



Formal Submission to the Legislative Review Committee

from the

Manitoba Trucking Association

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Please forward comments or questions to:

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MTA member companies employ more than 10,000 people and operate approximately seventy five percent of the for-hire commercial trucks licensed in Manitoba. Trucking companies in the province generate roughly four billion dollars in annual revenue and play an essential role in enabling local, national and international trade across agriculture, processing, manufacturing and consumer focused industries. The Manitoba Trucking Association exists to advocate, support and educate in order to ensure a safe, healthy, and efficient business environment for the trucking industry.

The Manitoba Trucking Association is grateful for the opportunity to respond to the consultation questions set out in the Committee's call for submissions. The trucking industry depends on a workers compensation system that is fair, predictable and responsive to the realities of our sector. Our submission reflects the operational experience of Manitoba carriers along with insights provided through the RPM Safety Council. Our goal is to assist the Committee in developing recommendations that reinforce safety, accountability and effective return to work outcomes in Manitoba.

Fairness and Adequacy of the Current System

The Manitoba Trucking Association believes that fairness within the workers compensation system depends on the timely and reliable administration of claims. Our members consistently encounter delays when attempting to secure functional ability forms or to obtain approval for modified duties. These delays result in unnecessary lost time, which affects worker income stability and employer operations.

The trucking industry requires a claims administration system that can provide prompt return-to-work guidance because prolonged absences create significant operational challenges. For this reason, we recommend that the Workers Compensation Board establish a set of pre-approved modified work tasks for common injury types. This approach would allow employers to place injured workers into safe and appropriate transitional duties immediately, while formal documentation is being finalized. This recommendation reflects concerns expressed by members who noted that administrative delays are a recurring cause of lost time in our sector.

Fairness within the workers compensation system also requires clarity and equity in how coverage is applied to owner operators in the trucking industry. Manitoba's current process for determining whether an owner operator should be classified as a worker, or as an independent contractor who must obtain their own Workers Compensation Board coverage, is not sufficiently clear. This lack of clarity creates uncertainty for employers, who must make classification decisions that carry significant financial and legal implications. It also creates conditions in which bad actors can exploit the system for financial gain.

The Manitoba Trucking Association believes that the Workers Compensation Board should provide a clearer, more transparent and consistently applied framework for distinguishing an owner operator from a worker. This could include detailed guidance materials, simplified assessment tools, sector specific examples, and direct support for employers seeking clarification. A clearer process would help ensure that coverage decisions are applied correctly, thereby reducing administrative disputes and promoting fairness for both carriers and contractors who rely on predictable and understandable standards.

An additional fairness issue relates to the continued use of the Manitoba Public Insurance Personal Injury Protection Plan for vehicular accident-related work injuries. Allowing workplace injuries to be diverted to a system managed by Manitoba Public Insurance creates inconsistencies in claim handling and reduces employer involvement in return-to-work efforts. Our members note that this arrangement also creates



opportunities for inappropriate claim suppression, and for the under reporting of payroll to the Workers Compensation Board, both of which undermine overall system integrity.

The Manitoba Trucking Association recommends that all workplace injuries reported to Manitoba Public Insurance should also be reported to the Workers Compensation Board. We further recommend that the Workers Compensation Board work with Manitoba Public Insurance to evaluate and improve the gaps between Personal Injury Protection Plan coverage and Workers Compensation Board coverage to ensure that all work-related injuries are managed consistently and effectively.

Distribution of Surplus Funds

The Manitoba Trucking Association requests that the Province legislate mandatory rebates of Accident Fund surpluses whenever the fund exceeds the ratio target of 130 percent. The WCB's Funding Policy confirms that the Accident Fund is fully funded at 100 percent and that the additional thirty percent reserve is intended to protect the system from financial risk and market volatility. When the fund surpasses this threshold target, the policy allows the Board to issue a surplus distribution, but only at its discretion.

The Manitoba Trucking Association believes that funds above the 130 percent threshold represent employer overpayments and should be returned automatically. A legislated requirement would ensure fairness and predictability for employers who fully fund the system and have already paid for all current and future liabilities, including the reserve set aside for risk.

It is understood that the Workers Compensation Board requires discretion to manage financial uncertainty or to address future system investments and improvements. However, the thirty percent reserve already exists for this purpose and was designed specifically to ensure long term system stability.

For these reasons, the Manitoba Trucking Association urges the Committee to recommend legislative amendments requiring that any funding ratio above 130 percent shall automatically trigger a surplus rebate to employers, ensuring fairness, transparency and consistency while preserving full system stability.

Compliance and Administrative Penalties

The Manitoba Trucking Association supports the Committee's interest in examining whether the current compliance framework provides an adequate deterrent to noncompliance. Penalties must be proportionate to both the seriousness and the financial impact of the noncompliant action.

The Manitoba Trucking Association is aware of more than one hundred and nine million dollars in underreported payroll within Manitoba's trucking industry. In these cases, the total administrative penalties assessed amounted to just over two hundred thousand dollars, representing less than one percent of the underreported amount. When penalties are this small relative to the financial benefit of noncompliance, the economic incentive to break the law far outweighs the consequences of being caught. This is why some companies have underreported payroll in Manitoba by tens of millions of dollars.

Underreporting payroll creates significant harm to the Workers Compensation Board system, and the consequences extend far beyond individual companies. It results in unfair cost shifting because employers who underreport payroll are not paying their fair share of assessments. This forces compliant employers



to subsidize the system. It also distorts rate setting because premiums rely on accurate payroll and claims data. Underreporting skews this information and undermines the integrity of the rate model. System sustainability is reduced because the Workers Compensation Board depends on accurate reporting to ensure that funds are available to support injured workers.

Underreporting weakens that foundation by reducing available resources. It creates unfair competitive advantages because companies that underreport payroll gain an artificial cost advantage over compliant employers. This rewards noncompliance and pressures the market toward lower standards. Finally, it poses risks to workers because misrepresented payroll or worker misclassifications can create delays and complications in accessing benefits, which undermines the purpose of the workers compensation system.

The current penalties do not carry sufficient weight to influence behaviour. A penalty structure based on a percentage of the cost or impact of the noncompliant event would more accurately reflect the seriousness of failing to meet obligations. In addition, escalating penalties for repeated violations would help ensure that compliance is treated as a meaningful responsibility rather than a routine administrative formality.

Effectiveness of the Injury Prevention Model

The Manitoba Trucking Association strongly supports the continuation of the industry-based safety program model. The RPM Trucking Industry Safety program provides employers in the trucking sector with essential guidance, training resources, and Safe Work Certification that strengthen health and safety practices. These programs play an important role in reducing preventable injuries and improving operational consistency. Experience within the trucking industry has shown that companies in Manitoba that have achieved SAFE Work Certification are experiencing a 20.2 percent lower premium rate overall compared to trucking companies that have not achieved certification. This improvement reflects injury experience that clearly demonstrates the positive impact SAFE Work Certification is having on workplace safety within Manitoba's trucking industry. Our members emphasize that these supports are valuable in promoting safer workplaces and directly contribute to reducing injury severity and frequency. The Association urges the Committee to continue supporting this model and to consider expanding it where possible.

The Manitoba Trucking Association also recommends that the Workers Compensation Board reinstate the Prevention Committee of the Board. Before the current structure of the Prevention Advisory Committee, the previous committee reported directly to the Workers Compensation Board and provided valuable transparency for both industry and labour. As injury prevention continues to be a core mandate of the Workers Compensation Board, there should be a fair and transparent process for governing prevention activities at the Board level. The current Prevention Advisory Council functions by providing advice to SAFE Work Manitoba, not the WCB creating a gap when prevention programming is a board priority.

Conclusion

The Manitoba Trucking Association appreciates the Committee's work and the opportunity to provide direct responses to the consultation questions. The recommendations in this submission reflect the operational realities of Manitoba's trucking industry and the insights of our members. Our priority is a workers compensation system that supports injured workers, ensures fairness for employers and



reinforces a strong culture of safety across Manitoba. We remain available to provide further information or participate in additional dialogue as the review progresses.

