

-Attention-

Ken Sutherland

December 12, 2016

6 Pages

W.C.B. Legislative Review Committee

P.O. Box 1396

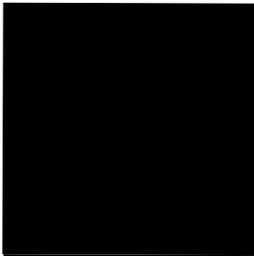
Winnipeg Main P.O.

Winnipeg, MB R3C 2Z1

PH. 1-204-954-6203

1-877-358-0495

Fax 1-204-954-4968



Nov 26/2016

To Mr Ken Sutherland

My name is [REDACTED] I have been on workers compensation for about 20 years or more. My first claim was for lead poisoning claim [REDACTED] which I was put on a wage loss program and retrained as a cook with permanent restrictions of no contact with lead, no climbing ladders, and not to lift 50 lbs or more. I worked for 13 years as a cook for the [REDACTED] [REDACTED] Which is where I got Carpal Tunnel Syndrome in both hands which required surgery, but the surgery was of no help. So I was put off work again, when they deemed me unemployable and had a zero earning capacity with permanent restrictions of no lifting 5 lbs with either hand and no repetitive movement with either hand. [REDACTED] They also still kept indexing me on my other claim as if I was still working which I think was and still is ridiculous. When I was deemed with a zero earning capacity I was told you could appeal this. but you would not win the case because this was in the Workers Compensation Act.

So now when I turn 65 on January 3, 2018, I lose all my benefits because of the Workers Compensation Act. I have been told that I could collect CPP and Old age Pension, which I asked if that was not enough to live on, what can I do? I was told by the workers compensation, and the workers advisory board, I would have to find a job.

I do not believe this case was handled properly. I believe they should have given me a pension to live on and not throw me out the window when I was 65. If it wasn't for my injuries I could still work after I turn 65. But I have all these restrictions also. If Workers Comp couldn't find me work with these restrictions, how would I find work?

Also for my Lead Poisoning Claim, [REDACTED] head Toxicologist in Manitoba told them I had a disability for the lead poisoning and I believe I should have been compensated for this for life which I am not going to be. This was stated to them in May of 1992. If that is the case with these restrictions I believe when I turn 65 they should still pay me. They are the ones who deemed me unemployable with a zero earning capacity in September 2006. And if I go against these restrictions I will lose any medical care. With these restrictions my hands would really be tied. If I were ever to get a job and get hurt on the job going against these restrictions, would WCB cover me? Which I do not think any employer would hire me anyway. If you would like my case files I give my consent for you to use them. I am hoping you can help me in this situation.

Thank you



TO: File
FROM: [REDACTED]
DATE: August 21, 2006
SUBJECT: [REDACTED]
Deem Recommendation

General:

The purpose of this memo is to recommend that [REDACTED] deemed at zero earning capacity.

Worker Profile:

[REDACTED]
Pre accident employment - [REDACTED]
Preaccident wages - 319.50
Injury - bilateral CTS

Restrictions: no lifting greater than 5 pounds with any one hand, 10 pounds with both hands and no repetitive use of either hand. Restrictions will be reviewed in December 2006. Restrictions will most likely be permanent.

Background:

[REDACTED] was first diagnosed with bilateral CTS in June 2002 and had surgery to both his wrists. [REDACTED] returned to work in January 2003 as a chef and worked up until September 2005 when he advised WCB that he was having some problems with his wrists again. He saw the surgeon who did his surgeries a few years earlier and was diagnosed as having tenosynovitis. Nerve conduction studies later confirmed that he had bilateral CTS once again.

[REDACTED] was seen at WCB in February 2006 and it was recommended that he see a hand surgeon. The hand surgeon recommended for him to wait for awhile and then repeat the nerve conduction studies. The hand surgeon also noted [REDACTED] had lead poisoning also as a result of the work injury (claim [REDACTED]) and required VR training at that time. WCB retrained him to be a cook. The hand surgeon also speculated that the lead poisoning could affect his recovery after surgery.

As restrictions had been outlined in the exam at WCB in February 2006, [REDACTED] was referred to VR. The VRC explored many different career options but [REDACTED] was not able to "fit" any of them and it was recommended that he be deemed at zero earning capacity.

██████████ will be seeing the hand specialist again at which time his restrictions will be reviewed but given the current restrictions and other factors that the VRC took into consideration when reviewing the labour market, such as his other compensable claim (lead poisoning), his non compensable health issues as well as retraining potential it is my opinion that even if his current restrictions change slightly that the VRC will not be find an ECA for him and therefore I recommend that we deem ██████████ zero earning capacity.

The costs associated with this recommendation are \$89,916 (discounted). A review of the VRCs documentation provide detail on the labour market exploration.

/dr

Workers Compensation Board of Manitoba
Claim Information

Claim No [REDACTED]

CLAIM SUMMARY

Claim Status	Open-Adjudicated	Board Notified Date	07-Nov-1984
Injury Date	[REDACTED]	Registered Date	07-Nov-1984
Area of Injury	LEAD POISONING	Injury Type / Condition	Occupational Disease
Claim Type	Time Loss		
Fatality	Non-Fatal		
Interprovincial	Manitoba	Fatality Notification Date	
Third Party Ind.		Fatality Adjudication Date	
Injury Status	Injured Worker		
Re-employment Obligation			

WORKER

Last Name	[REDACTED]	Job Title	
First Name	[REDACTED]	Date Of Birth	[REDACTED]
Middle Name		Deceased Date	
Address	[REDACTED]	Social Insurance No	[REDACTED]
City / Municipality	[REDACTED]	Gender	Male
Province / State	[REDACTED]	Marital Status	
Country	Canada	Home Phone	[REDACTED]
Postal Code	[REDACTED]	Work Phone	[REDACTED]
		Alternate Phone	

Willing to participate in customer survey
Hand Dominance

Interpreter Language

Post Injury Occupation

Occupational Status
National Occupational Classification (NOC)
National Occupational Classification Description
NOC Increment Factor (NOC IF)
Average NOC Wage
Employment Status
Employment Type
Layoff Date
Recall Date

Deemed Unemployable

May 8, 1992

Workers Compensation Board
333 Maryland Street
Winnipeg, Manitoba
R3G 1M2

Dear [REDACTED]

RE: [REDACTED]

Thank you for your letter of April 29, 1992 and the appended enclosures. [REDACTED] has had chronic exposures to high amounts of lead in the workplace over many years with several episodes of lead poisoning. Most of the absorbed lead is stored by the body rather than excreted. The site of storage is the skeleton. With termination of exposure, blood level falls but skeletal levels remain high. Individuals in this situation are exquisitely sensitive to exposure to very low amounts of environmental lead. They would become lead poisoned very quickly. Therefore he should avoid all environments with even minor elevations of lead.

[REDACTED] chronic symptoms as noted on page 3 of the protocol of February 24, 1992 are a consequence of his recurrent lead exposures and episodes of lead poisoning. If these symptoms prevent him from working, then in my opinion he has a disability induced by lead poisoning. The prognosis is difficult to predict, but some of these symptoms, especially the musculoskeletal, could be permanent. Renal function, arterial blood pressure, and uric acid should be monitored twice a year indefinitely as there is a risk for decreased renal function, hypertension and gout.

Sincerely,

[REDACTED]

Report received
24/3/93
[Signature]

No. I