



CONSTRUCTION MAINTENANCE AND ALLIED WORKERS

Local 1998

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Attn: Ms. Janet Patterson

Re: Workers Compensation System Review.

I would first off like to thank you for taking your time in facilitating this review of the Workers Compensation System. As an employee of a Construction Union in British Columbia I have definitely seen more than my share of injuries and the frustration of those injuries.

The first item I would like to shed light on is the amount of weight the initial statement an injured worker provides. Workers who have been involved in a work place incident/accident are not of a clear mind, they are hurt; their thoughts are on seeking help not on recalling information of occurrences prior to and during a potentially horrific event in their lives. This issue at times is further frustrated by employers who try and 'assist' the worker in completing their statement. I feel having the employer involved in composing the workers statement is not assisting the worker in any way considering the employer benefits financially by not having claims assessed against their company.

I would suggest two actions regarding the injured workers initial statement. Firstly, that employers are not permitted to be part of the process in composing an injured workers statement. I also feel that a statement from the injured worker be provided after the worker is stabilized from their injury and more likely to be able to think clearly. If the statement is taken before they are stabilized, the worker should be entitled to go back and be allowed to make amendments to their statement. This I speak from personal experience, when I was injured at work my statement was being taken as I was being dosed by water under an emergency shower, watching the flesh being boiled off my leg.

Next I would like to address what seems to be moving goal posts within the WorkSafe bureaucracy. For this I will use an example of one of our members, a Lather. As a result of being injured at work our member required shoulder surgery. After three unsuccessful surgeries our member who was particularly strong prior to being injured now had difficulty even lifting ten pounds up to shoulder height, and could no longer work in his trade. For around five years we had to keep appealing decisions from WorkSafe. We would win the appeals then receive another letter from WorkSafe stating that his financial benefit was terminated or his physiotherapy was no longer being covered, and have to start the appeal process all over again.

After years of appeals we finally received notice that our members claim was accepted. We consider him one of the lucky ones as he had a union with resources working on his behalf. I can't even imagine what someone in the non-unionized workforce would do in such a situation. When someone becomes injured regardless if they are in a union or not we should have a system in place that works to try and rehabilitate the individual, not a system that puts up road blocks and moves goal posts.

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My suggestion to resolve this is rather straight forward. If an injured worker receives a WorkSafe benefit, that benefit does not get rolled back for the duration they are entitled to that benefit. This is not to say if benefits improve that the injured worker be held at their present entitlement.

Lastly, I would like to bring to your attention to what seems to be a bias in medical evidence. Over and over we are finding that claims from injured workers are being denied based on medical evidence provided by a WorkSafe physician. Often this seems to occur at the same time an injured worker's own family physicians reports are supplied. Family physicians, which typically have known the injured worker and have in most cases physically seen them, are having their diagnosis bear less weight in the decision making than a physician employed directly by WorkSafe.

I would suggest that at times where the physician employed with WorkSafe has a diagnosis that differs from the injured workers regular physicians diagnosis that either the two physicians communicate with each other to come to a decision, or the information provided by both physicians be sent to a third independent party for review.

Regards,



Ron Kneller
Business Manager CMAW Local 1998