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Releases

Injured workers left waiting, eighteen months after government report calling for change

(Unceded Squamish, Tsleil-Waututh and Musqueam territories — Vancouver, BC) The BC Federation of Labour released a report today highlighting glaring government inaction to fix BC's broken compensation system for workers injured at work. Released on National Injured Workers Day, the *Workers Deserve Better* report lays out concrete legislative and policy changes needed to create a fair, accountable, and worker-centred compensation system.

"The workers' compensation system in BC is stacked against workers. It's structured like a private insurance company with inadequate compensation and arbitrary benefit cut-offs," said BCFED President Laird Cronk. "We must do better than a cookie cutter approach, where impersonal computer models determine injury recovery timelines. If you get injured at work tomorrow, you enter a system designed to limit costs rather than focussing on your successful return to work and ensuring you are fairly compensated for your injury."

Workers Deserve Better 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.

“I was pushed back to work against my physician’s orders on the threat of being cut off benefits,” said Owen Goodwin, an injured worker who spoke at the public hearings about his workplace injury. “Injured workers and their families need care and respect in their most desperate hour, not to be treated as a number on a spreadsheet. I shared my experience with BC’s broken employer-centric system in the hope that government would act and ensure this doesn’t happen to others.”

Workers Deserve Better focuses on legislative and policy changes for government, the Workers' Compensation Board (WCB) and the Board of Directors of the WCB. The recommendations focus on removing barriers to compensation, medical treatment, and rehabilitative services for workplace injuries.

“Every day without action is another day an injured worker is forced to navigate a complex and onerous system that lacks meaningful supports for them to return to work or be retrained,” added Cronk. “Government knows what the solutions are: it's time we change a system rigged against workers.”

Background:

The foundation 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 Workers Deserve Better 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.

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