

Bill 24

The Workers Compensation Amendment Act

April 2025



The Manitoba Federation of Labour (MFL) is the province's central labour body, made up of more than thirty (30) affiliated unions representing 130,000 unionized workers from the public sector, private sector, and building trades.

Stronger workplace health and safety protections and fairer workers compensation for workers when they are injured are key priorities for the MFL and our affiliated unions. The MFL conducts health and safety research, provides health and safety education and training to our members, and lobbies and advocates for stronger laws, stricter enforcement, greater investment in injury and illness prevention, and better supports for workers who are injured on the job and for their dependent and surviving families.

We are pleased to be here in support of Bill 24, and the two measures it includes to improve the workers compensation system, although we would have preferred that the bill also address many other urgently needed system reforms.

We're very happy that the bill proposes that in cases of a workplace fatality where there is not a surviving spouse or common-law partner to receive the lump sum fatality payment it can be paid to the worker's estate or to another person as determined by the WCB. We believe that it is important and proper that those inheriting a worker's estate receive this benefit and not be barred from it simply because they did not have a spousal or common-law relationship with the worker. This fixes a gap in current coverage and provides fairness for families of all types.

The second positive measure included in Bill 24 introduces a "benefit of doubt" principle for the claim adjudication process that has the potential to facilitate workers' access to the WCB benefits they are entitled to in a more timely way, eliminating needless delays in the adjudication process. Under Bill 24, in cases in which the balance of evidence on a worker's WCB is assessed to be balanced (equal on both sides), the benefit of the doubt will need to be given to the worker. While we understand such cases to be rare, we certainly support the principle of benefit of the doubt.

As mentioned earlier, we would have preferred an opportunity to have worker and employer representatives engage with the government in a consensus-building process to recommend the inclusion of other urgently needed WCB system reforms in this bill. We hope that the upcoming Act review will be comprehensive, and that government will act swiftly to implement recommendations.

The Manitoba Federation of Labour believes that government should move forward with:

- Removing current arbitrary restrictions on WCB coverage for many psychological injuries that do not apply to physical workplace injuries, and which result in many of these claims being denied.
- Ramping-up injury prevention activities and clamping down on employer claim suppression and vexatious appeals.
- Eliminating current reliance on WCB contracted Healthcare Advisors whose opinions and advice often override those of the injured worker's treating physician about matters such as when the worker can safely go back to work.
- Eliminating the ability of employers to access injured workers' medical information so they cannot go on a fishing expedition to find reasons to appeal the acceptance of a claim.
- Eliminating the "Dominant Cause" provision that continues to put the onus on workers with occupational diseases to prove their work is the dominant cause of their disease, thereby barring many from having their claims accepted.

In conclusion, we wish to reiterate our support for the two measures included in Bill 24 and encourage the government to take a bolder and more holistic approach to WCB system reform in conjunction with the upcoming Act review.