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**WORKERS COMPENSATION ACT OF MANITOBA
REVIEW COMMITTEE 2004
C/O MR. W.N.(WALLY) FOX-DECENT
CHAIRPERSON
P.O. BOX 1770
STATION MAIN,
WINNIPEG, MANITOBA
R3C 2Z9**

Without Prejudice

Dear Mr. Fox-Decent,

I am pleased to have the opportunity to have some input into the review of the Workers Compensation Act. I was surprised to see that the board doesn't have an injured worker on the panel? It would be beneficial for the board to have someone that has gone through the system to be able to relate to certain situations.

You have stated that this review is for the WCB Act and its administration and it may have had impacts on the particular situations of injured workers and their ability to return to health and work. This is within the scope of the Review Committee's mandate and would be an acceptable subject for submissions and presentations.

I would appreciate if each member of the review committee could receive a copy of this submission as it is my presentation for the review committee to take into consideration for the review of the WCB Act.

I was a Federal employee and whenever I was injured I applied to the Workers Compensation of Manitoba. I mentioned to my employer about the unsafe conditions of the workplace. The employer just ignored those concerns.

I have noticed that the Federal employer retains the Provincial Workers Compensation Board as its assessor for their injured workers. Therefore, the WCB is not independent of my employer.

I have also found out that the federal employer doesn't pay any premiums and therefore is not allowed to appeal any claims. Further investigation, I found out that the employer gave my confidential information to Health Canada without my knowledge and/or authorization. Since Health Canada is the only body that deals with injured workers at the federal level. I don't seem to understand where all the authority is given WCB to act in whatever manner they wish.

I find that the employer and WCB are not there for my rehabilitation and/or any return to work program. The last time I was injured the employer refused to any return to work accommodation and the case worker didn't work in my best interest. To this day, I have not been able to get any type of reasonable employment. In fact, the case manager didn't even enquire about the employment that I found on my own. The case manager refused to contact that person and so I have been on WCB for the last 5 years for no fault of my own.

So you're so-called Return to Work program didn't work because nobody did their job. This means that I must follow the WCB rules. Yet, the WCB hasn't the power to enforce any conditions to any return to work situation. WCB hasn't any jurisdiction to check the worksite of the Federal department. This is what happened in my case.

I worked at the Federal site for about 25 years. I had to claim a few serious injuries in those 25 years. The first thing that I noticed is that nobody explains anything to you and you are treated like a criminal. You are not given the WCB Act when you request it. WCB advises you to obtain it through the printers even though you are injured and cannot afford this added expense.

So the **first recommendation** would be that the injured worker be given the WCB Act and an attorney to make sure that all the benefits and actions of WCB is within law. If the employer was told about unsafe conditions and didn't improve on them then the employer should pay the complete benefit to the injured employee without any time constraints. The employer pays this until the employee returns to the same pay scale of employment and/or the employee retires while on the injury.

The other situation that the WCB Act doesn't offer you is reasonable pay for reasonable time period when you are hurt. The employer pays for the injury

through WCB and the worker is paid but his benefits retained until the injury is accepted by WCB. This is unfair. The benefits that the worker earned at work should not be used for this factor. The worker worked for and earned those benefits and they should not be used by anybody but the worker.

Those benefits could be used up before the WCB accept the claim. By that time, the benefit is not given back to the employee and by that time the benefits could run out and the injured worker is at the mercy of WCB. This could be deemed as harassment. It isn't good enough that the worker is injured but he must try and obtain some money for his debts.

When I was injured, I told my case worker that the overtime and shift deferential is not included in my salary calculation WCB. This was completely ignored and I am not receiving what is owed to me. So my debts are piling up and nobody is too concerned to take any appropriate action. So now you have a situation where my family is affected by the incompetence of WCB.

So the **second recommendation** is that the employer pay the debts of the employee until and after the claim is approved and the workers benefits are not to be used for this situation. Sick leave is not injured leave. There is a difference. The injured worker should not be harassed in a manner that adds more stress to the injury and the injury is increased by the constant financial penalty.

I had three or four occasions here my confidential file has been given out without my knowledge and/or authorization. I also had the situation where my employer appealed my claim just to get my confidential information didn't go through with his appeal. He used this information for other reasons than the appeal. I objected tot WCB and tried to explain that my employer was going to use this information for other reasons. That request was denied and the information was given to my employer. I tried to appeal this situation and I was told that I do not have the right. When I tried to do anything about these conditions nobody, not even the minister, did anything about this unlawful action.

So it seems that the federal departments really don't consider any rules by WCB to be of any consequence.

So the **third recommendation** is that no information is to be given out without proper authorization is given by the injured worker. When the employer tries to appeal the claim, the information is given to the employer for that claim only. When and if the employer doesn't want to appeal the claim, all the material must be returned to WCB and the employer cannot use and/or refer to any part of

my confidential information. This is why the injured worker should have a lawyer so these things don't continue to happen without proper action taken against the employer.

With all this going on, I have been reduced to half of my benefits from WCB and I have been terminated by my employer for an injury at work. My injury has never been properly treated and nobody seems to care about the rules of WCB. I have suffered and my family has suffered along with me. If I knew that all this was going to happen, I would have taken the route of taking legal action against my employer.

WCB doesn't offer anything better than harassing the injured worker with misinformation and always threatening the cut in benefits if their rules are not followed. I followed all the rules and that still isn't any good. My file is full of misinformation and is incomplete with false statements and incomplete notes to what has transpired.

So the **fourth recommendation** must be that an independent secretary that records all the meetings and actions that transpires between the case worker and the injured worker. The injured worker checks the information and then signs that this is exactly what has occurred. Then this information is entered into the injured workers file.

These are the main points that I wish to draw to your attention. There is much more to my case than just the points that I have mentioned. It seems that the WCB Act is being followed and there are no proper checks and balances for the injured worker.

I would be glad to show and share any and all evidence that I have written to you

Yours respectfully.

(signed)

Mr. George Czmola

Correctional Service of Canada, Stony Mountain

cc.

Mr. Reg Alcock – President of Treasury Board

Mr. Raymond Simard – MP for St. Boniface

Nancy Allan – Minister for Workers Compensation

Christine Melnick – MLA for Riel