

January 13, 2017

Michael Weir, Chairperson
The WCA Legislative Review Committee 2016
PO Box 1296
Winnipeg, Main PO
Winnipeg, MB R3C 2Z1



Dear Mr. Weir:

The Canadian Union of Public Employees Local 737, Support Staff Brandon School Division has 560 members covering Custodial, Maintenance, Transportation, Secretarial/Clerical, Educational and Bus/Lunch Assistants, Crossing Guards, Attendance Officer, and Production Chef. Our members have the potential for a wide range of injuries which could occur from moving snow, lifting, repetitive motion and incidents from our students to name a few.

Local 737 is actively sitting on Health and Safety Committees to insure our workers return home safely after their shift.

CUPE 737 feels that all members have the right to a safe and healthy workplace, and everyone has the right to be safe and return home to their love one at the end of each work day.

When members are hurt on the job, they deserve fair Workers Compensation benefits and the right support to help them recover quickly and get back to work safely.

CUPE 737 believes in the Meredith Principles (No Fault Compensation, Collective Liability, and Guaranteed benefits, independent administration and exclusive Jurisdiction) with the current WCB rate model, in which employers premiums are based heavily on their individual claim history, which encourage the Employer to suppress claims to keep their premium costs low thereby compromising the right of the insured workers to guaranteed, no fault, secure benefits.

To move forward in the 21st century we feel to restore and respect the Meredith Principles, is to abolish experience rating altogether. A system should reward genuine investment in recognized prevention programs and not reward Employers who are blocking and interfering with injured workers' claims. We would like to see a better return to work process, stronger enforcement and stiffer penalties around claim suppression!

The WCA be amended to fulfill the five year plan for workplace injury and illness prevention and reinforce its prevention mandate. We strongly feel the ongoing promotion of workplace health and safety prevention through broad public awareness and marketing, along with the new SAFE Work

Certified standard and prevention initiatives should be finalized and rolled out and expanded to all sectors. The Safe Workers of Tomorrow program should outreach to all High School students in the province.

Follow through on the existing Ministers five year Workplace and Illness Prevention Plan, update to the WCA require a five year plan, which integrates prevention, enforcement and legislation/regulations.

CUPE 737 would like to see WCB recognize the 2013 National Standard of Canada for psychological Health and Safety in the workplace; measuring and assessing psychological injury and illness claims. The National Standard describes thirteen workplace psychological disorders, related to the workplace stress and provides a clear definition of what constitutes workplace stress (bullying/harassment, conflict).

What model best protects against risk while also providing value from employers and retains benefits to workers? WCB current target should be maintained and no dramatic adjustment should be made to the assessment rates!

Should there be a cap on the maximum insurable earnings with the Workers Compensation System? CUPE 737 strongly believes that all workers earnings should be insured/compensable. Wage loss benefits should reflect earning potential, not an arbitrary cap. Putting a cap would discourage higher earning workers from filling WCB claims when hurt or made sick at work. The cap existing prior to 2006 was eliminated based on a consensus recommendation of the last WCA Review with the unanimous support of all members of the legislature.

WCA currently provides for a worker Advisor Office to assist workers with WCB matters. Should the WCA also provide for an Employers Advisor Office (EAO)? With an EAO the system would be an adversarial process, which it is supposed to be a non-adversarial process, which it is supposed to be a non-adversarial, inquiry model system. With an (EAO) it would make augment claim suppression by employers, especially in the form of filling frivolous appeals of legitimate workers claims with the aim of minimizing employer premiums. Employers should not be subsidized! Workers have far less power in the workplace than the employer and far fewer resources to navigate the complexities of WCB. Workers benefits are supposed to be guaranteed in exchange for giving up the right to sue employers when they are hurt at work. So no the employer should not have an Employers Advisor Office!

Establish a Medical Advisory Committee.

A Medical Advisory Committee would review and advise the Board on all medical matters relevant to the administration of the WCA including adoption of guidelines and policies consistent with current practise, such a committee should be tasked with examining the WCBs' approach to dealing with concussion injuries, which is out of synch with the wider medical community.

Eliminate dominant cause test

Fact is Occupational Diseases are unreported by workers. This is a result of the many challenges workers face in proving that their disease is in fact workplace based, like long latency periods (workers may not experience symptoms for decades after exposure). In order to qualify for WCB benefits, workers inflicted with Occupational Disease must prove that workplace exposure was the DOMINANT CAUSE. This

high bar is resulting in many workers with legitimate Occupational disease falling through the cracks and going without compensation. Dominant Cause should be removed as the burden of proof in favour of a BALANCE OF PROBABILITIES test. An Occupational Disease Panel should also be established to research and set out and regularly update a schedule of Occupational diseases.

Mandate the continuation of workplace benefits through collective bargaining.

Many workers have achieved additional health insurance benefits through work, as part of overall compensation (dental or drug coverage). The WCA should be amended to require employers to continue their premium contributions for Workplace Health Benefit Programs while the worker is receiving WCB Benefits.

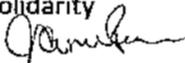
Recognizing Education and Training in Future Earning Potential

Wage loss benefits are normally paid to an injured worker based on the earning capacity lost as a result of his or her injury. However, the WCA also permits the WCB to increase the wage loss benefit rate in consideration of probable future earnings in two instances:

1. Where a worker is registered in an Apprenticeship Program or
2. When a worker is injured at such a young age that his or her current earnings do not adequately reflect future earning potential (this age is presently set by policy at 28 years of age).

We believe this places undue restriction on the WCB ability to recognize exceptional but legitimate circumstances when a works pre-accident average earnings does not fairly represent their future earning capacity. The WCA should be amended to allow the WCB, in case of a worker suffering an injury while in any recognized education or training program, to increase the compensation payable to fairly represent what the worker would have otherwise been entitled to if he or she completed their program.

In Solidarity



CUPE Local 737

