

Submission from Unifor 592

Many things with workers compensation have changed for the worse over the years. Here is a few issues myself and my members have had to deal with.

First issue-

How a claim is started as this is a problem for my members. My member fills out and sends in Form 6 , my members Doctor fills out Form 8/11 and sends it in, but our employer does not fill out their Form 7 in a timely way. I will explain. At Catalyst Paper in Port Alberni the Safety Supervisor fills out Form 7 but does not sent it to WSBC. Instead he sends it to someone at Crofton Catalyst Paper. Then the Form 7 sit in a pile of paper work for weeks, delaying the Claim from starting. If my member is injured and unable to work they are at home with no income. This is wrong and the company should be penalized for doing this. Reading Form 7 it states that there will be penalties for not filing in 3 days but they must be minor when Catalyst Paper has waited weeks with some claims. The penalty for a worker for not filling out and getting paperwork and getting it to WSBC in a determined amount of time is a **denial** of the claim. WSBC needs to hold the employer accountable for delaying claims. WSBC is supposed to help a worker that has been injured on the job. From the WSBC web site.

Our organization was established by provincial legislation as an agency with the mandate to oversee a no-fault insurance system for the workplace.

-We partner with employers and workers in B.C. to do the following:

-Promote the prevention of workplace injury, illness, and disease

-Rehabilitate those who are injured, and provide timely return to work

-Provide fair compensation to replace workers' loss of wages while recovering from injuries

Ensure sound financial management for a viable workers' compensation system

This directly copied from the WSBC site

The Fix-

For this problem, if an employee is hurt on the job, that employee goes to first-aid and or goes to see a Doctor. The next step is for the worker and Doctor to get

in the required documentation/ Forms sent in to WSBC. Now their claim starts. Medical treatments are covered and compensation for any wage loss starts. The company has to get their paperwork in but does not hold up the claim and block the worker from needed medical treatment or wage loss compensation.

Next issue-

Over aggressive return to work. I have had to deal with this personally with my own injuries and have helped members that were forced to come to work when they should have been at home. My story, I had surgery on my right shoulder and after the surgery I could only raise my hand to the height of my shoulder and had constant pain with any movement. My case worker unhappy with my progress because I didn't fit the determined time line for healing and returning to work. My case worker said I MUST attend a OR2 clinic that was an hour drive from my house. When I explained I could not drive each day they said WSBC would pay for buses and hotel room and living out money. I attended the Naniamo clinic for examination. They determined my limitations where to serve and they would not be able to help me. I was then sent to the OR1 clinic in Port Alberni, examined and they said they would take me. My case worker insisted I go even though the other clinic that is considered better refused to take me because of limitations. I went there for the allotted weeks doing the exercise they asked to the best of my ability. At the end it was determined that I was "fit to return to work", I had no change from when I started. I still could not get my hand above my shoulder and in constant pain. They told me it was because I was fit. I was fit when I arrived as I was walking 5 to 10 kms a day on my own. After a 20 minute discussion they determined I was right and they had not healed me. I needed more surgery but I already knew that. I then had the second surgery. The point is that no one at WSBC and the Port Alberni OR1 clinic cared about my health. My case worker just wanted to follow some timeline created as a **One Size Fits All**. It was not right for me and WSBC refused to listen to my Doctors. The clinic did not care about my health as I was just a pay cheque to them and they want to make WSBC happy as they are boss that is paying them. All of this took months which delayed my return to work.

I have many similar stories from many members.

The Fix-

WSBC start listening to Doctors and Surgeons and start putting a injured workers health first.

Next issue-

There should be accountability when a case worker LIES to an injured worker. I have been LIED to on the phone by a case worker more than once have heard stories from my members. Then I have to tell the member to call their case worker back because what they told you is UNTURE (that is a nice way to say the case worker LIED).

The last time I was LIED to was about my pension entitlement.

Next issue-

All pensions need to be for life. When I received my pension it stated it ended at 65. I called my case worker and told them I will be working long past 65 as this is my reality in life. They told me that it is aged 65 no exceptions. I accepted what they told me as the truth and did not appeal the decision. I now know that pensions can be awarded after 65 but my chance to appeal was long gone when I found that out.

The Fix-

All pensions to be for life.

Next issue-

The appeal process. The process needs an over haul.

The Fixes-

It needs flexibility in timelines. I'm doing an appeal now and waiting for an appointment with a specialist but we are timing out before we can get the appointment. Without seeing the specialist there is no reason to go to WCAT. We asked for an appointment back at the beginning of my members first denial letter and appeal. It can take well over a year to see a specialist.

The appeal process is confusing and there needs to be better explanation of the WSBC Advocates and the work they do. I did not know about them until I took a course on how to do appeals. I would have called them if I had known about

them. Majority of injured workers have no idea and feel it is them against WSBC and the employer.

Next issue-

Medical Advisors. How can someone that is not a **Doctor**, that has never met the injured worker or examined them make medical decisions about the injured worker. It is not possible to make medical diagnosis from just reading a injured workers file.

The Fix-

Medical Appeal Board that is made up of Doctors that would examine an injured worker if there is a dispute over an injury claim.

There are many ways to improve the Workers Compensation System we have now. These are just a few ideas.

No worker wants to be injured.

No worker wants to miss work because on injury or sickness.

When they are injured or sick and miss work, they should NOT be treated like they are scamming WCB and the Employers. They should be helped like it says in the WSBC Mandate and they should be treated respect and dignity.

Roger Haggerty Unifor 592, rhaggertyunifor592@gmail.com

Health and Safety Representative

WCB Advocate

EFAP Committee Member

Mental Health First Aider

1-250-720-1378