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Winnipeg, MB
Canada, ██████████

**Submission And Suggestions Concerning The Open Public Consultations Of The Review And Revision
Of 'The Workers' Compensation Act of Manitoba'.**

I will try to be to the point, and as brief as I can. However, there is much to be said. That being said, I have the following recommendations/suggestions for what I believe to be a starting point for the creation of Fair, Humane, Positive and Progressive Reforms within The Crown Corporation and Government Controlled Insurer; The Workers' Compensation Board and Act of Manitoba. It must also involve the beneficial reforming of the applicable Regulations and Policies to said Workers' Compensation Act and Workers' Compensation Board of Manitoba, for the over-all betterment and well being of all Manitobans. The Workers' Compensation Board and Workers' Compensation Act will be referred to as the WCB & WCA within this submission.

I would like to point out that in my view this is not an open and/or public consultation, or process. I submit, if it were, there would be an open dialog in a public forum for all to attend, see, hear and perhaps, put forth any suggestions and/or recommendations those in attendance may have to help create fair, humane, positive and progressive reforms within The Workers' Compensation Act & Board of Manitoba. Moreover, their participation would undoubtedly be for the over-all betterment and wellbeing of all Manitobans, employers, and particularly, for those that need it the most; the injured, disabled and impaired workers'/claimants', and their respective families. After-all, is this not a government of the people, by the people and for the people.?

Reforming the many contentious issues/problems involving and/or surrounding The Workers' Compensation Board of Manitoba will undoubtedly help support and strengthen our economy, lessen the stress on the other already over burdened social safety nets and programs, take a bite out of the added and unwarranted poverty caused by the WCB shirking its mission statement, mandate and responsibility to truly, humanely and justly care for the injured, disabled and impaired workers'/claimants', their families, and so much more..!

Effective immediately, The Workers' Compensation Act & Board of Manitoba must be held fully accountable to the Act/Statute, without being allowed to maliciously, unjustly and wrongfully manipulate it in order to shirk its responsibilities, save costs on the backs and the blood of the injured, disabled and

impaired workers/claimants and their families. As a direct result of the ongoing, unjust and unreasonable decisions and resulting actions, I believe that the WCB is, without conscience, deliberately and maliciously causing further undue hardships, starting with financial, mental anguish and much more.

It must be noted that the injured, disabled and impaired workers/claimants and their families, are in fact, living, breathing, feeling, thinking human beings that need food, shelter, clothing, medical attention/treatment, and so much more to live, and not just to survive. Just like all the other Manitobans, and the human race as a whole. The injured, disabled and impaired workers'/claimants' should not just be simply discarded because they can no longer fully participate and contribute as they once did, prior to their workplace accident and resulting injury(s). Keeping in mind that, it is not their fault or choosing to have to be forced to live with the results of their workplace accident/injury, disability and impairment. After-all, The Workers' Compensation Board of Manitoba is suppose to be a 'No-Fault Insurer' and fully support and care for its claimants, particularly, the injured, disabled and impaired workers' and their families.

Immediately stop the WCB's ongoing, unjust and unreasonable practice of the four 'Ds'; Delay, Deny, Discredit & Disentitle. It is a contributing factor to unwarranted poverty, and causes further undue financial hardships, mental anguish and more for the injured, disabled and impaired claimants/workers, and their families. As the WCB is suppose to be a no-fault insurer, then, there should no reasons for any kind of a delay in receiving any injury claim benefits and needed medical attention and/or treatments...

Stop the WCB from deliberately singling out and attacking claimants/injured workers that are both, long-term and permanently injured, disabled and impaired. These people did not ask for the workplace accident/injury(s) to happen, including the results of it/them.

Create a more fair, just, unbiased and independent system of selecting medical consultants and their unbiased and independent medical opinions by making a 'Gold Fish Bowl' system of choosing names of professionals in their respective fields of expertise within Manitoba. It would work by putting all of their names into said bowl and a minimum of three names would be pulled out by an independent/neutral individual from outside of the WCB offices for any and/or all medical reviews, hearings, investigations and alike. These medical professionals and alike would then also be fairly and equally treated and compensated for their time and submissions, even if the claimants or the WCB didn't like or agree with what they had to say.

But that's not to say that would be the end of it. There would still be other avenues of appeal open to all concerned and/or involved...

I believe that this is a good start and fair way to ensure that these individual medical reviews would each be done their own merit and on a case by case basis. This system would also help assist all concerned and/or involved to resolving some of many ongoing and contentious issues involving and/or surrounding the WCB, as well as some employers with their concerns and/or involvement in a claimants/injured workers claims.

Additionally, start by going back to paying wage-loss/injury claim benefits to 75% of gross pay, which worked very well in past WCAs, I believe prior to 1992, and the Wally Fox-Decent years as WCB Chairperson. This would put a little more money in the hands of those that need it the most, the injured, disabled and impaired workers'/claimants' and their families. It also helps the economy and society as a whole.

Limit the amount of hats and authority the WCB Chairperson and Director wears and/or has, as I believe it causes, or has the potential to create a conflict of interest issues when it comes to the direction and operating decisions of the WCB. For example, if the WCB lost money because of some bad investments, then these loses are more often than not recouped on the backs and blood of those that need it most; the injured, disabled and impaired workers/claimants and their families.

It's time to abolish the Workers' Compensation Board's Fair Practices Office, who predominately stands up for and represents the WCB, and their unjust and unreasonable decisions, and resulting actions. They rarely if ever represent or support the injured workers'/claimants', or their families. They always say that the act and policies are written this and that way, and that's just the way it is, even if it is unreasonable, unjust and/or sometimes even contradictory. They are there just for the WCB, not for the claimants/injured workers or their respective families...

Once the Workers' Advisor Office is abolished, immediately after create a new and truly independent WCB claimants' advisor/advocate/representative office for all the injured, disabled and impaired workers/claimants and their families. What's more, it must not be funded or supported by the WCB, nor should it be housed on the same premises as the WCB offices, therefore ensuring that the WCB or any of its representatives do not have any say, influence or authority on its operations, decisions, findings, resulting actions, etc...

Re-kindle/reinstate the legal aid program that was cancelled in 2004, which legally helped injured and disabled workers'/claimants' and their families dealing with the ongoing, unjust and unreasonable decisions, and resulting actions of the WCB...

Stop and prevent all WCB Case Managers and alike from wrongfully practicing uneducated and unlicensed medicine. For example; by the CM dictating how a WCB hired medical consultant does their examinations and questions asked of claimants/injured workers, also by the CM predominately ignoring the supporting medical facts and evidence presented by outside sources/medical professionals in their various fields of expertise, and sometimes even from their own paid medical consultants. Some of whom are usually never asked to do a consultation for the WCB again, especially if the WCB's CM doesn't agree with the subsequent report. This happens mostly when the medical and related information is supporting the injured, disabled and impaired claimants'/workers' claims.

Stop/prevent the WCB's Case Managers from dictating how a paid by the WCB medical consultant does/performs any and/or all examinations of injured/disabled claimants. The WCB currently has a payment system that's seems to be unfair at best. For example: At a WCB Appeal Commission Hearing, The WCB's hired/contracted medical consultant or otherwise gets more compensation than an employers' choice of consultant, and then the claimants' medical consultant gets even less. This is a major hindrance to a claimant/injured worker getting any kind of fair and supportive representation at these kinds of appeals/hearings. This must be stopped and made fair by equally compensating each medical or otherwise consultant that is submitting/presenting information at any WCB hearing, effective immediately. As stated, this is another way that the WCB ensures that claimants'/injured workers' don't get the representation they require from those medical professionals outside of the WCB...

Ensure the WCB pays for all related medical, travel, parking, prosthetics, treatments, surgeries, physiotherapy, psychotherapy, various tests, and including any and/or all otherwise fees/costs as a result of the workplace accident and resulting injury and/or disability or impairment... Currently the WCB tries to come up with any kind reasons not to pay for most if not all of these costs and/or added expenses to the claimants'/injured workers' and their families, that they never would have had, had it not been for the workplace accident/injury...

Stop the WCB from deliberately attacking long term and permanently injured, impaired and disabled claimants/workers... Once the WCB suspects or knows that a claimant is going to be a long term injury or permanent injury case they unscrupulously do things to disentitle them and push them off onto the other already over burdened social safety nets and programs. It is unreasonable and unjust to abuse and maliciously treat those that need the injury claim benefits the most, which are in fact, the injured and disabled claimant/worker, who through no choice of their own and as a direct result of the workplace accident/injury are unable to work at any type of meaningful and gainful employment...

Stop the taking of deductions under the guise of regular deductions, such as CPP, EI etc, which don't make any sense, because they do not list these kinds of deduction on the (T-5) Tax return information slip they give at the end of each calendar year for income tax declaration. The WCB says that the reasons the injured worker/claimant receives the benefits amounts that they receive is because they don't have to spend these amounts of money on transportation, lunch and other related employment expenses, including the deductions mentioned above, taken off a person's pay while employed, such as CPP, EI... It seems that the WCB conveniently forgot that while an injured claimant/worker is at home it's costing them more money for and on water, hydro electricity, heat/natural gas and food etc...

Reforming the WCA and WCB to be a more user friendly, fair, humane, positive and progressive no-fault insurance provider for the benefit of all concerned; particularly the injured, disabled & impaired claimants/workers and their family. It would also help take a bite out of poverty, certain types of crimes, such as theft so one can eat, or are even sometimes forced to sell/trade some their pain meds/drugs to pay for rent, food, utilities, cloths, more meds, and so much more. They sometimes resort to these kinds of behaviors because the injured worker/claimant knows that they are unable to work at any kind of meaningful or gainful type of employment in order to support themselves and/or their families. Therefore, they know that they have no other choice open to them and think/hope that they can suffer with the pain, and therefore do without the pain meds for a couple of days. Then they try to suffer in silence and shame. Or worse, sometimes take their own life by suicide to escape the pain, suffering and humiliation... I am certain that most if not all of us have heard of these kinds of things happening and situations right here in Manitoba...

Remove and revamp the clause in the WCA that states at age 65 the WCB no longer has to pay any kind of wage loss benefits or otherwise to an injured, disabled and impaired workers/claimants or their families, even if it is a direct result of a workplace accident/injury. If a worker is 65 years of age or older and gets hurt/injured on the job, they must be covered/compensated as any other injured, disabled and impaired worker/claimant. I believe this is form and a blatant case of discrimination based on age, and/or age discrimination. And therefore a discriminatory practice that must be immediately ended, as there are many workers who are still working and contributing past the age of 65...

Create a law that the WCB is not above and has to answer to, just like the rest of us. Moreover, can and must adhere to, be held accountable and fully responsible in a court of law, anywhere in and across Canada. In addition, ensure and prevent the WCB from creating frivolous and endless motions in and to the courts to further delay any and all cases, so some form of justice can be served and/or reached. These are living,

breathing, feeling people's lives at stake here while the WCB plays these malicious stall tactic games waiting or hoping that the injured worker/claimant simply loses by default, goes away, or simply dies...

What's more, stop the WCB's practice of having a high number of law firms and/or lawyers on a monthly retainer, when in fact, the WCB has its own in-house legal counsel, and it would stop the deliberated conflict of interest issues created by the WCB, by the obvious prevention of an injured worker/claimant seeking legal advice or assistance.

To reiterate, put an end to the WCB wasting money (that could be much better spent) and creating conflict of interest issues and making it harder for claimants seeking legal advice and/or assistance by the WCB paying out regular monthly retainers for numerous and various legal firms within Winnipeg and across the province of Manitoba. They have in-house legal counsel who should be enough to handle any legal issues or concerns that may arise...

The money wasted on these kinds of retainers could be better spent on benefits and treatments that are in fact, desperately needed by the injured, disabled, and impaired workers/claimants and their families getting wrongfully and unjustly abused by the WCB.

Immediately reverse all of the unjust and unreasonable changes within the WCA and WCB negatively impacting injured, disabled and impaired workers'/claimants' and their families. Those that were implemented and imposed during and after the Wally Fox-Decent eras, starting in 1992 and onward... As these unjust and unreasonable changes were done on the backs and blood of those that needed it most, the injured, disabled and impaired workers'/claimants' and their families.

The recent renovations, upgrades and reinforcements done to the WCB of MB offices was overdone and then some. What's more, there are still a lot of cost cutting/saving measures that must be done with the excessive staffing levels and on all levels within the WCB of MB. This cost saving measure would be to help lessen the burdens of the cost savings and recoveries, hopefully off of the backs and blood of the claimants/injured, disabled and impaired workers and their families.

Revamp the WCB Appeal Commission, by making it claimant friendly. As it stands there is no true or real representation of the injured, disabled and impaired claimants/workers and/or their families. As they are up against people who do the so-called appeal process on a daily basis and are trained to do what a claimant/worker, or their family may do only once, or maybe even twice in their life time. What's more,

there is no real or otherwise representation of the claimants/workers or their families at the WCB Appeal Commission or what some to be considered a slanted appeal process...

The WCB must also stop the selective, indiscriminate and reckless sharing of claimant/worker information, medical or otherwise with employers, other insurance companies and alike. Or, as has happened, with whom ever else they please, with or without any signed consent, and most of the time the so-called signed consent is coerced under some form of threat. This forced signing or to simply do as they please with this information must too be stopped and prevented from happening in the future. An employer for instance is not medically trained to know what a medical professional is presenting or why it is being said... It simply is not, in most cases, an employer's or employer's representative field of expertise...

Moreover, by the board's actions and refusal to do what's right and for the benefit of the injured workers/claimants and their families, by continually prolonging many stages and processes of a high number of injury claims, which causes many other problems for the injured workers/claimants. For example, most and/or an extremely high number of doctors/medical practitioners, as well as lawyers and alike are not very willing to take on or give much or any time and/or efforts to help resolve some of the many contentious issues involving and/or surrounding the WCB, even if they know by their findings that the claimant/injured worker has a strong case that supports his claims. These medical and legal professionals don't like to participate or help, predominately, because of the WCB making the processes of an injury claim beyond a cumbersome, time consuming and an excessive waste of time and effort for the people that could truly help to resolve the many contentious issues surrounding and/or involving the WCB.

Create/implement a 4th level of appeal as was tried and tested by Manitoba Public Insurance (MPI) and proved to be a successful mediation process for claimants, their families and MPI. What's more, I believe it was being considered to being introduced into the WCB Appeals system by the previous government, but sadly never came about.

The current permanent impairment award and the permanent partial impairment award system must be revised, updated and increased to reflect the lifelong impairment and related lose of income as a direct result of the workplace accident/injury and resulting disability and impairment. Also the reinstatement of the monthly disability benefits pension for those that are permanently injured, disabled and impaired as a direct result of the workplace accident/injury.

The WCB must be forced to pay for any and/or all supports, braces, medicines, treatments, clothing, homecare, etc, especially when prescribed by medical professionals and alike to help the claimant/injured worker as a result of the workplace injury, disability and impairment...

The government has the authority to go on a fact finding mission by thoroughly investigating and looking into/at any number of random WCB case files it wants. I strongly urge this government to take an open minded view and look at my particular case files as part of their investigation and make the appropriate, fair, humane, reasonable and required changes for the benefits of all concerned, with a particular emphasis on the permanently injured, disabled and impaired claimants/workers and their families.

It should be also noted that the WCB of MB has stated that I am the only person/claimant/injured worker in its history in the province of Manitoba that they have (Mis-) treated the way and to the extent that they have, what they have done to me, they have done to all, but they have done it all and then some and/or more to me... They did what they unjustly and unreasonably did what they did to get what they and my employer (self-insured entity) wanted and to save various expenses/costs at any cost, to me, the injured, now impaired and permanently disabled. I would be more than happy to further elaborate on some of the many unreasonable and unjustifiable injustices I have endured from and at the hands of the WCB.

The WCB must be held accountable and responsible to the legislated statutes, without being wrongfully allowed to unjustly manipulate the laws in order to save assorted costs and probable losses/expenditures, etc... The WCB is not be above the law, ever, and therefore must not be allowed to do as they please, because they very well know that currently they are not answerable to anyone, anybody or anything.? And this type of practice and way of thought must be put to an end, immediately, as it's discriminatory, malicious and it hurts everybody, particularly the injured, disabled and impaired workers/claimants and their respective families.

Moreover and by its very name, The Workers' Compensation Board of Manitoba is owned by the workers of Manitoba and therefore must have a say in its daily operations, mandate and functions... The Workers' Compensation Board of Manitoba was created to ensure employers can't be sued in a court of law and to help protect the injured workers/claimants and their families from the hardships of not being able to earn money to support themselves and their families that follow a workplace accident/injury. This also includes any and/or all medical treatments, surgeries and supports required as a direct result of the claimants/injured workers workplace accident/injury(s). It seems that employers may have more rights and protections than those that need it the most, the injured, disabled and impaired workers'/claimants' and their families.

I believe that a government must care for all its citizens, and voters, particularly, the most vulnerable; the injured, disabled and impaired workers'/claimants' and their families. As they are, as a result of their workplace accidents/injuries and resulting disabilities, unable to properly or otherwise fend or take care of themselves or their families. To add insult to injury and create further hardships, anguish and unwarranted poverty, there is the ongoing, many abuses and injustices imposed on them by the WCB of MB and other so-called insurance providers. These ongoing, deliberate and malicious abuses and practices must be stopped and reversed without further delay.

What's more, these injured workers indirectly paid the insurance premiums as part and parcel of their wage package to have protection from any hardships, financial, medical or otherwise that will most certainly happen as a direct result of a/any workplace accident/injury and resulting disability and impairment.

I hope and trust by and based on the hopefully many suggestions/recommendations including the stories and experiences submitted to you by the good people of Manitoba will help remind this government that there is a definite human factor that must be taken into consideration and guide this government to create and make the appropriate fair, humane, positive and progressive reforms to the WCA, regulations and policies. That being said, it should also be done within the WCB of MB, which will most certainly benefit all concerned, particularly those that paid for it and need it the most; The injured, disabled and impaired workers'/claimants' and their respective families.

As this is supposed to be an open to the general public consultation, I would in the spirit of the open two way consultation process, appreciate making said presentation/submission on suggestions/recommendations to fair, humane, positive and progressive reforms to and within the WCA, Regulations and Policies, and within and to The Workers' Compensation Board of Manitoba, in person and in front of the people of Manitoba, whom these changes will ultimately impact the most. As you well know, a silent voice is no voice at all.

Thank you.

Sincerely & Respectfully Submitted,
