



September 12, 2018

Ms. Jacqueline Glynn  
Legal Counsel/Regulatory Services  
NL Board of Commissioners of Public Utilities  
P.O. Box 21040, 120 Torbay Road  
Prince Charles Building, Suite E-210  
St. John's, NL. A1A 5B2

Dear Ms. Glynn:

Please accept this letter in support of efforts to protect current legislation and ensure there is no cap placed on compensation for injury claims.

Our organization represents 16 building construction trades unions and more than 20,000 members throughout Newfoundland and Labrador. Our members work on provincial construction projects such as roads, hospitals and schools; as well as large-scale resource development projects, including Hebron, Vale (Long Harbour); Muskrat Falls, and Husky White Rose (Argentia).

Our trades workers have physically challenging jobs, and work hard every day, often in harsh environments. Many of these same workers are also on the highway daily commuting to work, often times in very bad weather, making them more susceptible to accidents. Combined, these factors make them very vulnerable and hard hit should a cap be placed on compensation for pain and suffering and loss of amenities of life.

We oppose any change in legislation by government that will restrict our members' ability to seek compensation for the stress, physical injury, psychological harm, or loss of employment opportunities suffered by them as a result of an accident. A cap in any form would eliminate any recourse they may otherwise have against a negligent, distracted or impaired driver.

We have seen far too many instances where our members have experienced an accident, resulting in significant pain, anxiety, life-altering suffering, mental health issues, and loss of ability to return to work. Any arbitrary cap on compensation through legislation essentially places a value of what these injuries/life-changing experiences are worth. We believe government should ensure legislation protects all of us from such instances, and ensures there is an avenue to seek appropriate damages and support. Government should not make legislative changes that allow insurance companies to increase their profits by removing the opportunity for fair compensation by victims – our members.

Further, it is likely that any cap placed on insurance compensation will result in an increased uptake of Workers' Compensation usage, and thus an increase in premiums to employers and employees. Presently, if you are injured "in or by" a motorized vehicle while working, you can "opt out" of Workers Compensation and obtain (proper and fair) compensation from the at fault driver's insurer. If there is a \$5,000 cap placed on the available compensation, it is highly likely that the injured workers will remain on the Workers Compensation benefits system, meaning the taxpayers, employers and employees, rather than the at fault driver's insurer, pay for it. In short - a free ride for the at fault driver and his/her insurer at the expense of the rest of the Province. This is unacceptable.

We view any legislative change to cap compensation as unfair, and serves only to take fair compensation away from innocent accident victims and support the insurance industry making increased profits.

Trades NL