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Releases

Government inaction leaves injured workers waiting, two years on from promised reforms to compensation system

(Unceded Squamish, Tsleil-Waututh and Musqueam territories — Vancouver, BC)?Two years after its own in-depth review of the Workers' Compensation Board made detailed recommendations for sweeping change, injured workers are still waiting for the BC government to act.

October 30 marks the second anniversary of the submission of the report by workers' compensation expert Janet Patterson to Labour Minister Harry Bains. The report found significant problems throughout the system, ranging from rushing injured employees back to work against the advice of medical professionals, to an often-adversarial relationship with the workers the WCB is supposed to help.

Many of the same failures Patterson identified were recently laid bare in an explosive report by BC's Ombudsperson titled *Severed Trust*. That report details the experience of a worker (identified only as Mr. Snider) who was sent back to work despite a previous injury under threat of benefit cut-offs. As a direct result, Mr. Snider then suffered a dramatic injury that led to an amputation. Despite multiple appeals and hearings, the Ombudsperson concluded Mr. Snider has not received any semblance of justice after WCB errors led to his life-changing injury.

“Over 1,000 workers and their families came forward more than two years ago to tell very personal and difficult stories about their experiences with the compensation system. They deserve to see action,” said Laird Cronk, President of the BC Federation of Labour. “Like the Severed Trust report, Janet Patterson’s review found evidence of workers being forced back to work against their physicians’ medical advice and with the threat of benefit cut-offs. Among many other issues, the review exposed a system that sends workers back to work while still suffering from their injuries in order to meet arbitrary, cost-saving timelines.”

In June 2021, the BCFED released the?*Workers Deserve Better*?report?laying out concrete legislative and policy changes needed to create a fair, accountable, and worker-centred compensation system. In includes the call for a Fair Practices Commission to deal with worker complaints and a medical services office to address disputes.

“The problems are systemic, this is not just one-off cases. If you get injured at work tomorrow, you enter a system designed like a private insurance company, one that takes a cookie cutter approach that doesn’t work for more complex injuries,” added Cronk. “Government knows what the solutions are: it's time to change a system rigged against injured workers.”

Background:

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Below are a sample of key recommendations made in the*Workers Deserve Better* report on how to improve the workers’ compensation system:?

- 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 mandate vocational rehabilitation; Amend policies to require involvement of the worker and allow for flexibility in that rehabilitation;*

- 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.?