

# UNITED STEELWORKERS LOCAL 6166

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*"Steelworkers - Striving For A Safer Workplace"*

**President  
Les Ellsworth**

February 3, 2017

Michael Weier , Chairperson  
The WCA Legislative Review Committee  
P.O. Box 1296, Winnipeg Main PO  
Winnipeg, MB R3C 2Z1

Dear Mr. Weier:

The following document was compiled by the Joint Problem Solving Coordinator, Sheila Thompson, for the United Steelworkers Local 6166 in Thompson Manitoba. Part of her role is to deal with injured and ill workers, appealing decisions from the WCB, and working with the WCBA (Workman's Compensation Board Administrator) for Vale Canada Manitoba Division.

The Union is committed to helping our members communicate with WCB, Vale (the employer), and returning ill and injured employees back to meaningful work. When an employee is injured or ill, it's not only the worker that suffers, it's the family as well. The USW provides an avenue for the employee regarding appeals, dealing with the company, counselling for the worker and the family, returning the employee back to meaningful work and vocational rehabilitation.

The Union is also committed to working with organizations such as the Manitoba Federation of Labour. These organizations are vital to the survival of the Unions and helping the workers with reviews such as this one. It provides the Union with an avenue to express what is currently happening with employers across the province.

I am positive that once the information is compiled, we will find that we are not alone and our situations are not unique as the same thing seems to be happening all over.

We hope you will find the information contained in this document helpful.

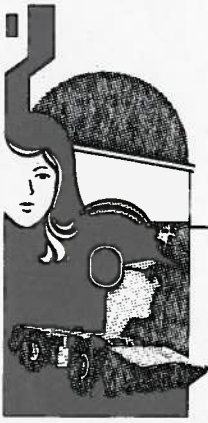
Regards,



Les Ellsworth

President USW Local 6166

LOCAL 6166



## Worker's Compensation Act Review – Union Submission

**Question 1: Can the WCA be amended to better reflect the system's foundation (Meredith) principles in a modern context?**

**Answer:** It has been our experience that the employer at one time, was very concerned with returning employees to work. It didn't matter that you had a broken body part, missing body part, or injuries that were serious enough to keep you at home and off work. The employer was eager to get you back to work which fell within your restrictions. This is not the case anymore. It seems the employer is okay with having to pay higher premiums and have employees sit at home. We have employees which are unable to return to work because of their injuries and we also have employees that are functioning (i.e. able to walk, talk, dress themselves, clean their house, do their grocery shopping, shovel their driveway, mow the grass etc.). These functioning employees are being told that the company currently does not have any work available for them. This seems to be subjective depending on the individual and how management sees them. If the employee is deemed a "trouble maker" then the employer is more apt not to accommodate the employee, it seems that at times the decision to accommodate a worker is based on his past work performance and not on the restrictions for the current injury. Other times if a Doctor puts an employee off work the employer demands that he reports to work the next day no matter what the restrictions are.

In the problem of claim suppression, we have had complaints from employees that the light duty work was not set up for them upon their return to work. We have had complaints that employees were left in the lunchroom (sometimes for hours) to await instruction from their supervisor on what duties they would be doing. We have had complaints that once they did receive instructions, they were sent to a clothing room to again wait because the work station had not been set up. We have had complaints from employees that even if the doctor put them off of work, the work department would call the employee, sometimes two or three times a day, saying that the work department could accommodate them.

Another struggle we are facing with our employer is the use of Vocational Rehabilitation. We have had two employees go through Voc Rehab and when they had completed their training, the employer sent them letters of Cessation of Employment. One case is going to Arbitration. We are trying to keep the employer from sending employees to Vocational Rehab as it seems that this is the final step out of the door for them. The employer seems to think that once the employees finish their Voc Rehab, they are done with the company. The employer doesn't seem to understand that the purpose of Voc Rehab is to maintain employment with the same company, just doing a different job.

**Question 2: How can the WCA be amended to fulfill the Five-Year Plan for workplace injury and illness prevention and reinforce its prevention mandate?**

**Answer:** Unions must continue to work with employers and government to ensure that safe work practices are being followed. We must ensure that committees are joint to represent both sides. Ergonomic awareness plays a huge part in injury prevention and perhaps more campaigning needs to be done to ensure employers are looking at their workplace to see if any improvements are needed. Employers should be budgeting for ergonomic upgrades.

**Question 3: What do you see as the main challenges of compensating for injuries to mental health in the workplace, and how do you think they should be addressed?**

**Answer:** Mental health injuries must be treated on par with physical health injuries. With mental health awareness campaigns being on-going, the stigma of being diagnosed with a mental health issue is slowly fading. More employees are now coming forward more than ever with mental health issues. Bullying, harassment, workplace conflict, psychological harassment, cyber bullying are still huge problems in the workplace and employees are missing work because of it. If an employee is off work because of harassment problems or conflict within the workplace, they should be allowed to make a compensation claim.

One of the main challenges of compensating for injuries to mental health in the workplace is identifying when this type of injury has actually occurred. The WCA should include requirements to employers, especially in heavy industry, to do more training around identifying the symptoms of mental health issues so that they can be treated before they become lost time accidents.

**Question 4:** Are there changes required to WCB's funding model? What model best protects against risk while also providing value for employers and retains benefits to workers?

**Answer:** We, as a Union, would not agree to lower employer assessment rates. If there is a surplus, than perhaps the injured employees could benefit from an increase instead of the employer benefitting from a surplus.

**Question 5:** Should Manitoba adopt a cap on the maximum insurable earnings within the workers compensation system?

**Answer:** We feel that there absolutely should not be a cap on maximum insurable earnings. The mining industry is one of the highest paying industries in Canada. If there was a cap, it would discourage workers from filing a claim as it would drastically reduce their wages. With the cost of living continuing to rise (higher food prices, gas prices, housing/accommodation rates) a cap would definitely be a deterrent for worker's to file a compensation claim. As it stands now, we have employees who have a difficult time paying their bills if they are off work.

**Question 6:** The WCA currently provides for a Worker Adviser Office to assist workers with WCB matter. Should The WCA also provide for an Employers Advisor Office (EAO)?

**Answer:** The Union agrees with the statement that an EAO should not be established. The employers are already filing too many appeals of worker's injury claims. Employers have access to many resources that employees do not have access to. Northern Manitoba is in serious need of a Worker Adviser Office. As it stands now, the Worker Advisors do not travel to northern Manitoba and this needs to change.

**Question 7:** What legislative changes do you think are required to ensure that the WCB remains a modern, responsive administrative tribunal?

**Answer:** Legislative changes need to be made to make WCB coverage mandatory for all sectors in Manitoba. Far too often injured workers and their families are left behind and fall through the cracks in the system. Most work places do not have the resources required to help injured workers with their claims or appeals, this must change.

A Medical Advisory Committee must be established. Far too often, injured workers claims are denied because of WCB doctor's reports. If such a committee is established, it must include doctors that deal specifically with mental health issues.

With the occupational disease claims on the rise, the Dominant Cause test must be eliminated. More education is also needed for workers on occupational disease. Workers are not filing Statements of Concern when they are exposed to dangerous chemicals. More research is also needed on workers who have been diagnosed with an occupational disease.

On the subject of continuation of workplace benefits, Unions need to be educated on bargaining these issues into their Collective Agreements. If there is a surplus, perhaps this money could be used to help injured workers who do not have benefits.

On the subject of young workers and future earning potential, it is imperative that the Safe Workers of Tomorrow program continues. Too often our young workers are injured on the job and are not sure of their rights or their rights within the WCA. If a young worker is enrolled in an apprenticeship program and they are injured on the job, it would have a huge impact on their future earning potential. The WCA must be amended to protect these workers.