

Improving workplace injury compensation requires input from vulnerable workers

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Understanding the ways in which workers in precarious employment react to work injury and claims processes they see as unfair can help employers, legal representatives, physicians and others respond appropriately, according to a new study.

Precarious workers are defined as those who earn low or inconsistent wages. Often, they are uncertain how to access work compensation programs or are reluctant to speak up for fear of losing their jobs. The types of injustices faced by workers in the study included being laid off during a claim, receiving inadequate modified work or [medical attention](#), employer claim suppression and unresponsive claim adjudicators.

"Precariously employed workers are vulnerable to [unfair treatment](#) and studies have shown that recent immigrants are over-represented in precarious employment," said Ellen MacEachen, director of the School of Public Health Sciences and co-author of the study.

"When unfair treatment takes place, it has adverse repercussions on workers, affecting their [mental health](#), quality of life and future success. By identifying unfairness and its behavioural and [emotional effects](#), we can better understand the implication for workers' compensation systems."

For example, she said that being aware that if workers start out by being passive, it may be because they are confused about the process rather than because they don't care about the injustice. Or knowing that being

in the anger stage means that they may be motivated to fight back by pressuring those involved, taking matters into their own hands, or getting help from others. "Also, if a physician recognizes this pattern of behaviours, they can refer the worker to the appropriate resources and support at the right time."

The findings of this study can help workers' compensation systems communicate more effectively with injured workers about their needs during the claim process. The study identified a flowchart of reactions and emotions that occur as an employee is going through the [worker](#) compensation system, with the five emotions being: confusion, anger, unsupported, disappointed and determined. Policymakers can then use this information to address procedural unfairness in the system.

The study, which explored how injured workers in Ontario responded behaviourally and emotionally to procedural unfairness, was conducted between 2017 and 2021 with 36 adults proficient in English who had experienced a work-related injury in the last 10 years.

"This research leads to other questions to be studied: How pervasive is it for workers to quit their jobs after experiencing a work injury and procedural unfairness? What is the relationship between education about workers' compensation and emotional and behavioural reactions of workers to perceived unfair claims processes?" MacEachen said.

"Precarious workers are at risk of unfair treatment due to power and knowledge differentials between employers and workers, and there is still a lot left to be addressed."

The study was published in the *Journal of Occupational Rehabilitation* and is co-authored by MacEachen, Nicole Billias and Sue Sherifali, all at Waterloo.

More information: Nicole Billias et al, "I grabbed my stuff and

walked out": Precarious workers' responses and next steps when faced with procedural unfairness during work injury and claims processes, *Journal of Occupational Rehabilitation* (2022). DOI: [10.1007/s10926-022-10058-3](https://doi.org/10.1007/s10926-022-10058-3)

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