislation made it happen. Everyone but the injured workers is protected. Companies associated with the Nova Scotia Workers Compensation Board are making a big money off the pain and suffering of injured workers', while injured workers live in poverty.

Look at the ads that these Boards has been promoting over the past six years, this latest ad that Worksafe Nova Scotia is running, is nothing more than exploiting a young workers death, while the company gets off with out a mention.

No, the Department of Labour here in Nova Scotia is suppose to be their to protect and serve the people of Nova Scotia, when in fact the Department of Labour is not doing as it should. Injured workers are not stupid; we know that the Minister of Labour is nothing more than a goalie, a mouth piece without power, put in this position to deflect controversy away from the Department and the Deputy Minister and her senior bureaucrats.

Families of those injured on the job have found themselves being downloaded onto Community Services, forced to live a life of poverty, and in more often than not watch their families split apart. According to a staff worker at Community Services, she claims the numbers of injured workers placed into their system has increased in the past 7 years.

Has anyone truly considered what it is that an injured worker loses once disabled from a workplace accident? Here in Canada, you lose your pension, your health care plan, you lose the opportunity to keep paying into the Canada pension plan and a host of other benefits.

It is also documented that injured workers due to the mistreatment and mental abuse they are forced to live under, which is being administer by WCB caseworkers and those contracted by the Workers Compensation System, have either attempted or succeeded in suicide. The mental abuse is nothing short of the kind of abuse one reads about that took that takes place in these prisoner of war camps. As a matter of fact, injured workers do not have as many rights as a prisoner of war.

Injured worker are now turning to youtube and google to tell their stories, and hopefully someday our stories will move some to push for new rules, because these old rules are not working for us. But they sure are working to protect the business community and well the fund is no longer being used as a fund for injured workers, it is being used to assist others in the business community and to run ads full of non truths.

I would like to see the Workers Compensation Program Nationalized, with our very own Ombudsman and Commissioner of Human Rights, which would be set up in every province, but controlled by Parliament.

The Federal Government are now very much involved with the provincial Workers Compensation Legislation as a full partner stakeholder, they should take one more step an complete the relationship by combining Canada Pension Disability and the Workers Compensation fund.

Regards

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Injured and Abused Workers' Coalition

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