

Submission

The Workers Compensation Act Legislative Review Committee 2016 Past, Present and Future: Workers Compensation in Manitoba February, 2017

Keystone Agricultural Producers (KAP) is Manitoba's general farm policy organization. We represent the interests of over 7000 farmers and 22 commodity associations in the province. KAP's mandate is to ensure primary production in Manitoba remains profitable, sustainable, and globally competitive, and we work with government, industry and stakeholders to this end.

Approximately 1800 farmers currently pay into Workers Compensation in Manitoba. This is a slight increase from the 1500 farmers who originally took out coverage when it became mandatory in 2009. The culture of safety on farms is changing, and so to must the legislative and regulatory requirements surrounding safety and workers health and wellness.

This submission, which was informed by KAP's Workplace and Employment Committee, will look into the ways in which Workers Compensation in Manitoba can be upgraded to meet the modern needs of agricultural workers and employers in the province.

A Modern Context

Farmers across Canada face numerous challenges relating to labour. It is very difficult, given the distance of most agricultural operations to urban centres, for farmers to source employees to do the variety of jobs needed to run a successful business. Farmers in recent years have turned to non-Canadian workers from both the Seasonal Agricultural Workers Program (SAWP) and the Temporary Foreign Workers Program (TFWP) to fill this void. In Manitoba, approximately 400 seasonal agricultural workers come from Mexico and Caribbean countries every year to work on farms.

The WCB should provide clarity around what type of workers compensation coverage seasonal agricultural workers and temporary foreign workers are eligible to receive. Workers should be supplied with information relating to what is expected of them and their employer as well as who is covered and when. Workers need to be clear about who to report any injuries to and how to do so.

There should also be clarity around return-to-work policies for SAWP workers. Should a SAWP worker be injured during the farming season and then return to their home country during the off-season, it is not possible for them to return to work for light or modified duties regardless of whether they are deemed well enough to do so.

Clear and direct information for farmers is also important for them to understand what their coverage options are and to make sure that all employees, and family members if they choose, are able to receive the coverage they require. KAP asks that farm families remain exempt from mandatory coverage but still retain access to optional coverage.

Alignment with Manitoba's Five Year Plan

A one size fits all approach cannot possibly accommodate the specific needs of every industry in Manitoba. KAP recommends the development and continuation of industry specific safety associations like the recently created Manitoba Farm Safety Program. Industry associations are best suited to deliver safety tools and programming with input from industry stakeholders. The WCB should continue to support industry based associations and ensure that incentives to reduce WCB premiums are available as a means of encouraging broad industry participation.

Employer Advocate Office

WCB coverage is new to many farm employers. Work on farm has traditionally been performed by family members, but with increasing farm size and fewer family members staying on the farm, this has changed. Since coverage for non-family employees has only been mandatory since 2009 there is little claims history for many producers. KAP has heard from members there is some confusion about how the claims process works, when they should be filing a claim, and how to ensure all documentation is in order. An employer advocate office would alleviate this confusion and be a significant resource for farm employers.

Recommendations

The WCB should, through the *Workers Compensation Act*:

1. Provide clarity around coverage for temporary foreign workers and seasonal agricultural workers including return-to-work policies.
2. Maintain an exemption from mandatory coverage for farm families.
3. Continue to provide farmers access to optional coverage for farm families.
4. Continue to support industry based safety associations.
5. Develop an employer advocate office.