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Manitoba Employers Council

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March 31, 2026

The Workers Compensation Act Legislative Review 2025-2026

Dear Sirs/Mesdames:

Re: Submission by Manitoba Employers Council (MEC)

Please find attached the Submission of the Manitoba Employers Council (MEC) with respect to the above-captioned matter.

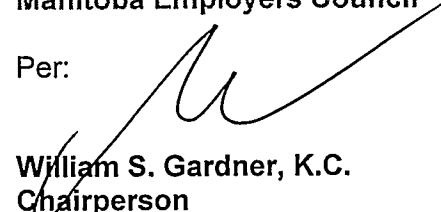
If you have any questions or wish to discuss this Submission, please feel free to contact the writer.

All of which is respectfully submitted.

Yours very truly,

Manitoba Employers Council

Per:


William S. Gardner, K.C.
Chairperson

APR 07 2026

**The Workers Compensation Act Legislative Review
2025 – 2026
Submission by the Manitoba Employers Council (MEC)**

The Manitoba Employers Council (MEC), established in 1980, is the largest collective of individual Employers and Employer Associations in Manitoba, and represents more than 24,000 individual Employers and Employer Associations.

The following is the submission of MEC with respect to the questions raised by the Legislative Review Committee (LRC) which will be used as headings.

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.

It is the view of MEC that the current system is fair to both workers and Employers providing adequate compensation in a fair, no-fault collective liability system as demonstrated by the fact that, in the 21st century at least, the Manitoba Workers Compensation Board has operated with a remarkable degree of harmony and consensus.

In the opinion of MEC, this achievement is in large measure thanks to the previous legislative reviews conducted first under the chairpersonship of Professor Wally Fox-Decent, and then Michael Werier, K.C., which both issued reports and recommendations all based on consensus.

The result has been harmony, financial stability, together with significant investments in the health and safety of workers.

Fairness to Employers also involves providing a rebate in circumstances where the WCB, after satisfying all of its obligations pursuant to the Workers Compensation system and establishing a cushion (currently established at 130% funding model) provide a rebate to Employers of funds in excess of that threshold. In the view of MEC this should be enshrined in legislation.

It is important to note that previous rebates to Manitoba Employers have exceeded \$100 million. It is indisputable that current economic times are challenging in the extreme to Manitoba businesses. Injecting capital back into Manitoba businesses in the form of a WCB rebate is arguably the best way to provide stimulus which can be used to increase employment, pay good wages and benefits, and reinvest in the enterprise. This in turn will provide more economic activity and revenues for government, including the WCB. Further, it can be done at no cost to government coffers. If Manitoba is to become a "Have" province, measures like this are an important way to achieve that goal.

Examine issues facing individually assessed Employers, such as administrative costs.

While MEC considers that it is important that individually assessed Employers bear their fair share of administrative costs, there appears not to be sufficient information available to come to a conclusion one way or the other.

Examine emerging issues and assess the WCB's readiness to respond to them.

Emerging issues appear primarily to involve psychological injuries. This is particularly acute in certain parts of the public sector, including health care and prisons.

More will be discussed in the next section.

Examine legislative provisions related to coverage, specifically related to psychological injuries.

As indicated above, psychological injuries is probably the most challenging emerging issue. While it is important that valid claims are recognized and covered, it is essential that there be clear standards upon which to adjudicate psychological injury claims and identify those which are the result of workplace-related causation.

It is also important that a diagnosis be provided from qualified practitioners. This means that the diagnosis should come from a psychiatrist or a PhD psychologist.

Finally, any change in legislation should first be costed to ensure that it does not place undue strain on the finances of the Workers Compensation Board.

Evaluate the threshold for causation in occupational disease claims.

In the view of the MEC, the current standard of "dominant cause" for occupational disease claims is reasonable and should be continued.

MEC further notes the existing list of presumed occupational diseases appears to provide an appropriate balance in cases where there is strong scientific evidence linking certain conditions to specific types of work.

While there does not appear to be a good reason to expand the list of presumed occupational diseases, any such expansion should first be costed and supported by strong scientific evidence.

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.

It is the view of MEC that the current structure provides appropriate financial protection for injured workers and does not require change, with one possible exception. That exception relates to death benefits. Death benefits are appropriate if the worker leaves behind a spouse or dependents (defined as children under age 25 or children who have special needs). In the event of a tragic workplace death of a worker who leaves behind no immediate family, the death benefit should not result in a "windfall" to extended family members.

Review the Act's provisions relating to the role of Health Care Advisors.

Health Care Advisors play a crucial role in determining appropriate outcomes regarding WCB claims. Research by occupational disease specialists has established that a rapid return to health and work is in the best interests of everyone, particularly workers.

Accordingly, it is the recommendation of MEC that the legislation encourage rapid access to health assessments and treatment.

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

Obviously if injuries can be prevented everyone will benefit, including the Workers Compensation system.

SAFE Work Manitoba is an important part of the prevention matrix. MEC also supports the operation and expansion of industry based safety programs (IBSPs) which should be allowed to operate independently and in cooperation with SAFE Work Manitoba.

Conclusion – The Importance of Consensus

As noted above, the two previous Legislative Review Committees resulted in consensus reports (see attached for ease of reference). Under the two previous Chairs, Professor Wally Fox-Decent, and Michael Werier, K.C., both impressed upon the members of the LRCs throughout the process of the importance of reaching consensus. That they did so is a tribute to all members, but particularly to the two chairpersons.

A failure to achieve consensus in this, the third LRC, will be a failure of all the membership, but in particular, it will be a failure on the part of the chairperson, and it will be to the detriment of the Workers Compensation system and all Manitobans.

Thank you for your consideration of this submission. If you have any questions or wish to discuss the matters raised herein, please feel free to contact the writer.

Yours very truly,



William S. Gardner, K.C.

APR 07 2026