

March 26, 2026

Re: Workers Compensation Act Legislative Review (2025–2026)

To the Members of the Legislative Review Committee:

As an employer within Manitoba's workers' compensation system and part of **Air Canada, Canada's flagship air carrier**, we have reviewed Canadian National Railway Company's (CN) submission and wish to add our perspective in support of its recommendations, particularly with respect to psychological injury management. Our experience operating within a **highly regulated, safety critical environment** aligns closely with CN's observations, and we believe their proposals address material gaps affecting workers, employers, and the long-term financial stability of the system.

While Manitoba has recognized psychological injuries through adjudication policy, the absence of a structured management framework has resulted in inconsistent treatment pathways, prolonged disability durations, and escalating claim costs without corresponding improvements in outcomes. For workers, this often means extended uncertainty and delayed recovery; for employers and the compensation system, it introduces cost volatility and undermines confidence in sustainability. CN's proposed framework appropriately shifts the focus from entitlement alone to **timely recovery, functional improvement, and lasting return to work (RTW) outcomes**, which is essential to maintaining a fair and financially responsible regime.

We support CN's call for **standardized psychological claims case management**, including specialized staff, early and predictable contact, and defined escalation when functional progress stalls. Importantly, escalation should include the ability—where clinically appropriate—to **challenge prolonged work absences that are not supported by objective functional evidence**, particularly where continued absence may run counter to established stay-at-work and early RTW best practices. Early and consistent case leadership benefits workers by preventing entrenchment in disability and supports employers and the WCB by reducing unnecessary wage loss exposure.

We also strongly support **structured clinical and functional pathways**, including early functional assessments aligned with job demands. Clear expectations for providers, standardized reporting timelines, and explicit links between symptoms, function, and work capability are essential. In our experience, prolonged absence that is sustained solely through nonspecific medical notes—without functional rationale—creates avoidable barriers to recovery and accommodation. Accountability mechanisms are therefore necessary to ensure that healthcare guidance supports, rather than unintentionally undermines, recovery focused and rights based RTW obligations.

Positioning **RTW as an integral part of recovery from the onset**, rather than a posttreatment milestone, is another recommendation we endorse. Where clinically appropriate, safe, and accommodated work encourages and supports mental health recovery, income continuity, and dignity at work. This approach is consistent with stay-at-work principles and the shared responsibility model underlying both workers' compensation and human rights duty to accommodate frameworks.

We also support CN's recommendation to **codify collaboration protocols**, including structured triparty planning among the WCB, employer, and clinician. Regular alignment on functional abilities, restrictions, and accommodation options allows concerns about prolonged absence to be addressed constructively and evidence based, rather than by defaulting to continued work withdrawal.

CN's proposal to pilot a **Manitoba Psychological Injury Care Clinic** for complex or high-risk cases merits thoughtful consideration. A coordinated, multidisciplinary model, anchored in functional recovery and RTW milestones, would improve outcomes while reducing long duration claims that place disproportionate strain on workers and the compensation system alike.

Finally, we agree that **measurement and transparency** are fundamental to responsible system stewardship. Publishing focused indicators, such as time to functional assessment, time to first RTW discussion, durable RTW outcomes, and provider reporting compliance, would reinforce shared accountability and ensure that prolonged absences are the exception rather than the norm.

In our view, CN's recommendations strike an appropriate balance between **worker protection, functional recovery, and economic responsibility**. Their recommendation does not limit entitlement; rather, they strengthen how accepted psychological claims are managed, ensuring the system supports recovery, respects accommodation obligations, and remains sustainable for future generations of workers.

Respectfully submitted,



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