

Introduction

I would like to submit this document to the Independent Review Panel Workplace Health, Safety and Compensation System on behalf of CUPE 2464, employees of the Mill Cove Nursing Home Inc. You are probably aware that Nursing Homes in this province have one of the highest injury rates. The Nursing Home Council has been working diligently with its members to see that improvements are being made. Proper training and education is one target area. Mandatory training for all new employees should be part of the orientation to the workplace, and regular training for employees on new equipment, changes to the acts, right to refuse, and fire procedures. All Health and Safety Committee members should be trained on all aspects of the acts. **Improved education and training is a must. Every employee should have a mandatory eight hours of training and three days of training for committee members.** Employers who are not replacing staff and making staff work short, increase their risk of injury. They should be subject to a fine after their third offense. More inspections and strict fines should be implemented.

Bill 55

The cuts in 1993 endured by workers were severe, painful and lasting. You were penalized for having a workplace injury with a 3 day no income waiting period. Your wages cut to 80%. No top-up allowed under the collective agreement and elimination of the 8% annuity payable at age 65. The deeming system is unfair. **Wages should be payable at 90%, the act should be amended to provide removal of the waiting period; compensation should start from the day of the injury by the employer. The act should be amended to remove all restrictions on salary top-ups, so they can be negotiated during the bargaining process. The pension benefits paid to long term claimants should be based on 8% of the compensation paid the injured worker. We strongly oppose the deeming process. Reducing benefits of permanently disabled workers to deem salary of a non-existent job is unjust. Forcing claimants to apply for CPP and reducing their Compensation earnings is unfair to the worker. They did not ask to be injured. All necessary measures should be taken to retrain or re-establish the worker in productive and suitable work depending on their injury.**

Such work needs to be done on the return to work programs. Unions should be involved in this process. The Disability Management program needs reviewed. Often you are asked to return to work through a disability management program, not able to do your regular duties, soon to find this program has become part of your regular return to work and your hours worked are increased long before your regular duties, which could cause a further injury. **Joint Committees for return to work should be properly trained in the process.** Return to work provisions need reviewed. In the Nursing Homes we have a problem with accommodations because there are no light duties and the employers state they have no monies for such accommodations. Funding should be provided by WHSCC to create alternate work for these injured workers depending on the disability.

Case Management

Case Managers have excessive workloads. These need reduced. The injured worker needs to be able to relate to someone during this time of injury. Case Managers should not be able to over-rule recommendations of medical specialists. Return to work decisions are often made prematurely causing another injury. If personality conflicts occur, the injured worker should be assigned a new case manager.

Expanded Facilities and Coverage

We believe other rehab facilities should be included closer to one's home town. The WHSCC could offer rehab services in Fredericton at the new facility and in the North of the province. Offered physio and occupational therapy in one's own town, could provide a faster and more efficient service.

Coverage should be expanded to volunteers. In today's society, we are required to volunteer many hours. As Nursing Home Workers we are often asked to volunteer for outings and special events. **WHSCC coverage should include volunteers.**

Appeals

The appeals system is too slow. Workers have to wait up to a year to have their claims heard. **All appeals should be heard and decision rendered within 60 days. There should be no time frame for filing appeals.** We need more workers advocates to provide information to claimants. When implementing tribunal decisions, they should be carried out in a timely manner and respecting other claims, thus reducing the amount of appeals on the same manner. Example, one carpal tunnel is accepted and the other has to appeal.

WHSCC Structure

The structure of the board should include four members who are workers. We must look at the high assessment rates for nursing homes and find a preventative solution to reduce injuries. We need to develop a Workers Health and Safety Center, where workers can develop and carry out training in Health and Safety prevention and initiatives for a healthier workplace and focus on compensation awareness education for injured workers and return to work training.

Conclusion

A review is well over due. A committee should be struck to review the WHSCC system every four years allowing a public review of the system, with equal worker and employer representation, nominated by key stakeholder groups, business and labor. It's time to hear the voice of workers. Workers take pride in achievement of health and safety issues. Let's work together to improve health and safety and reduce injuries in this province. In closing I hope we have an open public review, to which we can bring some of our injured

workers to tell their stories .I look forward to the Review panels report and hope the input from workers brings about a needed change to the act.

Respectively Submitted