

BULLETIN

Liberals attack workers' rights on basic safety and Workers' Compensation

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by CAROL RIVIERE, RACHEL NOTLEY, SARAH O'LEARY, with YUKIE KURAHASHI

If you suffer a workplace injury or illness, you may soon find that your workers compensation coverage has been abridged and reduced.

The provincial Liberals recently launched an extensive review of all WCB functions, including its role in developing and enforcing the regulations governing health and safety in the workplace. Also under review is its role in administering compensation for workers who are injured on the job.

Carol Riviere, HSAs labour relations officer for WCB and health and safety, has grave misgivings about this comprehensive review. -Its clear that the governments goal in this review is to cut costs for employers, and that they are prepared to have workers bear the financial and human costs of increased workplace injury and illness," she said.

Employers rep appointed to conduct review

To conduct a large part of this review, the Liberals have appointed Alan Winter, a lawyer with an extensive history of representing employer groups on WCB issues.

-Mr. Winter has spent the last twenty years of his legal career representing employers against workers in WCB cases," Riviere said. -His appointment clearly shows that the government is not interested in an impartial review of the system, but simply wants to hear what employers want.

-This is of serious concern to all workers in BC ... but especially health workers, who suffer the highest rate of occupational injury and illness in this province." Alan Winter is expected to make his recommendations to the government by mid-January 2002, and legislation to implement these recommendations is expected by the middle of March.

Whats at stake?

The government has laid out broad terms of reference for this review. -The terms of reference carry a serious risk that the Occupational Health and Safety Regulation will be eliminated or watered down, and that the WCBs ability to require employers to comply with whats left of the Regulation will be severely curtailed," Riviere said. -The inevitable result is that more workers will be killed or injured on the job, or develop an occupational illness," she said.

Riviere added that health care workers should be particularly worried about the impact of these projected changes. -For many years, health care workers in BC have suffered the highest rate of injury, and until recently that injury rate continued to climb," she said. -The injury rate has only just begun to level off. I believe this recent decline in the health care injury rate is largely due to the improved OH&S legislation and regulations that were brought into force a couple of years ago," Riviere said.

-The new legislation and regulations significantly increased workers rights and ability to improve workplace health and safety. The changes the government is expected to make in this area would certainly reverse the gains were just beginning to see in health care settings."

More erosion of workers rights

Riviere said that as bad as this sounds, these proposed changes are only the beginning. She and colleagues Rachel Notley and Sarah OLeary listed some of the more serious planned changes that Alan Winter has announced.

• Instituting a system of imposing direct fines on workers for health and safety violations. -Mr. Winter seems to have forgotten or ignored the fact that the WCB system was established partly as a way to protect employers from being sued for damages by employees who suffer injury or disease caused by an unsafe workplace," Notley said. -This has meant that employers are responsible for maintaining a safe and healthy workplace. The idea of fining workers is a gross violation of these principles."

• Apportioning responsibility to the worker in occupational disease cases. -This means that if a workers lifestyle is found to have made a 40 per cent contribution to his or her occupational disease, then that worker would only receive 60 per cent of the normal level of compensation," Notley said. -This is particularly problematic for HSA members, given the number of our members who suffer repetitive strain injuries that may be partially attributable to being a woman of menopausal or premenopausal age."

• Denying injured workers interest on their awards, should they win their appeals. -Injured workers who go through the lengthy process will now be denied any interest on their awards," OLeary said. -The appeals system often takes years, and because many of the awards are retroactive, the interest can be a significant part of the award ... sometimes more than the principal itself. Workers who have gone without any income while struggling through the appeal system will now receive no interest for the entire period." OLeary said that on the other hand, employers who have prepaid penalties for occupational health and safety assessments and then win their appeal will receive interest on their awards.

• Curtailing of workers rights to appeal adverse compensation decisions. -Part of Mr. Winters proposals would eliminate one of the external appeal bodies of the WCB," Notley said. -Further, significant limitations will be placed on workers access to the remaining external appeal body."

-The overall effect of these and similar changes will be to increase the number of workplace injuries, and make it harder for injured workers to get their compensation claims accepted," Riviere said. -A worker whose claim is accepted can expect a significant reduction in the level of benefits received through workers compensation."

HSA is working with the BC Federation of Labour to minimize the negative impact on workers of the governments review of the WCB. HSA members are encouraged to write to their MLAs and to work with their local Labour Councils to fight back against the Liberals attack on their rights to a safe workplace, and to fair compensation for workplace injuries.

Carol Riviere is HSAs Occupational Health and Safety Officer, and also handles WCB appeals on behalf of HSA members, together with Rachel Notley and Sarah OLeary.

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