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Nancy Allan
Minister Responsible for the Workers Compensation Board
317 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Ms. Allan;

I am writing to you in your capacity as the Minister responsible for the Workers Compensation Board. I understand you are currently conducting a review of the Compensation Act and I have several issues I wish to bring to your attention.

I am a client of the Compensation Board as a result of a serious industrial accident resulting in six operations to reconnect the right leg, which was severed half way up my thigh and the partial below knee amputation of the left leg. My concerns have to do with two policies currently in practice. As a client who has suffered a very bad injury I feel I am in a unique position to offer insight into how current policies are impacting severely on my family. These are policies I feel should be changed so as not to result in hardship for myself, plus other injured workers.

I am married, 45 years of age with two daughters and a grandchild at home. I have been treated quite fairly though out my time as a client with the WCB, but now I am at the point at which it is time to get back into the work-force. There are a few policies that impact me and I wish to address them. They are the practice of reducing benefits to 80%, the exclusion of vacation pay, the way probable deductions are done, the independent living allowance, and the "deeming" policy that is implement at the conclusion of a job search period. Let me explain my concerns.

A. 80% of Net / Probably deductions / Vacation pay.

Now that I am at this point a few disturbing facts have come to my attention that WCB has no control over because they are governed by legislation. I am at the high end of the pay rate that WCB uses. This may be ok if a person doesn't go back into the work force, but those of us that have to it is not very fair. The legislation may be fine for a person with an average salary, but for a person who's salary is above twenty dollars per hour it is not fare & borderline discrimination. The break down goes as follows: my weekly gross earnings are \$837.53 per week. After applying probable deductions for EI, CPP, Income Tax (which come to about \$251.26) I am left with approximately \$586.27. Even though the person has income tax taken off their WCB payment they don't have a chance to claim it & get any money back at

the end of the year. The CPP probable deduction is taken from me but never is applied to my plan. Once I am in the work force the likely hood of me getting a job starting at my pre-accident wage is very unlikely, so I will have a serious reduction in my CCP benefit when I do retire.

Then the provincially legislated 20% reduction of my weekly net earnings is taken off, which will put my weekly salary at about \$475.09. I am at only 80% of my income & no where has any one thought of the 4% or 6% vacation pay after five years which is what my vacation pay would be at now & every employer in Manitoba has to pay. So I lose my vacation pay because it is not factored into the formula. As things are written I can never regain the weekly lost (26%) of \$161.30 because of the way pay equity is done; plus any benefit there might be at income tax time & my CPP retirement plan will suffer greatly.

Now the pressure is on my wife to make up the shortage of my salary by working overtime or getting another job, because once I go back to work any overtime or bonus money earned with have to be reported to WCB & it will be deducted from my pay equity cheque I will be receiving from WCB. There is no incentive what so ever for a high wage earner to try & get ahead or move up through a job because getting more money taken from our pay equity will only punish us.

As a hard working person who has always earned what I have it is quite upsetting, effecting my health & rather depressing to know that I will never be able to contribute, or get ahead in life because of my hard work that we did pre-accident. If my wife & I ever want to pay a bill off or go on a trip we can't do that now simply because I worked too hard pre-accident. Does this sound fair?

B. "Deeming Policy.

The second area of great concern for me is the "deeming" policy that is currently practiced. Basically how I understand it is that the WCB provides me with some training, work experience time as well as job search time. If at the end of these time periods I have not found work, the market value of the job I could not find will be deducted from my benefit cheque. For example, if I am seeking work as a customer-service representative that pays about \$400. per week and I do not find work then I will have \$400. per week deducted from my benefits. I would then be forced to seek welfare even though I am still an injured worker with a severe injury that will remain with me for the rest of my life. I feel the "deeming" policy is unfair, immoral and probably illegal. My age, restrictions and injury make it very difficult to find work and even though I want to work I would be punished severely due to factors beyond my control. I understand why this policy is there however I do not think it right or fair.

I am not sure what the solution it for these flaws in the rating system that the Government Manitoba has put in place. Something has be done so that the people that earned the higher wage when working are not punished & subjected to all the extra stress that having less income brings with it.

I think that all too often the average injured worker's voice is not heard. I am not part of any "special interest group" but merely an injured worker who feels there are serious short-coming within the Compensation Act that have severe negative effects on both me and my family. I would welcome the opportunity to speak with you or your representative about my concerns.

Respectfully submitted by

A.J. Woodhall
Winnipeg, Manitoba