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Briefs

Workers Deserve Better: How We Can Build the Compensation System Injured Workers Need

June 1st, 2021

The Workers Deserve Better report lays out concrete legislative and policy changes needed to create a fair, accountable, and worker-centred compensation system.

The report was authored by Kevin Love, a lawyer with the Community Legal Assistance Society (CLAS) and expert on workers compensation issues. It is informed by the seminal Patterson report commissioned by Minister of Labour Harry Bains and delivered to government in October, 2019. Patterson's report was the latest in a series of four government-commissioned reports urging reforms to rebalance the compensation system administered through the Workers' Compensation Board (WCB). Despite hundreds of workers and worker advocates who came forward with painful personal stories during public consultations, recommendations have been ignored.

The backbone of BC's workers' compensation system is the "historic comprise," which dates back over 100 years. Under the historic compromise, injured workers lost the right to sue employers for workplace injuries but gained a no-fault compensation system funded collectively by employers. In return, injured workers gained access to medical care and benefits through the WCB without having to prove their employer was at fault for the injury. WCB benefits are the only option for many injured

workers.

In 2002, the BC Liberal government made big changes to the system. These changes reduced benefits considerably, ended life-long pensions with a 65-age cut-off, and made the system much harder to navigate.

Below are a sample of key recommendations made in the report:

- Create a Fair Practices Commission independent of the WCB to deal with worker and employer complaints and an independent medical services office to address medical disputes;
- Include more worker representatives on the WCB Board of Directors;
- Eliminate the discriminatory barriers to compensation for psychological injury;
- Amend the *Workers Compensation Act* (WCA) to properly resource and personalize vocational rehabilitation while involving the worker;
- Place the needs and recovery of injured workers above the speed at which a worker returns to work as a key measure of success; stop relying on a computer system to determine when an injury will heal;
- Amend the WCA to stop deducting CPP disability from workers' benefits;
- Provide resources to ensure appropriate engagement with Indigenous communities, farmworkers and other groups of workers that face systemic barriers;
- Improve communication with workers and employers, with more resources to help workers navigate the complicated compensation system;
- Allow the WCB to consider exceptional circumstances impacting workers' pre-injury earnings; pay interest to workers when the WCB wrongly denies a worker benefits and must endure a lengthy delay.

The full report can be downloaded here.