

February 13, 2017

2016 WCB Legislative Review Committee
PO Box 1296 Winnipeg MB Main PO
Winnipeg, MB, R3C 2Z1

RE: Submission for WCB Legislative Act Review

Attention: Review Committee members

Thank you for the opportunity to provide a submission of recommendation regarding the upcoming WCB Legislation Act Review. Manitoba Liquor & Lotteries (MBLL), in consultation with other self-insured employers, has identified the following areas which we feel would benefit from revision in the WCB Act:

1. Redundant provision of Life Insurance benefit

Under Manitoba Regulation 187/2005 "Group Life Insurance", a worker who has been in receipt of benefits for an extended period of time (104 weeks) and unfortunately succumbs to an illness or injury *regardless of relation to the compensable claim*, may in fact receive a stacking of various life insurance benefits. These can include the Group Life Insurance Benefit from WCB, Group Life Insurance benefits from an employer's plan, as well as death benefits delineated in subsections 28(2) and 29(1) (a) (i) of the Workers Compensation Act. While we would be sensitive to situations where an employee in receipt of WCB benefits for an extended period of time may become disadvantaged, such as could be the case with smaller employers with limited group benefits coverage, this would certainly not be the case with the Self-Insured Employer group where robust plans are in place. This method of compensation seems inconsistent with the board's mandate to ensure fairness and transparency for all stakeholders, and has been raised previously by other self-insured employer representatives as a concern. Prior to automatic dispersion of insurance benefits by the Board, we would propose that each case be assessed independently to determine if in fact a loss of benefit has occurred, not unlike assessing wage loss in regular case adjudications.

2. Transparency in Claim Costs

Aside from the rather broad description of wage loss compensation and payment methodology described in sections 39(1) and 39(4) of the Act, it remains difficult for an employer to accurately determine how a worker's compensation rate is being calculated. Adding to the ambiguity is the fact that only a range of calendar dates are provided on claim acceptance letters as well as Firm Experience Statements to report when a worker has been compensated, as opposed to identifying specific days for which benefits have been approved. In accordance with WCB's mandate of openness, accountability and transparency, we would ask that improvements be made in communication of this data to employers.

3. Administrative Fees

We ask that the current process of calculating and allocating administrative fees to Self-Insured Employers be reviewed. This request has been made previously from this group, without appreciable change being realized. Specifically, the current transaction based methodology unfortunately has the effect of penalizing employers for conducting pro-active, early return to work programming. Partial wage loss payments naturally occur in these circumstances, such as a graduated return to work program, which under the current process results in additional administrative fees being charged to the employer. The message being sent here is quite clearly inconsistent with WCB's mandate of promoting early and safe return to work. Additionally, we would ask that health care aid costs from like providers are bundled, as opposed to being billed individually, again to avoid repetitive transaction based administrative fees. These requests are being made in light of WCB's recent announcement that administrative costs will be increasing following a \$21 Million dollar investment in operating and internal systems development programs (Manitoba Employer Council, December 7, 2016).

4. Limit Timeframe for Filing Claims and Appeals

We note that timeframes for filing claims of claims by the injured worker are delineated in the WCB Act in Sections 17(1) and 19(2), however are aware that these are rarely, if ever, enforced by the board. While it would be fully understandable in the cases of latent occupational disease, it has been our experience that most late filing claims by workers tend not to be of this nature. This places the employer at a disadvantage of now attempting to gather relevant information regarding the circumstances of the claimed injury, sometimes months and years later. As well, the opportunity to investigate the incident from a preventative safety and health standpoint has likely been lost. MBL is requesting that this process be reviewed, to ensure consistent application and enforcement of the provisions already present within the Act. A similar approach is being requested for the filing of Appeals by the worker, for the same reasons presented.

Thank you for the opportunity to present this information for consideration by the Review Committee.

Should you have any questions or wish to have further discussion, please do not hesitate to contact me at [REDACTED]

Sincerely,

Michelle Walker RN, BN, OHN
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c.c. Rob Campbell, Vice President, Human Resources