

**Submission by The Manitoba Teachers' Society  
to The Workers Compensation Act Review Committee 2004**

The Manitoba Teachers' Society represents 14,000 public school teachers in our province. Currently, Manitoba's public school teachers are not covered by The Workers Compensation Act, although several divisions have voluntarily enrolled some of their teachers.

**Teachers should be covered by WCB**

Part of our mission as an organization is to safeguard the welfare of teachers in Manitoba. That is why The Manitoba Teachers' Society believes that every public school teacher in Manitoba should be covered by The Workers Compensation Act.

For public school teachers in Manitoba, stress-related injuries far exceed work-related physical injuries. That is why we are asking this Review Committee to remove restrictions on stress-related claims.

**History**

Public school employees were originally covered by workers compensation, but as a result of an agreement made many years ago between The Manitoba Teachers' Society and the Manitoba Association of School Trustees, an Order in Council made membership of school employers voluntary.

Coverage of teachers by workers compensation varies across Canada, but only Manitoba allows school boards to choose whom they will cover.

For more than 40 years, teachers have not been covered by Workers Compensation. However, they have not been without disability benefits. Prior to



1980, The Teachers' Pension Act provided disability benefits to our members. By 1982, the benefits under our pension plan were replaced by local teachers' association disability plans. These individual plans were paid for by teachers in every school division, except for Fort Garry where the school division contributed to the plan.

Eventually, by the end of the 1980s these individual plans were consolidated into one provincial plan for public school teachers with mandatory participation. Today, the plan is insured and administered by The Manitoba Teachers' Society.

### **The MTS Disability Benefits Plan**

This year, teachers are paying a premium rate of 2.7 per cent of their gross pay to our disability plan. Our employers do not participate. The plan currently insures an annual teacher payroll of approximately \$750 million.

Our Disability Benefits Plan is dedicated to assisting our members through periods of disability in a manner that will attempt to assure, in a consultative approach, maximum rehabilitation both medically and vocationally. We assist them, when possible, to return to work, while providing the disabled member with financial security at a cost that is reasonable.

That is the goal of our Disability Benefits Plan. The Manitoba Teachers' Society believes it should be the goal of the Workers Compensation Board on all work-related issues, as well.

Our Disability Benefits Plan insures teachers against the risk of salary loss for disabilities that would take them away from the workplace. It kicks-in after 80 days or the expiration of their sick leave, whichever comes later. There are no restrictions on the causes of the disability. Unlike the current WCB scheme, disabilities that are not work-related, but prevent a teacher from working, are covered by our plan.



The Manitoba Teachers' Society believes in treating the whole human being, not just the person in the workplace. That is why our Disability Benefits Plan covers all injuries that prevent our members from working. It is why our members fund our Educator Assistance Program that provides counseling services in Winnipeg and Brandon and reaches out to teachers in northern and rural Manitoba. It is also why our Primary Prevention Team goes out to schools promoting wellness. School boards make no contribution to these services we provide our members — their employees.

### **Stress-related claims**

It is our understanding that in 1992 restrictions were placed on stress-related claims under WCB. While work-related physical injuries are rare for teachers, stress-related claims are increasing.

This quote from the Teaching Elementary Physical Education journal provides an idea of the job teachers do:

*“If a doctor, lawyer, or dentist had 30 people in his or her office at one time, all of whom had different needs and some of whom didn’t want to be there and were causing trouble and the doctor or lawyer, without assistance, had to treat them all with professional excellence for ten months, then he or she might have some conception of the classroom teacher’s job.”*

Stress manifests itself in a variety of ways with our members, not only psychologically, but physically, as well. The vast majority of non-physical claims by our members cannot be tied to a specific incident. They usually come about as a result of an accumulation of stressors.



Although WCB claims must be work-related, they need not happen at work. In the past, workers compensation claims have been paid to workers who have been traumatized by an incident at a work site, even though they were not at work when the event occurred.

Fortunately, a Columbine-type of situation has never occurred in Manitoba. However, if a tragedy occurred at school or a school-related event, our members would benefit from WCB coverage.

As WCB benefits are currently structured, physiological claims require a traumatic event to be proven. Thankfully, in Manitoba schools, psychological injury as a result of a single traumatic event rarely happens. Instead, it is the accumulation of events and stressors that result in psychological claims. That is why we believe that restrictions on stress-related claims must be removed from The Workers Compensation Act.

The Manitoba Teachers' Society believes that the WCB must do more to treat employees as whole human beings. We have spent considerable time and resources on early intervention with potential claimants to our disability benefits plan and we work with teachers through our Educator Assistance Program and Primary Prevention Program. The WCB must do more work on early intervention. It contributes to a reduction in the number of claims and the length of time income replacement is required.

### **Catastrophic events**

Manitoba teachers believe that our public schools are safe. However, incidents such as those that occurred at Columbine High School or in Tabor, Alberta could have an enormous impact on any kind of workers compensation scheme.



Currently, if a catastrophic incident occurred related to school activities, the employer would absorb the initial sick leave and the employer along with other responsible parties would be subject to legal action related to the injuries that occurred. Our Disability Benefits Plan would absorb the costs related to the disabilities that occurred arising out of the event and would look to employers and others for compensation.

Since workers compensation does not apply to teachers in Manitoba, both school boards and our disability plan are highly exposed should this kind of tragedy occur in a school. By including teachers under the provincial WCB, our employers and others would be protected from legal action for workplace injuries. Teachers would have the right to WCB benefits and still have access to our disability benefits plan offset by the WCB benefits.

## **Return to Work**

Our disability benefits plan also assists members to get back to work as soon as possible. Where necessary, we provide equipment or modifications to enable teachers to carry out their jobs. We also work with school superintendents and administrators to enable a teacher to return to work part-time or in a staged approach until he or she is able to return to their pre-injury employment. We believe The Workers Compensation Act should impose a duty to accommodate for employees' return to work.

## **Premiums**

Once teachers are covered by WCB, our employer would be responsible for paying premiums as a percentage of their teachers' gross payroll. Given the low risk profile of teachers as a group, we believe that the premium rate for such coverage should be at the very lowest.



## **Conclusion**

Proportionally, Manitoba's Workers Compensation Act covers the fewest number of employees of any Canadian province. The Manitoba Teachers' Society is asking that our 14,000 members be provided coverage under the plan.

We agree with the proposals put forward by the Manitoba Federation of Labour on improvements to The Workers Compensation Act with respect to income level, lost wages, permanent impairment, occupational disease, survivor's pension benefits, and the ability to negotiate top ups and improvements to the benefits workers receive.

Thank you for this opportunity to present the views of The Manitoba Teachers' Society.

Respectfully submitted,

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The Manitoba Teachers' Society

