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From: Frank Morena [REDACTED]
Sent: July 17, 2019 10:33 AM
To: info@wcbreview.ca
Subject: WCB Review 2019

Good morning Ms. Patterson,

On behalf of the members of ILWU Ship & Dock Foremen – Local 514 I have been requested to provide feedback on the issues we face within the current workers' compensation system. But before I raise the issues I would like to take the opportunity to provide a brief background of who we are.

The ILWU Ship & Dock Foremen – Local 514 ("ILWU 514") is a Union composed of mainly foremen who supervise the Longshore employees at several geographical regions in BC. We are federally regulated by both Transport Canada and ESDC (formerly known as "Labour Canada").

There is an arrangement with between the Federal government and WSBC with respect to the compensation scheme which we are not overly fond of, but, that is for another discussion.

Below is our wish list of what we would like to see happen within the workers' compensation system of BC.

We would like to see a return to a **pension for life**, not a pension that ceases at age 65 (unless you can convince WSBC otherwise and/or an employer is viciously appealing).

We would like to see workers getting the larger of a PFI (permanent functional impairment award or loss of earnings (topped up to actually match earning loss.)

We would like to see a return to the 75% of gross indexed to the cost of living and not the current 90% of net which is effectively at least a 13% reduction. Current indexing is problematic as well which is capped to a maximum and is indexed below the cost of living.

We would like to see Case Managers be given the authority to have greater discretion to adjust wage rates to take into consideration factors for example like prior illness, a change in job status due to an accommodation etc.

In our specific case, vocational rehabilitation should be given broad discretion to assist injured workers (foremen) to get them back to work **in the Longshore industry** as foremen.

Return to work scheme must involve the worker's medical practitioner as well as the Union and not a deal struck between the employer and WSBC. RTW should not conflict

with in the case of unionized workers with their respective collective agreement. For an example, our collective agreement has a reporting pay provision which guarantees a foremen reporting for work be guaranteed 8 hours pay regardless of him/her being at work for 2, 4, 6 or 8 hours. Most RTW schedules are set up limited days and hours and build up to a full day over a period of weeks.

Chronic pain should be based on the degree of pain and not fixed at 2.5%.

Finally, the appeals system has become costly and cumbersome. As a worker representative I had the option of receiving a CD of the worker's claim file, now, I need to set up an account and get a PAN and run through a gambit of screens to actually get to where I can download his/her file. Find a more efficient means of delivering a claim file or allow for the CD format option. Furthermore, there is no Medical Appeal level and if one cannot afford a medical/legal opinion from an independent medical specialist one needs to rely on the WCB doctor's opinion (who has never examined or in most cases has never even spoken to the worker.) I would assume that Vice Chairs of WCAT are not medically trained. How did we get away from the no fault insurance to a system where employer's hire ex WSBC employees to fight worker's claims?

Respectfully submitted,

ILWU SHIP & DOCK FOREMEN – LOCAL 514

Frank Morena