



360 Albert Street - Suite 1510
360 rue Albert – Bureau 1510
Ottawa, ON K1R 7X7
(613) 569-5668

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Government of Manitoba
PO Box 309
Station Main
Winnipeg, MB R3C 2H6

Via e-mail: [REDACTED]

Dear Members of the Legislative Review Committee (LRC),

I am writing on behalf of the Air Line Pilots Association (ALPA) Canada to provide input into the ongoing review of Manitoba's *Workers Compensation Act (the Act)*. This submission reflects key concerns within the airline sector and offers recommendations to better ensure fair, modern, and science-based coverage for workplace injuries and occupational diseases.

As part of the world's largest pilot union and non-governmental aviation safety organization, ALPA Canada represents over 95 per cent of Canada's unionized, professional pilots from 22 airlines across all regions of the country. This includes those employed at Air Canada, WestJet, Jazz Aviation (Air Canada Express), WestJet Encore, Porter Airlines, Air Transat, Canadian North, Flair Airlines, Air Inuit, Air Creebec, Perimeter Aviation, Calm Air, Keewatin Air, Wasaya Airways, Kelowna Flightcraft, Pascan Aviation, Great North Airlines, PAL Aerospace, Air Borealis, Cargojet, PAL Airlines, and Morningstar Air Express (FedEx).

Fundamental for every professional pilot is a workplace that is free from undue hazards. While the airline industry has made significant strides in improving operational safety, more needs to be done to protect the health and safety of flight crews. Workplace hazards – such as cabin air quality events, unsanitary conditions onboard the aircraft, cosmic radiation exposure, unhealthy potable water, and other occupational safety and health detriments – all pose risks that are deserving of greater attention and resources than they have received to date. These hazards are not always immediately evident in traditional compensation frameworks but can have serious cumulative health impacts. No attribute is more important to a pilot's career longevity than their health.

While federally regulated workers, such as professional pilots, are not identified as a distinct group within *the Act*, workers' compensation coverage in the province is mandatory for all employers, industries, and workers unless they fall within an excluded industry. Federally regulated workers who suffer from work-related injuries or disease receive the same benefits as other workers in the province, with claims administered by provincial workers' compensation authorities.

ALPA Canada is pleased to provide the LRC with the following recommendations for its consideration:

1. **Amend *the Act* to provide more inclusive coverage of all psychological injuries, including chronic and traumatic stress.**

The Act provides limited coverage related to post-traumatic stress disorders, acute reactions to traumatic events, excessive workloads, and bullying or harassment in the workplace. Other

psychological injuries that are not explicitly included for coverage under *the Act*, such as those caused by chronic workplace stress, are excluded from coverage by default. Whether a workplace injury affects a worker's body or mind, they should be covered by the WCB. This recommendation provides fair coverage for workplace psychological injuries.

2. Eliminate the “dominant cause” standard of causation set out in *the Act* for occupational disease.

To establish that workers have a compensable injury, the current requirement set out in *the Act* is that a workplace hazard must be demonstrated as the “dominant cause” of an injury or illness, not just a contributing factor. This sets an unnecessarily high threshold for compensation and differs from the standard of causation applied to all other claims in Manitoba, as well as other provinces. Many occupational diseases, especially those relevant to pilots, develop due to cumulative and/or multifactorial exposures. We recommend eliminating the use of “dominant cause” standards to align Manitoba with other Canadian jurisdictions.

3. Mandate regular reviews of the Occupational Disease Schedule through an independent panel of experts.

Following the last review of *the Act*, the Workers Compensation Board established an Occupational Disease Schedule in 2023 to provide presumptive coverage for a list of designated occupational diseases. This was intended to mitigate some of the inequities of the “dominant cause” test. Where a worker has a disease listed in the Schedule and the corresponding workplace exposure, the disease is presumed to be caused by the workplace exposure unless the contrary is proven. While the Schedule has expanded once since its introduction, it continues to exclude diseases recognized in other provinces. Additionally, there are no formal mechanisms to ensure that the Schedule remains science-based and is regularly updated to reflect emerging medical evidence. We recommend that an independent panel of experts, with representation from federally regulated sectors with unique exposures to risk such as aviation, be established to review the Occupational Disease Schedule at least every two years. This would help ensure that conditions linked to emerging or underrecognized hazards are appropriately considered.

ALPA Canada's recommendations outlined above reflect the realities of many industries, including aviation, and will ensure fair and adequate protection for pilots, and for all workers. We appreciate the opportunity to contribute to this important review and welcome further engagement on the issues raised in this submission as it relates to the pilot profession.

Sincerely,



Captain Tim Perry
ALPA Canada President
Air Line Pilots Association, International