

March 31, 2026

To: Lawrie Cherniack, Chair

The Workers Compensation Act Legislative Review Committee 2025-2026

Re: WCB Consultation submission – Modernizing the Act for Universal Safety, Proportional Deterrence, and Worker Sanctuary

Privacy Note: *Migrante Manitoba requests that the names of individual workers contained in this submission be kept for the Committee's internal review but redacted from any version posted for public viewing to protect these workers and their families from further retaliation.*

Dear Lawrie Cherniack and Committee Members,

Migrante Manitoba is a grassroots organization of migrant workers and their families, standing as a local migrant justice organization within a global alliance dedicated to the protection of those who leave their homelands in search of dignity. This submission is a direct distillation of the trauma and resilience found in our internal case histories.

Every day, workers seek refuge within our doors because their trust in government institutions is fundamentally compromised by structural coercion. We do not single out the WCB in this regard; there is a systemic, well-founded fear of *all* official channels. We see this acutely when workers are abruptly terminated or penalized shortly after reporting abuses to supposedly "anonymous" federal tip lines, such as those operated by Employment and Social Development Canada (ESDC). For a worker whose legal right to stay in Canada is tied to the very person who oversees their safety, engaging with any government agency is often perceived as a potential trigger for deportation rather than a pathway to protection.

In response to the Committee's Consultation Paper, we submit the following recommendations to ensure the *Workers Compensation Act* reflects the modern reality of Manitoba's workforce.

1. Recommendation: "Access Without Fear Policy" – A Legislative Firewall (Non-Cooperation Policy)

The Act must be amended to include an explicit **Firewall Provision**. This provision must strictly prohibit the WCB from inquiring about, recording, or disclosing a worker's immigration status to federal authorities (CBSA or IRCC).

- **The Barrier of Distrust:** Even when workers are aware of the WCB, they lack the assurance that engaging with the Board won't trigger a "red flag" with immigration. In the eyes of a migrant worker,

government agencies are often seen as interconnected gears in a machine designed for enforcement, not protection.

- **The Impetus for Change** [REDACTED]: We look to the case of [REDACTED] killed in a workplace incident in Altona in January 2026. Internally gathered evidence reveals that [REDACTED] likely suffered from work-related injuries but refused to file a claim. This was a calculated survival strategy; he knew his family's pathway to Permanent Residency was tethered to his employer's goodwill. Without a "Firewall," reporting an injury felt like reporting himself for deportation.
- **The Public Interest:** Silence is a workplace hazard. When a worker is coerced into silence, hazards go unaddressed, eventually striking co-workers (local and migrant alike) and even the public. By legislating a Firewall, the WCB ensures that **safety reporting is a protected act**, independent of status.

2. Recommendation: Universal Dignity – Coverage for All Informal and Non-Status Workers

The Act must explicitly affirm that **every human being performing labour in Manitoba is a "worker,"** regardless of permit status or "informality" of contract. We also demand the total elimination of the 24-hour minimum threshold for domestic worker coverage.

- **The Rationale:** Current exclusions create a sub-surface economy where safety standards do not exist. When an employer is allowed to hire "off the books" without WCB coverage, they are incentivized to cut corners on safety because there is no financial liability. This undercuts honest Manitoba businesses.
- **The Perspective** [REDACTED]: Our advocacy is informed by the legacy of [REDACTED] a Filipina caregiver killed at her **workplace**—the [REDACTED] where she was employed—during a robbery in 2007. Her tragedy proves that workplace hazards are status-blind. A contract of service is a human contract. If the WCB continues to use status or "informal" contracts as a barrier, it is essentially subsidizing dangerous workplaces.

3. Recommendation: Recognizing Potential – Wage Trajectories for Upwardly Mobile Migrants

The Act must mandate that long-term disability and wage-loss benefits be calculated based on a worker's **global professional potential, international credentials, and career trajectory**, rather than the survival-wage "unskilled" position they held at the time of injury.

- **The Rationale:** Manitoba's economy relies on "brain gain." We recruit engineers, nurses, and educators who start in survival jobs while navigating accreditation. When these workers are maimed, the WCB "caps" their humanity by paying them as "unskilled" labour forever.
- **The Public Interest:** To attract and retain talent, Manitoba must prove it protects the **person**, not just the temporary position. If an injured worker with a Master's degree is compensated as a general labourer for life, the WCB is participating in the systematic devaluing of migrant lives and human capital.

4. Recommendation: Protective Velocity – Expedited Reviews for the Vulnerable

The Act must mandate **Expedited Reviews** for Temporary Foreign Workers (TFWs) who allege retaliatory termination or claim suppression.

- **The Impetus for Change (The Best Western Case):** At the **Best Western Thompson Hotel**, three workers were terminated for raising safety concerns. While they eventually won their case before the Labour Board, standard bureaucratic timelines are too slow for those on 1-year permits. For a migrant worker, time is a weapon used by the employer. Justice delayed is justice denied when the complainant is deported before the truth is ever heard.

5. Recommendation: Proportional Deterrence – Ending the "License to Exploit"

Replace flat-fee administrative penalties with a **Proportional Penalty Model** (e.g., 0.5% of total assessable payroll), with a **Vulnerability Multiplier** (tripling the fine) if immigration status was used as a tool of coercion.

- **The Perspective (The 4Tracks Ltd. Case):** Our investigation into **4Tracks Ltd.** revealed a company that under-reported its payroll by over **\$4.3 million** in a single year, yet faced negligible penalties. When a corporation can hide millions in payroll for the price of a small "licensing fee," there is no deterrence. Proportional fines ensure the penalty scales to the size of the harm and ensures fair competition for honest Manitoba businesses.

Conclusion: A Society Where No One is Disposable

The Workers Compensation system was founded on a "Historic Compromise." For many migrant and informal workers in Manitoba, that compromise is currently a hollow promise.

Migrante Manitoba believes that an injury to one is truly an injury to all. By instituting a Sanctuary Firewall, universal status-blind coverage, and recognition of professional potential, this Committee has the opportunity to move the WCB from a state of bureaucratic complicity to one of true provincial leadership in human rights. We urge you to ensure the WCB protects the lives of *all* who build, feed, and care for this province.

Sincerely,



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