

April 8, 2020

Honourable Scott Fielding
Minister of Finance
Room 103 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Fielding,

While we appreciate your response of April 7th to our March 23rd urgent call for government to provide presumptive WCB coverage for COVID-19 for all workers who contract the virus on the job, we are disappointed that you seem to have misunderstood our request.

We are not asking that workers be allowed to apply for normal WCB coverage under the normal, existing rules – the ability for workers to apply for WCB coverage if they get sick with COVID-19 at work has never been in question.

What we are asking for is this: that your government act immediately to pass legislation to provide presumptive WCB coverage for COVID 19 for all workers.

Presumptive WCB coverage is the only fair way to provide WCB support for workers under these new, unprecedented, and extremely high-risk conditions, which involve workers putting themselves at greater risk of exposure to the highly contagious and extremely dangerous COVID-19 virus by going to work. This extreme sacrifice deserves recognition for what it is – workers putting our collective public interests ahead of their own needs – and warrants special legislation to ensure that they qualify for presumptive WCB coverage that will work for them, under these unusual circumstances.

Under the normal (non-presumptive) WCB system, if a worker contracts COVID-19 on the job and applies for WCB coverage, their claim will be assessed as an “occupational disease” claim, and in order to be considered for approval, it will need to pass the uniquely high and deeply unfair bar known as the “test of dominant cause”. The “dominant cause test” forces workers to prove not only that they were exposed at work, but that work is the ‘dominant cause’ of their illness, beyond any shadow of a doubt. This test results in a staggeringly high rejection rate of nearly half of all WCB occupational disease claims.

We must do better for the large number of dedicated workers putting themselves at risk on a daily basis by going to work for the common good, and to keep our society functioning. Workers are risking their health and for some, their lives, by carrying out their work responsibilities. We owe it to them to provide the certainty of presumptive WCB coverage so that if they become sick from COVID-19 they will have rapid and streamlined access to the full protection of our workers' compensation system.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K Rebeck', is centered on the page.

Kevin Rebeck
President of the Manitoba Federation of Labour

CC. Premier Brian Pallister