

SUBMISSION # 47

Inco

Thompson Operations

Presentation to WCB Review Committee

May 4, 2004 – Thompson MB

Shane Mosley – Superintendent, Human Resources



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- **Inco welcomes and appreciates the opportunity to comment on the Worker's Compensation Act of Manitoba and present our recommendations to this review panel.**
- **Inco currently employs approximately 1500 employees here in Thompson at its fully integrated mining operation and will soon celebrate 50 years of nickel production.**

- **We believe that the health and safety of our employees is a cornerstone of good business, and we support this belief by developing, implementing, and evaluating systems and processes that are proactive in their attempt to prevent injury and protect our workers.**
- **Our sincerely stated values of respect and dignity for each employee are a commitment that we aspire to and manage towards.**
- **Our 7 Safety Principles are the foundation of our safety programme.**

- **In the unfortunate situation where an Inco employee does suffer a work-related injury or illness, we expect the Act to facilitate an expedited and appropriate response that aligns with our values and is focused on the worker and his/her family.**
- **We also depend on the Act and WCB institution to work with Inco and our support systems by providing ongoing support and service to the injured or ill individual, with the objective being that they return to suitable work as soon as they are able.**

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- **Inco supports and aligns with the principles developed by Judge Sir William Meredith in 1910 – the “Meredith Principles” -- which facilitate a compensation process that is considerate of employers and employees alike.**
- **We expect this process to be led by an effective and efficiently run organization, including its governing body, that operates prudently, cooperatively, and proactively, with all stakeholders.**
- **We are pleased to state that our relationship with the WCB is of extremely high quality.**

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**Inco offers the following
recommendations to this review panel:**



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Inco recommends amendments that prevent litigation against company directors:

Employers must be free to promote proactive safety and health programs under the umbrella of a “no-fault” principle. This critical underpinning is imperative to effective “safety management” and to effective compensation for injured or ill workers. It is also fundamental to diligent and high-quality incident investigation, which is imperative if we are going to ensure that no workplace incident happens more than once.



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Inco recommends that no waiting period for benefit payment be introduced:

When a worker is injured or ill as a result of workplace incident, monetary issues should not become a concern for the individual or the family. We believe this would be an unfair and disrespectful action that would penalize all injured workers in an effort to curb possible misuse by a few. Should the Board or the employer identify misuse of the compensation system or frivolous claims by an individual, we support action that would retrieve inappropriate payments.



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Inco recommends that no further return-to-work legislation be created to accommodate injured workers:

Duty-to-accommodate legislation already exists and it makes appropriate demands on employers to facilitate suitable re-entry into the workplace by an injured or ill worker. Processes are already in place whereby the worker and the the work department are able to agree on modified work strategies. In many cases, Inco's included, third party health-management service providers partner with the stakeholders to ensure accommodation is appropriate.



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Inco recommends that the WCB be allowed to purchase, contract or arrange expedited, cost-effective medical support and/or services:

Inco values mandate that workers receive the best medical attention as soon as possible after incident. Early, effective intervention and treatment will enhance the healing process and increase the potential for successful return to work. As well, any prolongation of effective diagnosis, treatment, or recovery periods, has a negative impact on the individual and his/her family, not only financially, but in quality of life as well.

Inco recommends that the WCB support employers by introducing legislation that would allow independent medical examinations at the employer's request:

Such legislation would be sensitive to privacy acts, and would provide an appropriate evaluation by a physician, chosen by the employer, in situations where the employer deems the period of disability to be misaligned with the perception of injury severity. Although these cases are rare, they do occur, particularly in industries such as mining, where the medical community may not fully understand the nature of the work, the injury/incident details, nor the possibilities for accommodation.



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Inco recommends that the current definition of “stress” remain unchanged:

We believe the definition should continue to reference “an acute reaction to a traumatic event” related to being in the workplace. Employment activities, such as changing work schedules, reorganization, and increased expectations, although discomforting, are routine events in operating a business and employers should not be faced with compensable incidents when employees are emotionally affected by these activities. As well, stress can be induced by many factors external to the workplace and these factors can lead to burnout.



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In closing, Inco Ltd. endorses a system that quickly and suitably provides compensation to injured or ill workers, while working with all stakeholders to facilitate a suitable return-to-work. We expect and acknowledge a fiscally responsible management approach in implementing and evaluating all activities of such a system.

We thank the Chair and this panel for hearing our presentation tonight.