



July 31, 2023

Ontario Public Service Employees Union (OPSEU/SEFPO)
Disability Rights Caucus (DRC)
100 Lesmill Rd.
Toronto, ON
M3B 3P8

Mr. Jeffery Lang
Chair Workplace Safety and Insurance Board
200 Front St. West
Toronto ON M5V 3J1
E mail: Corporate_SecretaryOffice@wsib.on.ca

RE: KPMG Value for Money Audit (VFMA) Dispute Resolution Appeals Process

Dear Mr. Lang:

We are writing you today to express our serious concerns with the WSIB's recent unilateral decision to implement harmful changes to the injured workers dispute resolution appeals process. These changes, proposed by the KPMG Value for Money Audit, fail to provide a transparent, dignified and respectful consultation process.

In implementing the value for money audit recommendations to the appeals process, the WSIB is exacerbating the plight of injured workers. These changes are socially irresponsible, morally reprehensible and medically contraindicated.

In addition, these drastic changes represent an assault on injured workers' rights due to the hurried implementation during the summer months when key stakeholders such as Injured Workers Groups, legal representatives, activists, advocates, and the injured workers themselves may not have ample time to respond effectively.

Historically, injured workers had sufficient time to submit medical documentation and supporting reports for review in their appeals process. The new rules limit this timeframe to only 30 days for comprehensive submission of medical and legal reports; otherwise, the appeal would be permanently denied.

The KPMG VFMA report and its recommendations display a limited understanding of



administrative law, non-economic loss, and return-to-work decisions. Given the extended time typically required to gather medical reports and documentation, many injured workers are expected to lose their appeal at the initial stage with this new process. This poses a significant barrier, effectively denying injured workers the right to care and justice.

This unconscionable move will effectively stifle every worker's right to a fair appeals process and compound their stress and injuries on multiple levels.

Despite allowing two years to implement these damaging changes through the KPMG VFMA, WSIB has only allowed stakeholders, advocates, and injured workers until September 29, 2023, to provide feedback.

The OPSEU/SEFPO Disability Rights Caucus fully supports the call by injured workers and stakeholders such as the Ontario Network of Injured Workers (ONIWG), Ontario Legal Clinics, Workers Compensation Network, and Workers Health and Safety Legal Clinic (WHSLC). They advocate for WSIB to extend the submission deadline beyond September 29, 2023 and transparently modify and reverse changes to the VFMA dispute resolution process, thereby upholding injured workers' rights to access fair due process.

An extension will give workers, their legal representatives, and other stakeholders a fair chance to have their submissions respectfully heard. The voices of these experienced, compassionate, and professional individuals must be factored into the fair application of injured workers' rights and social justice.

Injured workers, as taxpayers and provincial stakeholders, have a right to a fair and transparent WSIB and to appeal any wrongful or misinformed decisions. Injured workers should be able to access an appeals resolution process that is transparent and unhindered by a stringent and inhumane 30-day deadline.

In conclusion, the DRC advocates for an urgently needed level and transparent playing field for injured workers in this province. We call on WSIB to ethically, morally, medically, and financially fulfill their original mandate to support and uplift these workers.

In Solidarity,

OPSEU/SEFPO Disability Rights Caucus