

The Workers Compensation Act Legislative Review 2025-2026

Terms of Reference

September, 25, 2025

Review of The Workers Compensation Act (the Act) is an opportunity to ensure that Manitoba's workers' compensation system lives up to the historic promise of its founding principles and can face future challenges.

1. Statutory Framework

The Act requires a review once every ten years.¹ Since the last review was completed in 2016/2017, the current review has commenced, with recommendations and a final report to be delivered no later than December 2026.

2. Principles

The review will be conducted in accordance with the principles of independence (conducted objectively, without undue influence), transparency and accountability.

3. Purpose

The purpose, scope and objectives of 2025/26 review are set out in the Minister's mandate (Appendix B).

4. Governance

The LRC is a stakeholder committee appointed by Cabinet (Order in Council). The LRC sits at arm's length from both government and the Workers Compensation Board (WCB).

The LRC reports findings and makes recommendations on the Act to the Minister and the WCB, as per subsection 15(3) of the Act. The CEO of the WCB is to be kept informed of the LRC's progress but otherwise is not involved.

¹ See Appendix A

4.1. Membership

The LRC is comprised of equal membership from employers, workers and the public interest, along with a neutral Chairperson. Membership must not include any current WCB board members.²

4.2. Secretariat

A dedicated Secretariat will provide research, analytical and administrative support to the LRC. The Secretariat is headed by the WCB's General Counsel, who provides legal oversight and leads a team from the WCB's Legal and Policy Department.

The Secretariat interacts with WCB line departments on gathering information and analysis for the Committee.

5. Resources

The review will be resourced by WCB staff as per the Minister's mandate letter.

6. Meetings

The LRC will meet as required and as schedules permit, as decided by the Committee.

Discussion and decisions should reflect an appropriate framework and methodology, as chosen by the Committee. Decisions should be documented in minutes or records of decision.

² Appendix A.

7. Agenda and Minutes

Agenda and agenda materials will be distributed to all members of the Committee in advance of meetings.

Minutes are the formal record of the LRC proceedings and shall be approved at the subsequent meeting, subject to correction due to error or omission. They should record the date and place of the meeting, list those present and those absent, and contain a summary of the discussion and any decisions.

8. Conduct

Members are expected to adhere to accepted ethical standards and public sector governance principles. Members should understand their responsibilities and accountabilities, separate and apart from their normal everyday responsibilities.

Members must agree to and approve these Terms of Reference.

9. Confidentiality and Information Management

All information produced during the review will be handled in accordance with relevant privacy and confidentiality legislation and leading information management practices.

10. Communication

The Minister/government is the main spokesperson on matters referred to the LRC under the Minister's mandate letter. As such, media inquiries of the Chairperson shall generally be referred to government.

The Chairperson may speak on the Committee's deliberations, including its recommendations, once the final report is received by the Minister and the WCB.

Members of the Committee may inform and consult with their respective stakeholder organizations but should do so in confidence so as not to interfere with the communication role of the Minister/government and Chairperson.

APPENDIX A: Section 115 of *The Workers Compensation Act*

Review of this Act

115(1) At least once every 10 years, a comprehensive review must be undertaken of this Act by a review committee appointed by the Lieutenant Governor in Council.

Review committee

115(2) The review committee must be composed of persons who, as a group, are representative of the interests of workers, employers and the public interest, but must not include any board members.

Report to minister and board

115(3) The review committee must report its findings and recommendations to the minister and the board.

APPENDIX B: Minister's Mandate

The Workers Compensation Act Legislative Review Committee will:

- Assess whether the current system is fair to both workers and employers, providing adequate compensation in a sustainable, no-fault, collective liability system.
- Gather input from workers, employers, and the public to identify perspectives about and concerns with the Act and the workers' compensation system; evaluate stakeholder satisfaction with the current administration of the Act.
- Compare, to the degree possible, Manitoba's system with other workers' compensation systems in Canada, identifying potential leading practices that may be adopted here.
- Examine emerging issues such as psychological injuries, technological and workforce changes (e.g., AI, "gig" work), and assess the WCB's readiness to respond to them.
- Examine issues facing self-insured (individually assessed) organizations such as administration costs.
- Identify areas of ambiguity or inconsistency in the Act; identify opportunities to make the Act clearer and more accessible through plain language drafting.
- Make recommendations that enhance the fairness and responsiveness of the system to the changing needs of Manitoba workers and employers.

The Committee will also explore other emerging matters and consider:

- Examine legislative provisions related to coverage specifically related to psychological injuries;
- Evaluate the threshold for causation in occupational disease claims;
- Review legislative provisions governing wage loss benefits, pensions, and death benefits to assess whether the legislation adequately protects the financial security of injured workers and their families.
- Review the Act's provisions relating to the role of WCB health care advisors in the context of workers' right to select their own health care providers.
- Examine the current structure supporting the WCB's injury prevention efforts with the aim of maximizing effectiveness to reduce workplace injuries and illness.