



SAFELY TRANSPORTING YOUR BULK LIQUIDS.

963 DUGALD RD. | WINNIPEG, MB, CANADA R2J 0G8

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Legislative Review Committee
PO Box 309, Station Main
Winnipeg, Manitoba R3C 2H6

February 27, 2026

Dear Committee Members,

I am submitting a letter for the committee's consideration, input regarding the Workers Compensation Act that is under review and currently open for public consultation. The issues that I am raising and that I ask you take the time to consider are primarily from the perspective of the employer who is currently engaged in the transportation sector, as well as a few key notes from the perspective of the worker.

1.0 Assess whether the current workers compensation system is fair to both workers and employers, providing adequate compensation in a sustainable, no-fault, collective liability system.

- Meredith's seventh principle, "Timely and Safe Return to Health and Work". Meredith outlined that timely return to work leads to better recovery and reduces the impact of the injury or illness on the worker's quality of life, while also reducing costs to the employer.
 - Administration of this principle is failing employers, and in some cases workers.
 - Many employers have cohesive return-to-work (RTW) programs with modified/alternate duties available on Day 1
 - Many workers are not cooperative with RTW programs
 - Some workers believe staying home on wage replacement is preferable to returning to modified or alternate duties
 - Greater collective reinforcement is needed to emphasize that RTW participation is mandated under the Act
 - Physician involvement
 - Physicians often fail to properly complete Functional Abilities Forms (FAFs).
 - Abilities sections are frequently left blank or replaced with blanket time off work notes
 - Unless completely incapacitated, workers with work-related injuries should have a properly completed FAF.
 - Workers should be required to ensure employers receive FAFs in a timely manner
 - Without properly completed FAFs, employers cannot effectively implement modified duty programs
 - Physicians are being paid by WCB for their assessments and the FAF is paid for by the employer, as a part of the act, they should be required to properly complete FAF forms and return them to the employer for work-related injuries in a timely manner.
 - WCB Administrative Deficiencies
 - WCB should proactively review files when physicians refuse to complete FAFs appropriately
 - WCB should provide direction and approval on modified duties when necessary

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- Current administration of this on WCB's part is deficient
 - Over the last 5 years, more than 15 cases I have personally handled have had:
 - Incomplete physician documents
 - Refusal to participate on the RTW program by worker
 - Minimal support and adjudicator review by WCB
 - When support or review is provided, it is often not until numerous lost days have occurred
 - Many workers being off work for 3+ weeks unnecessarily.
 - Accountability in RTW programs
 - Failure of an employee to participate in RTW should result in denial of lost-time benefits
 - Workers must actively participate in reintegration efforts
 - If modified duties are reasonably offered and refused, lost days should not be paid.
 - A recent claim through Saskatchewan WCB followed this approach:
 - Modified duties were offered and refused
 - Lost time benefits were denied due to non-participation in the RTW program
 - These challenges lead to increased costs for employers and their industry rate codes
 - The system becomes unbalanced between employer and employee
 - This does not align with Meredith's Seven Principles
- Elimination of the employee's ability to choose Personal Injury Protection Plan (PIP) with MPIC over workplace coverage through WCB for the transportation sector.
 - Currently workers have the ability to choose coverage through PIP or WCB.
 - Blurs the line and enables employers to participate in claim suppression
 - All other workplace injuries are required to go through WCB, so injuries sustained while driving a vehicle should have to go under WCB as well.
- Administrative penalties administered do not properly reflect non-compliance
 - Currently issued based solely on occurrence
 - No consideration of
 - Severity
 - Frequency of violations
 - Past compliance history
 - Current penalty structure:
 - Set rate, applied uniformly to all employers
 - Does not differentiate between minor and serious violations
 - Recommended change:
 - Implement graduated, scale-based penalty framework
 - Align monetary penalties with severity, frequency and impact of violation
 - Tiered System would address minor administrative oversights proportionately and impose higher penalties for:
 - Serious violations
 - Willful non-compliance
 - Repeat offences
 - Situations involving significant injury risk



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- Criteria should include; degree of risk exposure, harm caused, prior compliance history, and corrective action taken.
- A severity-based scale would:
 - promote fairness,
 - improve transparency,
 - ensure consistency in enforcement,
 - strengthen accountability and
 - encourage proactive correction before escalation
- From the viewpoint of the employer some of the benefits that are provided to a worker do not make for a fair and equal balance between the worker and employer. For instance; DOT and regulating bodies state that a driver is "off duty" when he is cleared from all responsibilities. He is not at work, these hours do not count towards his on duty time and a reset can even occur on the road in a sleeper berth. Drivers who are free and cleared from all responsibilities and are either on off duty status or are performing a reset in hours who get injured doing something personal, that is not related to their work duties, are covered under the act.
 - Case Study #1:
 - Joe Smith is a long haul truck driver. He was stopped for the night at the Flying J in Balgonie SK. He stopped driving at 20:00 pm, had his dinner and then went to bed. At 01:30am, Joe woke up and had to use the bathroom. He exited his truck, was walking across the lot still half asleep and tripped on a raised curb on the sidewalk entering the truck stop bathrooms. This caused a severe gash to his forehead, the ambulance was called, Joe was taken to the hospital and 2 stitches were put in.
 - Per US DOT and CA DOT, Joe Smith was off duty and not working.
 - All other federal and provincial regulations support this.
 - WCB calls this a work-related injury and the employer is held accountable for the injury and claims costs of the injury.
 - Considering that Joe Smith was at the truck stop walking to use the bathroom when he tripped; the employer had no control over the condition of the lot, the fatigue of the driver or the injury.
 - In these cases, IF the worker is covered under WCB, claim costs should not go against the employers premiums; similar to hearing loss claims.
 - Case Study #2:
 - Bill Smith is a long haul truck driver. He was completing a 36-hour reset at the SAPP Bros truck stop in Percival IA. During this reset, Bill was having a shower in the showers provided at the truck stop. Half of the way through the shower, Bill dropped his bar of soap and bent down to pick it up. While bent over, Bill experienced severe back pain that debilitated him and caused him to not be able to walk properly. Following his reset, Bill continued on to his unloading location, and then drove back to his home base of Winnipeg. Once he got to Winnipeg, Bill went to the chiropractor who wrote him off work for 3 weeks. No functional abilities were provided, just a blanket note stating that Bill could not work for 3 weeks. Bill claimed this injury through WCB.
 - Per US DOT and CA DOT, Bill was off duty and not working. He was relieved of all responsibilities from the employer at the time of the incident.



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- All other federal and provincial regulations support this.
 - WCB supports this injury for Bill as a work-related injury.
 - The three weeks of lost time due to the physician and Bill's lack of willingness to return to the workplace on modified or alternate duties becomes the responsibility of the employer.
 - Claim costs associated with this injury are the responsibility of the employer.
- There was nothing in the environment or any work-related tasks that caused this injury to the worker, yet the employer was still held responsible for the injury.
- In both case studies, both workers were off duty, were relieved of all responsibilities and duties at the time that the injuries occurred. Both cases are real-life scenarios that we have encountered with MB WCB in the last 15 months, and both claims were approved.

7.0 Review the Act's provisions relating to the role of healthcare advisors.

- Respecting that the worker has a right to use their own healthcare provider for treatment and recovery, the healthcare worker should be required to actively participate in a return to work program with the worker, employer and WCB.
 - This will help to reduce additional stressors on the overall compensation system
 - Would ensure an earlier return to work, on modified or alternate duties
 - Ensure that the worker, employer, physician and WCB are all on the same page in guiding the recovery and healing of the injury to the worker
 - Increase overall mental health and living on the injured worker
 - Reduce claims costs on behalf of the employer
 - Ensure no delay in claims decisions from WCB standpoint and no gap or loss of income by assisting with a smooth transition back to the workplace.

8.0 Examine the current structure supporting the WCB's injury prevention efforts with the aim of maximizing effectiveness to reduce workplace injuries and illnesses.

- Premium surplus refunds being mis-allocated to all companies who are covered under the act and pay premiums instead of companies who are actually investing in health and safety in an effort to reduce claim volume and costs.
 - Currently, premium surplus is distributed to all employers who pay premiums into the WCB program.
 - The surplus is founded due to reduced claims costs and claim numbers
 - The majority of this impact is due to companies who are SafeWork Certified through their IBSP's investing in health and safety through the implementation of policies, procedures and changes to the workplace.
 - Safe Work Certified Companies should be the recipients of the premium surplus
 - These companies have already demonstrated a verified commitment to injury prevention, regulatory compliance and continuous safety improvement
 - Certification is the result of a significant investment of time, money and resources to ensure a healthier and safer workplace.



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- Rebating any premium surplus to the certified employers would recognize and reinforce the behaviors that directly contribute to lower claim frequency, reduced claim costs/severity, and long-term sustainability
- Acknowledgement of their proactive risk management efforts and incentivize other organizations to pursue certification, increasing overall safety performance and reducing the financial burden on the compensation system as a whole.
- This would ensure that the funds are being put back into the investment of Health and Safety in the work place and injury reduction.

I thank you for your time and consideration to review the issues that have been raised to be addressed. Should you want any further clarification, please feel free to reach out to me.

Best Regards,

A handwritten signature in blue ink, appearing to read "Jacqueline Carleton", is written over a large, light blue circular stamp or watermark.

Jacqueline Carleton, CTSP, BSc.

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