



Injured Workers' Moral Engagement in the Compensation System: The Social Production of Problematic Claiming Experience

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Occupational Allergy and Asthma to Snow Crab



Claim Number

Please PRINT in black ink

A. Worker Information

Last Name		First Name		Social Insurance Number	
Address (number, street, apt., suite, unit)				Telephone	
City/Town		Province	Postal Code	Alternate/Cell Phone	
Job Title/Occupation (at the time you were hurt)			Date you started	dd mm yy	How long have you been doing this job

40-90% of work-related injury and disease is not reported

B. Employer Information

Research Interest:

How and why do injured workers file compensation claims?

1. Date and hour of accident/Awareness of illness dd mm yy AM PM Date and hour reported to employer dd mm yy AM PM		2. Who did you report this accident/illness to? (Name & Position) _____ Telephone _____																																																									
3. Area of Injury (Body Part) - (Please check all that apply)																																																											
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‘Non reporters’ did not materialize





Sample: Injured workers with **problematic** claims

Claim Number

Please PRINT in black ink

A. Worker Information							
Last Name				First Name		Social Insurance Number	
Address (number, street, apt., suite, unit)						Telephone	
City/Town			Province		Postal Code		Alternate/Cell Phone
Job Title/Occupation (at the time you were hurt)				Date you started with employer	dd	mm	yy
							How long have you been doing this job for this employer?
Only check if you							Date of
							dd mm yy

20% of claims filed are prolonged, complex, adversarial

Company/Employer Name		
Address		
City/Town	Province	Postal Code
Your Immediate Supervisor's Name		Company Telephone

C. Accident/Illness Dates & Details												
1. Date and hour of accident/Awareness of illness				dd	mm	yy	<input type="checkbox"/> AM <input type="checkbox"/> PM	2. Who did you report this accident/illness to? (Name & Position)				
Date and hour reported to employer				dd	mm	yy	<input type="checkbox"/> AM <input type="checkbox"/> PM	Telephone				
3. Area of Injury (Body Part) - (Please check all that apply)												
<input type="checkbox"/> Head	<input type="checkbox"/> Teeth	<input type="checkbox"/> Upper back	Left	Right	Left	Right	Left	Right	Left	Right	Left	Right
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chronic disability, unemployment, financial & emotional suffering



80% of claims-related costs

Claim Number

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Last Name				First Name				Social Insurance Number	
Address (number, street, apt., suite, unit)								Telephone	
City/Town				Province		Postal Code		Alternate/Cell Phone	
Job Title/Occupation (at the time you were hurt)				Date you started with employer		dd mm yy		How long have you been doing this job for this employer?	
Only check if you are one of the following: <input type="checkbox"/> executive <input type="checkbox"/> elected official <input type="checkbox"/> owner <input type="checkbox"/> spouse or relative of the employer				Date of Birth		dd mm yy			
Sex		Your Preferred Language							

Refined Research Interest:
Understand problematic claiming from injured workers'
perspective

Address			
City/Town		Province	Postal Code
Your Immediate Supervisor's Name			Company Telephone

C. Accident/Illness Dates & Details											
1. Date and hour of accident/Awareness of illness				dd	mm	yy	<input type="checkbox"/> AM <input type="checkbox"/> PM	2. Who did you report this accident/illness to? (Name & Position)			
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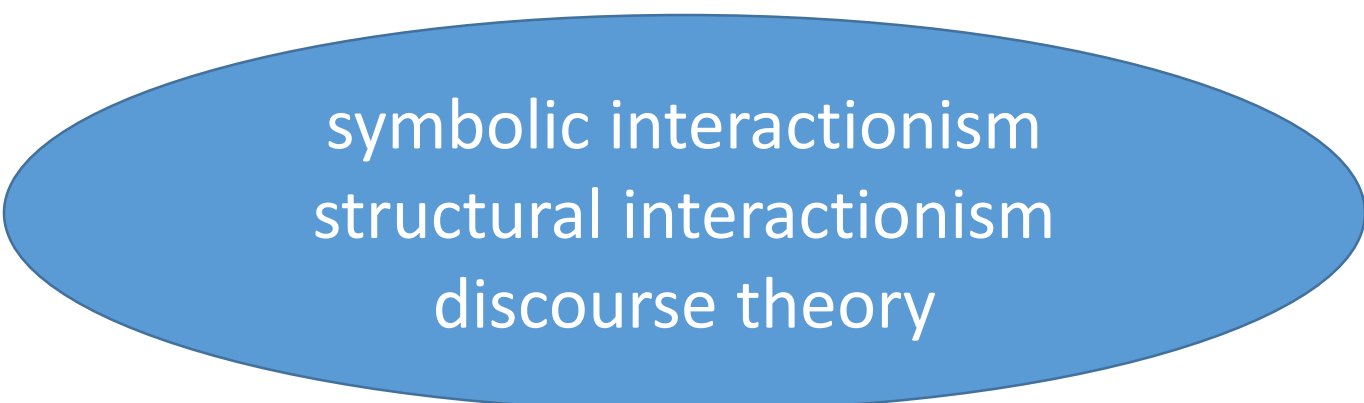


- Provincial Responsibility
- “Historic compromise”
- Meredith Principles
 - No-Fault
 - Guaranteed benefits
 - Funded by employers
 - Administered by WCB
 - WCB is final authority

METHODOLOGY

Critical interpretive qualitative approach

‘Discursive Interactionism’



symbolic interactionism
structural interactionism
discourse theory

Methods of Focused Ethnography



30 interviews:

26 injured workers

4 worker representatives

Documents and texts

produced by and for:

- The WSIB
- injured worker community

Analysis: multiple interpretive techniques

Central finding:
Injured workers experience claiming in moral terms



Mistrust

Dehumanization

Judgement

Confrontation

Identity Work

Trust

“...there needs to be a watch dog over WSIB that says okay, when an employer and WSIB start working together to limit employee claims, the employer or the injured worker can report to this agency who then oversees it, you know?” (W6)

Dehumanization

“Like, it’s just, I don’t fit into your mould. You’re trying to fit...I’m square and you’re trying to fit me in a round mould. And guess what? It’s not going to work. So, they’re going by their program that they’ve set out for everybody and everybody better line up and just file right in, right?” (W10)

Judgement

Scrutiny

“The next letter I got from the board, they knock him down and they said we needed more information. I gave them the same information over and over and over, enough to wall paper Toronto fifty times and my doctor got so disgusted with it he just gave up, he said no more...”(W18)

Blame

“It seems that with WSIB, you’re guilty till you can prove you are innocent and there’s a perception of people trying to milk the system even though they put them into almost bankruptcy in trying to do so...”(W25)

Perceived as dishonest

“I’m very fine at documentation. I can trace back 5 years and I can tell you by going through my diary what I was doing 5 years ago on this day. Yeah, I keep very meticulous notes. Because the way I figure it is that somebody’s going to come back on me and they’re going to ask me a question and I’m going to be ready.” (W9)

Confrontation

“You know, so it’s a big chain of events that leads down to the fact that okay, who’s fightin for me. And if you don’t fight for yourself, nothing is going to get done. But, you know, they throw up road blocks, they throw up road blocks that, you know, they can’t see you today, or, uh, you know, “I don’t have that information now.”(W9)

Identity Talk

Good workers

I keep myself fit, I worked out all the time. And that sort of helped me with my injuries.

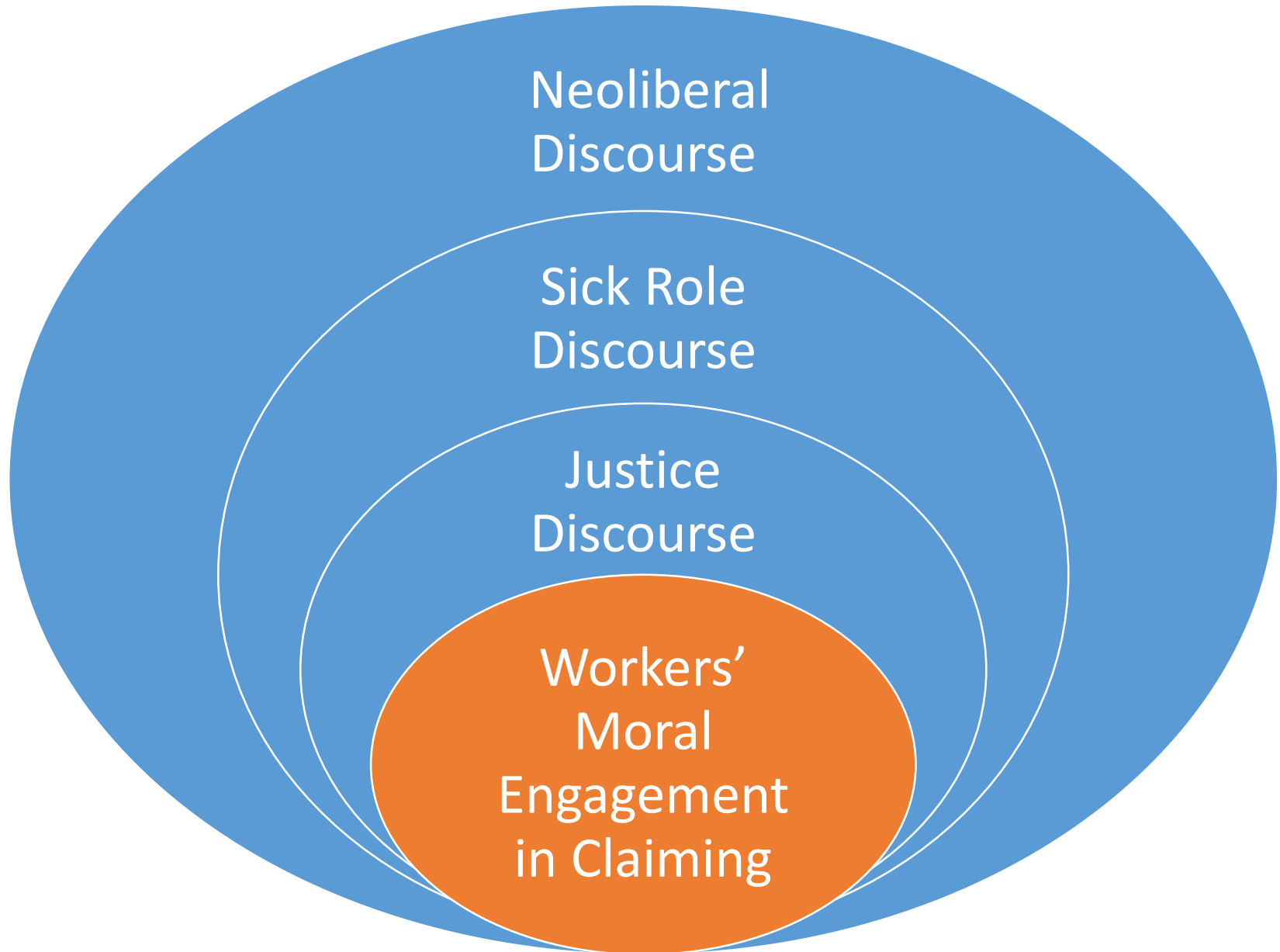
Legitimate claimants

People are quitting the field because it's dangerous and they didn't expect it would be. We're in a dangerous situation.

Real suffering

...told me he was living out of his truck with his children and wife. The next day on the news, here he went back to that office with a sawed off shot gun and blew his head off.

What Produces this Moral Claiming Experience?



Injured Worker Movement's Justice Discourse



- Integrity
- Justice

"I mean, the compensation thing was based on 1912, uh, Sir Meredith. You've heard...? In the Meredith report back then was, if a work man was injured he should be compensated, and that's what it's supposed to be. And it's not...what he said back in 1912, I mean, pretty well 100 years ago, it still applies to today. But, they're not following that ." (W4)

Sick Role Discourse

- Illness as a *social role* with rights and expectations
- Role tensions for injured workers

“Don’t do too much, don’t do too little.”



Neoliberal Discourse



1. Market fundamentalism
2. Individual responsabilization for health

Mediating role of WSIB

- Agent of neoliberal discourse
- Sees compensation as a matter of:
 1. Business
 2. Financial efficiency



What does this all mean for claiming?

Injured workers and the WSIB conceive compensation claiming in *different and conflicting* ways

“[WSIB] probably have a meeting once a week and say “Okay, don’t let any claims...don’t approve any claims this month.” You know, “Put the road blocks up” and they were very effective in doing that because they did; every step of the way there was like a brick wall, I swear.”(W10)

Ways forward for injured workers and the WSIB

The WSIB can consider how its discourse and practices are perceived by injured workers

- Consider what its public texts convey
- Examine the main sites of tension and ways to improve relations
- Explore ways to align its policies with prevailing discourses

Enhance communication between the two parties to foster understanding of the others' position

The ways forward for research

Further explore the ways other compensation policies and programs may collide with dominant discourses

Examine whether injured workers might conceive claiming or argue their cause in other terms

Consider the claiming discourse and role of employers

References

- Eakin, J., MacEachen, E., Mansfield, E., & Clarke, J. (2009). The logic of practice: An ethnographic study of front-line service work with small businesses in Ontario's workplace safety and insurance board. Toronto.
- Irvine, L., Kahl, K. N., & Smith, J. M. (2012). Confrontations and donations: Encounters between homeless pet owners and the public. *Sociological Quarterly*, 53(1), 25-43.

Questions?

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