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Subject: Workers Compensation Act Public review. My name: Hank Klunder

The question about what impact has WCB had on my life requires a bit of time to tell. First let me warn you that I have nothing good to say about WCB as a system, or about those that administrate the WCB.

I had a mine accident in 1995 where I fell about 35 feet down a mine shaft. I ended up in hospital for 3 months, and in a body cast for a little over 5 months. When the doctor took off my body cast, I started experiencing severe back pain and there is where most of my trouble with WCB originated.

At first the doctor in Winnipeg did not believe that I was experiencing excruciating back pain. I had to go to a private clinic to get a cat scan done on my back; which showed that I had compacted cartilage between L4 and L5. This CAT scan cost me \$425. - If I remember correctly. This CAT scan was sent to WCB at my request. When WCB received the scan, they sent me to get an MRI done. Which showed the same result as the CAT scan? If any of you have had an MRI done; you know that it is not a pleasant experience to go through. Why WCB could not take the CT scan at face value, is beyond me. They subjected me to more pain, ordering the MRI done. When I asked to be reimbursed for the CT scan, it was denied me. I was told that The scan had not been ordered by WCB, and they were therefore not responsible for the cost.

How else would they have believed me about my back pain?

The next thing that sticks out is the payment system WCB has now. This was introduced in 1992 by the Filmon government. You are probably aware that an injured worker is only allowed 90% of net income for the first year of injury; and that is down graded to 80% of net income, the second year of disability. This is done without allowing any recourse for the average worker to top up their wages to one hundred percent of net. This; while there are groups of people, like the police, firefighters, and postal workers, to mention a few of those groups of people, that get preferential treatment. This preferential treatment consists of a "top up" clause in their work agreements. This "Top up" clause, means that when any one of these people gets injured; They will receive 100 % of pre accident net income.

I took out personal insurance to cover loss of income in case of accident at home or, if applicable, at work. This insurance policy was in effect since 1982, and I had been paying into this insurance with my own money for all these years; just to have peace of mind in case of injury.

When I did get injured in March 1995, I found out that the elected persons in government decided that they should protect WCB from fraud through double dipping; and introduced section 41 into the WCB act. This clause denies a person pre-accident monetary income protection. When a person is injured his or her costs, bills etc., do not get reduced by 10 % in the first year, neither do their costs get reduced by an other 10 % in the second year of injury. If anything; a person's cost of living goes up because of his or her accident injury.

Anyway, as I stated before, This was done without any consideration for the worker. Take my case: I received my insurance money through my insurance company, as they are wont to do under the law, to top up my wages to my pre-accident *net* income. I got docked this money by the WCB; still only making what Filmon and cronies had decided that the injured worker could make. I received nasty notes from WCB that I was in overpayment. That I was not allowed top up; because the insurance money, constituted a collateral income, as per section 41 of the WCB act. I wrote several letters to the compensation Board explaining my position. The position being, that I was being discriminated against and not allowed the same rights as the group of people mentioned earlier, If other groups of people had the ability to "top up" their wages; why wasn't I allowed the same right? This question was never answered; and the overpayment issue always came back-without my discrimination accusation being addressed. Under the Human Rights Act, which claims that all people should be treated equal. See Chapter 175, sections 9(2), 9(3), 10,14(2), 15(1)18 and possibly others. I was denied this right of equal treatment because of section 41 in the WCB act. Understand, I did not want to "double dip", all I wanted was my pre - accident net Income. No more, no less. I was denied that.

This caused me a great deal of grief and heart ache, having to fight with the WCB people about what should have been legally mine. Not just through my own insurance; but through 100% net wage loss coverage from WCB. To add insult to injury, no pun intended, I had to pay WCB \$14008.48 back from my own money, because of the so called overpayment. Remember; all I was getting from the insurance company, was top up of net income. No more no less. No wonder that there were people, right about the time this happened, that killed themselves on the steps of 333 Maryland Street. I came close to taking my own life because of the grief I was given. If Filmon and his cronies had problems with people xxx the WCB system; then address the problem. Do NOT penalize the rest of the legitimate injured population by reducing their net income. This is totally unfair to the injured worker. Especially to those with long term disabilities. Another point I want to mention; is the Permanent Personal Injury amount. Because of outlined difference with WCB, I don't think I received the amount that I should have received. I am saying this because of the conversations I have had with different people who were injured. One person that was injured received over \$ 70,000 for PPI amount. This person I see quite frequently jogging down the highway. I can't even walk for any distance, never mind run.

At my first PPI evaluation I was considered 3.9% disabled, And was given the grand total of \$ 500,-. I challenged that decision and told WCB that I wanted to go back mining if my injury was that insignificant. Shortly after I made that statement,

an other doctor came up to Flin Flon, to give me an other evaluation. This one stuck at 11 % PPI. Which netted me another \$ 5000,-. Which was deducted from the afore mentioned "overpayment". I believe that my level of impairment is greater than the said 11%, and that my reward should be greater. But because of the hassle with me about my insurance money, the powers that were, decided on the low PPI. I have no proof for this statement. It seems the more money they, the case managers, can save on pay to claimants, the higher their year end bonus will be. One comment from a Senior Payment Assessor, to me over the phone was; you didn't get to high of a PPI, did you? And she laughed, ha, ha As in, serves you right.

A comment from the doctor that checked me the second time for PP[, was as follows

Your attitude may affect your final result of this visit. My attitude was a little unfriendly because of what I had endured at the hands of those that make up the work force of the WCB. Don't ever loose sight of the fact that in all this, there appear to be some very heartless people at work administering the corrupt WCB act.

And please; I don't want your sympathy as much, as I want the money back that I believe was stolen from me through the inclusion of section 41. That money; I still believe, to be legally mine!

In conclusion I' like to recap the changes that should take place to make for a friendlier, injured people oriented WCB.

- 1) For the administrators to be people oriented and not claim number oriented. For them to show, that they have a heart for the people that pay their wages, by treating them humanely.
- 2) For claimants not having to fight for money that should be rightfully theirs. Where the compensation board sees fit to pay one hundred percent of net income regardless of the duration of the injury.
- 3) That the WCB would penalize people that abuse the system. And to not penalize the legitimate claimants
- 4) That the WCB is totally accountable to the Provincial Government in all of its decision and policy making process. This will avoid further rules, policies and regulations being made without legislation, that are harmful to the injured people, this may avoid more people killing them selves because of the run around received by WCB.
- 5) Get me my money back that WCB stole from me.

Thank you.

Yours truly:

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