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Submission at the Public Hearings on the Workers Compensation Act of  
Manitoba  
May 18, 2004

Dear Members of the Review Committee:

I understand that this public hearing is meant to collect information that will assist you in making changes in the workers Compensation Act. Having dealt with the WCB in the past few months, I feel that there are several serious issues that need to be addressed.

1. The arbitrary decision to send an injured employee back to work without considering whether or not that person's condition has improved, or if he or she has even had treatment for the injury that was sustained. They don't even check to see if the claimant has had treatment before putting them on the back to work program. When the claimant protests against this ridiculous policy, they are told that they just don't want to go back to work, or are "milking the system". When one appeals to the health care professionals who are treating the injury, they tell you that you must return to work "when they tell you to" and "It's pretty hard to argue with WCB once they want you to go back to work". No one will stand up for you. If they do, one of the consequences is that they can be pulled off of your case and a new health care professional of WCB's own choosing can be assigned to you. What you are forced into doing is returning to work on the WCB schedule and go home in increased pain every time. Even if you can only do two hours of

light work before succumbing to the pain, you will still be expected to return for your next shift without any modifications. Nobody steps in to say that perhaps you are having difficulty meeting the pre-set expectations and that your case should be reviewed. You just keep going back to work until you re-injure yourself - which is inevitable if your injury has not been resolved.

2. The back to work program for a back injury is the same for everyone, regardless of injury type or individual circumstances. In my workplace, everyone that I spoke to that had been through the program got handed the same schedule - 3 four-hour shifts the first week, 2 six-hour shifts the second week, 2 seven-hour shifts and a four-hour shift the third week, and 2 full shifts the fourth week. You are then expected to return to your regular rotation with no restrictions. No attempt is made to see if you are coping well with a four-hour shift before you are assigned a six-hour shift, and so on.

The WCB is basically telling you when you are going to be able to tolerate more and more hours of work, and dictating when you will be well enough to return to your regular schedule.

3. The nature of your job is not considered when back to work programs are initiated. For example, a nurse on a general duty surgical ward must bend many, many times per shift to tend to his/her patients, as well as lift patients and equipment as part of the job. WCB-imposed restrictions such as "no repetitive bending" and "no lifting over 25 lbs." precludes almost all of the duties that are expected. Also, medications you may be taking to relieve pain and/or relax muscles can have the unfortunate side-effects of altering your judgement and ability to make sound decisions. In a profession where your patient's health, safety and even their lives rely on your ability to do your job, this can create a dangerous situation. When you raise this concern to people involved in your case, they may express sympathy but they do nothing to stop it. It is up to the worker to determine which

duties, if any, he/she can do safely. This often means you can't do anything. But sitting at the desk "filling in time" does not prepare you to re-enter the workforce. In some cases, your employer has to step in and say 'this employee is not able to do his/her job before WCB will take notice. Even then, you are still continually forced to come back to work and continue the back to work program, without attempting to resolve the problem, until a crisis is reached. Some people give up and return to work, trying to cope with the pain, taking medications for the pain and trying to avoid job activities that cause more pain - which essentially means that they are not able to do their jobs. Others end up injuring themselves again and have to make a second claim, which brings me to point 4.

4. Making a second claim while you are still on the first claim cancels out the first claim as if it doesn't even exist. You have to go through the entire process again, which includes having your benefits cut off until the new claim is processed and approved. Does an injured worker need this additional stress? No! Especially when it was the WCB's callous attitude, lack of judgement and unrealistic policies and practices that caused the worker to become injured again. If the worker does not have an adequate financial support (i.e. a spouse who works), this can cause a serious strain on an already overburdened financial situation.

In addition the cost to WCB to process a new claim plus pay the worker benefits for a longer period of time due to the new injury should indicate that bullying people back to work before they are ready is not a "cost effective" policy!

5. I have been told (by a reliable source) that WCB will pay only a fraction of the fee that some specialists such as an accupuncturist will charge for his/her services. If this is true, it is little wonder that very few such specialists will take on a WCB case. Those who do are obviously very busy, and the waiting list for patients to be

seen and assessed by them are long, further prolonging the time the worker is treated and can return to work.

In summary, I would like to channel my five points into the following recommendations:

1. Place the worker on the back to work program only after he/she has shown significant progress in the treatment of the injury.
2. Individualize the back to work program according the worker's needs, not a pre-set mandate.
3. consider the worker's job requirements and expectations before sending them back to work and setting restrictions.
4. Do not penalize the worker for making a second claim by cutting off their benefits - the first claim is still valid as the first injury is still there! Especially when the worker was making every attempt to abide by the WCB's unrealistic expectations.
5. Pay specialists the appropriate fee, not just what you want to pay them, and worker's waiting time for treatment could be decreased.

In closing, I would like to say that the WCB was created to assist the worker to deal with their injuries and help them to re-enter the workplace as a fully-functioning employee. It is not their place to treat everyone who deviates from their preconceived path as an abuser of the system. We are all individuals and should be treated as such. While there may be some people who will try to "scam"

their way into receiving benefits, I believe the vast majority of those of us who get injured on the job would just like to get better and resume our lives.

I hope my submission has been helpful to you. Thank-you for your time.