



## **Submission #41**

### **Submission to**

Workers Compensation Act  
Review Committee 2004

### **By**

Hudson Bay Mining & Smelting  
Co., Limited

### **Presenter**

Ian Cooper  
Superintendent, Loss Control

**May 03, 2004**

Hudson Bay Mining & Smelting Co., Limited (HBMS) is an integrated mining company producing copper and zinc metal in Flin Flon since 1930. In the immediate Flin Flon area including Saskatchewan, we have three operating mines, a concentrator, a copper smelter and a zinc plant. We also have one mine and concentrator in Snow Lake.

HBMS has approximately 1,400 employees predominately in Manitoba and we are the major employer in the area.

HBMS strongly believes that the present Act has served all parties well. Evidence of this is the continuing strong trend of improved safety performance of our industry and our company.

The mining industry has a strong safety culture in Manitoba. According to WCB statistics, injury frequency and subsequent claims have fallen from 5.6 % in 1994 to 2.2 % in 2002 for the mining industry in general. HBMS has realized an even stronger performance with our injury frequency of 0.7 in 2003.

It is worth noting that HBMS and the Manitoba mining industry have safety performances substantially better than other Manitoba sectors. For example, the 2002 injury frequency rate of 2.2% for the Manitoba mining industry is less than 50% of the injury frequency rate for the rest of the province.

The mining industry in general and HBMS, in particular, have in recent years worked closely with the Workers' Compensation Board to create a co-operative working relationship and to solve problems as they have arisen.

I would like to thank you for the opportunity to share our views with the Review Committee on the potential changes to the Workers' Compensation Board Act.

- 1) **Hudson Bay Mining & Smelting Co., Limited supports allowing the WCB to contract, arrange or purchase expedited medical treatment or diagnostic testing for injured workers.**

HBMS understands the importance of our employees receiving quick and effective treatment to facilitate their recovery and return to work as soon as possible. Having a worker disabled for a longer period than necessary reduces the chance that the injured worker may return to the workplace and resume his/her previous duties.

- 2) **Hudson Bay Mining & Smelting Co., Limited supports the current definition of stress that compensates workers for acute reaction to a traumatic event that arises out of the course of employment.**

The current interpretation of stress under the Act provides a clear and reasonable delineation of what is a reasonable stress-related injury and what is not. We are concerned that amending this definition will result in claims which are not administerable or appropriate and additionally will introduce claims that are the result of factors not work related.

- 3) **Hudson Bay Mining & Smelting Co., Limited supports amendments to the Act that would prevent directors of covered employers from being sued by injured workers for additional damages.**

The Act must continue to reflect the spirit of the Meredith Principles and the principle of a no fault compensation system that places a priority on the prompt treatment for injured workers rather than determining blame for a workplace accident.

- 4) Hudson Bay Mining & Smelting Co., Limited supports “dominant cause” provisions outlined in the section (4) of the Act, and further supports the case by case evaluation of occupational disease claims.**

The dominant cause provision prevents employers from being held financially liable for diseases that are unrelated to the work environment.

Current practice involves a medical examination or studies that clearly ascertain whether the dominant cause is workplace related or not.

The current system provides a mechanism for a pragmatic, fact-based determination of what is a substantiated workplace related occupational disease and what is not and we support its continuation.

- 5) Hudson Bay Mining & Smelting Co., Limited recommends that the method for assessing permanent impairment awards not be changed as a result of this review.**

There are other provisions (e.g. Support for Daily Living) in the Act that cover additional expenses the injured employee may have in performing the day-to-day tasks of living. Support includes, but is not limited to, personal care attendants; child care/other dependent care; home modifications; vehicle modifications and independent living. All provisions should be considered when determining the amount of the impairment award. It should also be considered that wage loss benefits remain unaffected following the impairment award.

- 6) **Hudson Bay Mining & Smelting Co., Limited supports the current regulatory policy of the Workers' Compensation Board that uses the Consumer Price Index as a reference when considering the level of maximum annual earnings.**
  
- 7) **Hudson Bay Mining & Smelting Co., Limited recommends that Human Rights Legislation is a more appropriate vehicle for addressing issues regarding the accommodation of injured workers. WCB should focus its actions on compensating individuals until they are capable of returning to work at modified or pre-accident duties.**
  
- 8) **Hudson Bay Mining & Smelting Co., Limited recommends that the employer continues to have access to pertinent medical information when participating in the appeal process of a claim.**

The employer requires all the pertinent information relevant to a claim to put forward a submission to either the Review Office or the Appeal Commission. To block access to the pertinent medical information would prevent the employer from preparing and presenting a proper case.

- 9) **Hudson Bay Mining & Smelting Co., Limited recommends that payment of any benefits, i.e. medical aid and wage loss, should not be made until the employer, employee and medical provider verifies proof of the accident. To do otherwise results in payments being wrongly made which are impossible to recoup.**

In closing, Mr. Chairman, thank you for the opportunity to present to this Review Panel.

In summary, HBMS believes that employers and employees are best served by the continued adherence to the Meredith Principles which have guided WCB since 1910.

We fully expect that, given our suggestions, WCB will continue to provide timely and cost effective compensation to our employees should they suffer from workplace injury or illness.

Thank you.

