

Bill 24

The Workers Compensation Amendment Act

May 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.

While I'm here speaking about WCB, I also want to take this opportunity to speak to how WCB surpluses are being used in light of last week's disappointing announcement that \$122 million is being paid out to employers irrespective of their commitment to workplace safety and the quality of their injury prevention programs.

To put this in context, our WCB already has the lowest employer premiums in the country, so we are already the most affordable – bar none.

However, rather than taking advantage of this fact to really step up Manitoba's commitment to injury prevention and worker safety, the WCB has once again made the decision to status quo its prevention work, and is instead providing a massive financial payout to all employers, including not just those who have made meaningful investments in prevention programming, and but also to those who have done the exact opposite: failed to invest in safety, and caused worker injuries, illnesses, and even worker fatalities.

WCB already has a prevention rebate program, which provides a financial incentive to employers who have created top-notch safety programs, who have had those programs formally audited, and who have achieved the high official standard of Safe Work Certified. So, an employer who invests time and energy and demonstrates they believe in prevention gets a rebate – we support this principle. Under this existing prevention rebate program, if there is a serious worker injury or fatality, the rebate is suspended,

which I think we would all agree is reasonable. When there is a worker death on the job, that employer should not be receiving a pat-on-the-back cheque from WCB.

But that is exactly what was announced last week, to our great dismay. In deciding to pay out \$122 million to employers regardless of the quality of their safety programs, the WCB has scoped-in employers where workers were injured and got sick on the job, or worse, where workers were seriously and sometimes permanently injured on the job. And they have even scoped-in 18 employers where workers were killed on the job last year.

I have always believed that Manitobans are the most fair-minded people in the country, and I have to tell you, as a Manitoban, that offends me.

In paying out this rebate the way they are, the WCB is disincentivizing investments in injury prevention by showing employers that they'll get a cheque in the mail, whether they make the effort to keep their workers safe or not. I would submit to this committee: that's just wrong.

The MFL is hopeful that future WCB surpluses will be used to build on the legislated mandate of the Crown corporation: to prevent injuries and illnesses and keep workers safe, and to support workers and their families with workplace injuries and death. While I recognize WCB has a fair bit of independence, I hope our government will echo our concern and ideas for WCB to prioritize in the future.

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.