



**Manitoba Federation of Labour**  
**Brief to the**  
**Workers' Compensation Board**

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**Extension of Coverage**  
**Consultation**

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May 1, 2008

## **Introduction**

The Manitoba Federation of Labour (MFL) is pleased to be given the opportunity to share our views on the topic of expanding Workers' Compensation coverage to include more working people in Manitoba.

The MFL is chartered by the Canadian Labour Congress (CLC) to represent the interests of CLC affiliated unions in Manitoba. Collectively, these 35 unions represent nearly 100,000 working women and men in our province. Their representatives meet in General Convention every three years to debate issues and set policies to guide the work of the Federation on matters of interest to workers, including in the area of Workers' Compensation.

Amendments made to the Workers' Compensation Act provide for the expansion of mandatory Workers' Compensation coverage to include all workers. Following the first public consultation, the Government added those industries who were excluded by Regulation 196/2005 that were very similar to those who have had compulsory coverage since the introduction of the first Manitoba Act. It is now time to finish the process and provide coverage to all workers in Manitoba.

## **Coverage Incomplete**

Workers Compensation is a system that was originally designed to pay All workers for wages lost and medical expenses due to an injury, illness or death while at work. When the Act was written, only those workplaces that were specifically mentioned in the Act were required to participate in the plan.

Farm workers used to be employed on small, family-owned farms with a diverse production of garden, feed grain and livestock. At the time, it was felt that traditional workplace solutions were not needed in this context due to the lack of "modern" machinery. Most of these farms, plus their dependant industries, have evolved into what is known today as Agribusiness. The means of production have changed and the average size of farm operations have increased. The scale of livestock production has also grown to large multi-building operations. Hazards, both mechanical and chemical have increased exponentially as well.

Public schools used to be small and had neither vocational nor laboratory components. With advances in education, we now see large central structures that house many opportunities to gain experiences beyond

theoretical knowledge to practical applications. It is in these settings that workers are exposed to hazards not envisioned by the early drafters of legislation. Not all school divisions participate in voluntary coverage and when our members change employment from one division to the next there is confusion when they find they are no longer covered.

Today, many occupations exist that have evolved over the last 20 years, such as call centers, from changes in computer, communication and other technology and have brought their own occupational injuries. Due in large part to this increase in white collar jobs from blue collar, we see many cases of repetitive strain injuries and other modern disorders. Most of these workers lack protection for wages lost due to a workplace injury because they were considered non-compulsory by default and their employers feel no need to provide for their income and health protection.

Over time, some occupations and employers that were allowed to participate on a voluntary basis have taken advantage of the benefits and immunity from being sued while many others have failed to do so. Having less than 100% coverage creates an unlevelled playing field not only for those doing business in Manitoba, but also for those working there.

We know that the future will hold many more workplace changes as it undergoes constant evolution, moving from the days when workers were called "workmen" to the future where it is predicted that First Nations communities will have their own economy and industries.

The Workers Compensation system must evolve to accommodate the needs of the workers and their employers. The system, fully funded by employers, must be available to all workers when they need it, where they need it and without complications.

### **Fixing the Imbalance**

Expansion of coverage should also address the ambiguities that have developed. Operators of private clubs need to have the same obligation to provide coverage for their workers as the operators of restaurants and lounges have. Workers face the same hazards in both workplaces. Likewise, greenhouses and landscapers haul dirt, sand and gravel and lay sod on site in similar conditions and working environments as road construction, but do so without being required to provide Workers' Compensation coverage for their employees.

Air transportation is an industry that was not very significant when the original schedule was drafted, but in today's society it is very important part of the whole transportation industry both globally and provincially. But air transportation workers are not included in compulsory coverage. The anomaly of workers in auto retailing being entitled to coverage and workers at auto rental agencies not, needs to be corrected. There are many more examples.

We need to also include the workers in farming and other farm related activities, including family farms, that have employment relationships with full or part time workers. The nature of the work and the high level of hazard in such a complex operation which involves the use of chemicals, machinery and physical exertion that rivals any industrial workplace in Canada, demands that they have coverage. The yardstick we envision for identifying who should be under mandatory coverage on the family farm or employed in agribusiness is those who have income that is reported to Customs and Revenue Canada.

Many workplaces that are characterized as “low risk” have been known to cause illness through exposure to cleaning chemicals, poor ventilation and mould. Many have had minor injuries from equipment malfunction or maintenance that resulted in medical and health related costs paid from the Manitoba health care budget. Some have experienced problems and injuries related to exposure to members of the public who are ill and contagious, such as the staff of doctors, dentists and other professionals’ offices. No workplace is secure from an unforeseen catastrophic event that may result in multiple injuries and deaths.

The most notorious group of uncovered workers in Manitoba is, by far, School Division staff. This group is a mixture of covered and uncovered workers, as some School Divisions have voluntarily purchased Workers Compensation coverage for their non-teaching staff such as custodial workers, mechanics, secretaries and paraprofessionals to take advantage of the litigation protection it affords. It is unfortunate that teachers have been forced to purchase their own private coverage in order to be compensated for absences due to stress, their number one job hazard. As long as the Workers’ Compensation Act specifically rules out compensation for stress related absences, teachers will not be adequately covered by Workers’ Compensation. This is a box that has been constructed by the Legislature, one that can only be opened by amending the Act to include stress as a compensable injury. What can be done immediately is ensure that all other

education sector workers are covered by the Act by amending Section 75 of the existing regulation.

A major benefit of increasing coverage is the resulting increased base to share the overall cost of providing WCB benefits, making it a true collective liability. We believe that one result would be a lower average rate for employers than in the past.

### **Conclusion**

Every workplace in Manitoba can and will benefit from the most economical and comprehensive coverage available – that is, Workers’ Compensation. The MFL, as a holder of voluntary coverage, knows full well the value in cost over benefit of Workers’ Compensation. Other employers need to be made aware of this reality, the protection it will afford them and the financial security it provides their employees. We look forward to the time when all workers have such protections.

The Affiliate Members of the MFL are very concerned that the increase of coverage of WCB may not occur before the death or serious injury of a Manitoba worker who currently has no protection following a workplace injury. To that end, we urge the Government to act immediately on improving the protection of these workers by making changes to Regulation 196/2005 as soon as possible. It is imperative that the Manitoba WCB complete their aggressive approach to inclusion of workers and protection of their well being and income security.

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