

FINK & BORNSTEIN PROFESSIONAL CORPORATION

Barristers & Solicitors

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November 10, 2021

VIA FAX TO: 416-325-3505

Procedural Services Branch
Whitney Block
Room 1405
99 Wellesley Street West
Toronto, Ontario
M7A 1A2

Dear Sir/ Madam:

**RE: Application to appear in front of a committee at the Legislative Assembly of Ontario
Application ID is: 49196**

Further to my online Application to appear in front of a committee at the Legislative Assembly of Ontario regarding Bill 27, *Working for Workers Act*, 2021, please see below my submissions I wish taken into consideration.

The WSIB needs more funds for administration.

There is currently a 1 year delay for an ARO redetermination and 1 year for a WSIAT redetermination. One of the purposes of cutting off access to the Courts in the original Workman's Compensation legislation 100 years ago, was to provide a prompt dispute service. Therefore a time line should be 2 months for each, and more funds are needed for more personnel.

Case Managers are poorly trained, and have little experience. They need no authority from upper management to close benefits on injured workers, yet they need authority to maintain benefits. So it is not surprising that the WSIAT and ARO overturns their Decisions, at the rate of over 4,000 per year. More funds should be spent on training Case Managers and hiring more Case Manager, so that their work loads could be greatly decreased.

What is transpiring in terms of claims adjudication, goes beyond negligence or judgement error. It is "bad faith" and a "misfeasance of public office". A lawsuit should be brought against all parties responsible for the current situation, seeking redress.

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In a personal injury actions, a pedestrian who suffers a torn rotator cuff receives a pain and suffering award of \$100,000.00. Yet an injured worker who suffers the same injury from the workplace receives a pain and suffering award from the WSIB, a NEL, of \$3,000.00. Personal injury awards have increased over the last 30 years, yet with NEL Awards there has been no increase. The discrepancy between personal injury and WSIB awards, brings into question whether the current law is constitutional, because it discriminates against disabled workers.

Until 2017, the WSIB paid \$10,000.00 to \$15,000.00 to Atltum and Mt. Sinai Functional Restoration medical services to treat workers with chronic pain. It was an intense 6 week program, with a 60% success rate according to published medical journal articles. Now, the WSIB provides an ephemeral treatment program at half the price. No articles have been published on its efficacy.

Money should be spent to provide premium treatment services. The *WSIA* implores the WSIB to provide such service, and the statute is being ignored.

I deal with injured workers daily, and they are suffering greatly. Before money is refunded to employers, the WSIB should use the funds to properly compensate and care for the people it has been created to help.

Yours very truly,

FINK & BORNSTEIN
PROFESSIONAL CORPORATION per:

Pamela Hughes-Ford per:

Richard A. Fink
RAF/phf

* Recognized as a certified specialist by the Law Society of Ontario in the area of Workplace Safety & Insurance
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