



Provincial Election 2007



Workers' Compensation

Full Coverage for All Workers

It is estimated that approximately 35% of workers in Ontario are not covered by the workers' compensation law because their employers are in sectors that are not obligated under the law.

This includes workers who work in the financial and insurance industry, hair dressing, funeral and other sectors that have now just entered the economy. There is no historical rhyme nor reason for these exclusions and it is long overdue that all workers in the province should be covered under the legislation.

In fact province-wide hearings, chaired by Brock Smith, were held in 2002. In his final report to the Workplace Safety and Insurance Board (WSIB) Board of Directors on November 17, 2003, he recommended that full coverage should be mandated for all workers in Ontario.

The report was approved by WSIB's Board of Directors and forwarded to the Minister of Labour. Since it was submitted to the government of the day it has been sitting on a shelf collecting dust. The time has come that all of the recommendations contained in Brock Smith's report be implemented - including full workers' compensation for all workers in Ontario regardless of where they work.

The only option that currently exists for the 35% of uncovered workers is to attempt to sue their employer for the loss of earnings and enjoyment of life. This places an unfair burden on this group of workers who, in many cases, cannot afford the costs of litigation and often the employers are not held accountable for unsafe working conditions.

Furthermore, by adding Independent Operators and the Service Sector to the system, it would provide steady revenue which would shelter the system from any fluctuations in the economy.

All workers have a right to full WSIB coverage regardless of their place of employment.

Ask your Local Candidates:

What is your position on providing full WSIB coverage to all workers in Ontario?

Would you support legislative amendments to provide full WSIB coverage to all workers in the province?

Experience Rating

Experience Rating is a system created by the private insurance industry in the U.S. It is designed to reward good behavior and penalize bad behavior by reducing or increasing clients' premium coverage.

Experience Rating found its way into Ontario as a result of intense lobbying by private sector corporations to the government and system administrators. As a result, in the late 1980s and early 1990s the then Workers' Compensation Board (WCB) adopted this plan with the creation of NEER (New Experimental Experience Rating Plan). This only measures frequency of injury and lost time, which results in skewed data and substantial rebates to employers. This was supposed to be a trial program but has been permanently entrenched in the system, even though it is not in the *Act*. There are no relevant studies to support the benefits of experience rating in that it reduces accidents, or improves return to work outcomes.

Experience Rating has become a cash cow for employers. It encourages them to abuse the system by either under-reporting or not reporting accidents, chasing ambulances to offer injured workers alleged accommodated work, and forces workers into accepting unsafe work assignments and potential re-injury.

When added to the continued reduction of assessment rates, this is a huge windfall for employers and places added financial pressure on the system, resulting in lobbying for further reduction of workers' benefits and entitlement.

Experience Rating has no place in the Ontario workers' compensation system and should be discontinued.

The WSIB has expanded its experience rating program in which employers with more lost time injuries are required to pay penalties and employers with less injury rates receive rebates. The problem is that more often than not, this program pays out more in rebates than it receives in penalties, taking the extra funds from money collected for injured workers. Last year, the WSIB paid all penalty funds to employers plus another \$124 million from the injured worker accident fund. Under the experience rating plan net refunds to employers (refunds paid in excess of penalties collected) now exceeds \$2 billion for the period 1994 to 2005.

Ask your Local Candidates:

Are you in favour of the elimination of Experience Rating within the WSIB system in Ontario?