



PSAC · Prairies

Public Service Alliance of Canada

Submission:

The Worker's Compensation Act

Legislative Review

March 2026

Introduction

Thank you to the Province of Manitoba for the opportunity provide input on The Manitoba Worker's Compensation Act to ensure it meets the needs of all involved and remains pertinent to today and tomorrow's workplaces.

The Public Service Alliance of Canada (PSAC) represents over 280,000 members, of which over 32,000 members work across the Prairies. As representatives of PSAC, we are involved in representing our members when they have questions or concerns with Health and Safety and compensation claims.

In Manitoba, our union represents over 10,000 members in the federally regulated sector, covered by WCB under the provisions of the Government Employees Compensation Act (GECA). These members work in a wide variety of fields, including but not limited to, revenue, agriculture, corrections, health, airports, environment, and defense. There are many similarities in approaches to compensation and Health and Safety in general which will have an impact on those that are not directly guided by the legislation.

Additionally, our organization also represent members directly covered by WCB as they fall under provincial legislation. Specifically, within Manitoba, PSAC represents over 1,000 workers that are governed by provincial legislation at the University of Winnipeg, University of Brandon, and at Neeginan Education, raining and Employment Services (NETES). We represent workers and assist members to navigate the claims processes, we also help our members understand the relevant guidance, through extensive training. Through this work, we have identified several areas where improvements can be made to ensure that the application of the legislation and policies adhere to the Meredith principles.

Based on our experiences in addressing compensation claims in various jurisdictions, we will reference the following pieces of legislation for context and comparison to other jurisdictions: Government Employee's Compensation Act, Saskatchewan Workers Compensation Act, Manitoba Workers Compensation Act and the Alberta Workers Compensation Act.

Most importantly, it is our hope that the province review the comparable legislation with a view to be progressive and proactive, to be a "trendsetter" on this issue. It is paramount to maintain a fair and balanced approach, with a lens of awareness and tolerance. The language contained in this legislation should be the gold standard for protecting workers and provide a mechanism that promotes a clear understanding of the compensation system.

With that, we have the following recommendations.



Recommendations

Psychological Injuries

Recommendation:

We strongly encourage the Committee of Review to review, update and improve the guidance on the adjudication of psychological injuries.

Psychological injuries continue to be a large portion of the claims filed, especially when we consider increased reporting in psychological injuries as a result of harassment, bullying, vicarious or secondary trauma, or direct workplace violence. Barriers to the claims process for psychological injuries continue to be a significant factor. WCB must acknowledge these barriers and put measures in place to address the inequities between physical and psychological injury claims. Some of these barriers include;

- Difficulties in accessing proper care for psychological injuries, and by extension proper documentation of injuries such as DSM-V testing results
- The injuries may in themselves impact the ability of the affected worker to recognize their injury, seek early help, and participate with the WCB claims process
- Proper acknowledgement of psychological injuries as a result of chronic exposures
- Insufficient recognition of the effects of vicarious or secondary trauma, and the potential for these exposures to be cumulative or chronic. For example, Parole Officers or immigration officials are tasked with consistently reviewing sensitive files which often include child sexual abuse, severe violence or death.

A broader application and understanding of the definition of “normal expectations” must be applied. It is becoming increasingly apparent that the vast majority of psychological injuries fall within this category and are just as debilitating as any other workplace psychological injury. The updated Worker’s Compensation Act must reflect this workplace reality.

We also encourage the province to expand the presumptive clauses for psychological injuries. In particular, the Alberta Workers’ Compensation Act contains strong wording in regards to presumptive clauses not just for psychological injuries but also references to injuries resulting from long term exposures, and exposures related to particular work, such as firefighters, first responders, and corrections officers. We believe that these presumptive clauses should also specifically include Probation and Parole Officers, health care and support staff, among others.



Recommendations

Enforcing Employer Responsibility

Recommendation:

Have a clearly established and enforced process for employer reporting.

We have increasingly witnessed examples of employers not adhering to the reporting guidelines outlined in the Act.

In order to maintain the balance established by the Meredith Principles, there must be enforced sections of the Act in which employers who attempt to avoid claims by delay in reporting, or not reporting at all are held to the standards outlined. Too often we have been witness to injured workers not being compensated solely due to the delayed or non-existent reporting of employers. These injured workers do not receive the support and care required, often causing more significant and lasting injuries.

Claim Suppression

Recommendation:

The Committee of Review establish and reinforce guidance on claim suppression.

Clear guidance prohibiting all forms of claim suppression must be supported. Claim suppression can take many forms, such as;

- incentives for not filing claims,
- actively discouraging members to file WCB by coercion or threats,
- actively deceiving or misreporting incidences to WCB,
- Group goals and targets based on number of WCB reports made.

These employer actions discourage injured workers from seeking proper care and penalize injured workers for being injured in the workplace. This practise goes against the principles outlined in the Meredith principles.

Employers found to be suppressing claims should not be eligible for rebates for a period of 5 years. This opinion was also part of the submission from the Manitoba Federation of Labour.



Recommendations

Invest in Prevention

Recommendation:

Invest excess funds in prevention initiatives.

We encourage and support initiatives to promote safe working conditions for all, which should be funded by excess funds when available, as opposed to providing employer rebates. Funds spent on promotion of prevention activities would serve as an investment in preventing injuries, which should be the goal. Rebates from WCB premiums are often not reinvested by employers in training or other preventative measures. If employers do receive rebates, it should be with the clearly outlined expectation that those rebates be re-invested in a workplace's ongoing workplace injury prevention strategy.

Benefits

Recommendation:

Remove caps established by the maximum wage rate. Increase coverage to workers over 65. Increase and improve compensation for lost pension entitlements.

PSAC does not support a cap to wage rate compensation. We firmly believe that any compensation should be based on lost wages and not limited. Additional hardships occur when injured workers are not adequately compensated.

Coverage should also reflect the current pay scale/rates of pay as determined through collective bargaining gains, or other increases to income which has been lost.

As well, with individuals living longer and thus working longer in their careers, it is important to review and update policies and practises around covering and insuring workers over 65 years of age. The adjudication and application of claims for those over 65 remains a major barrier to getting needed supports.

Members who suffer Injuries as a result of a workplace incident should be made whole. This includes acknowledgement and coverage for lost pension and other contributions from the first day of coverage.



Recommendations

Elimination of the Dominant cause test for occupational disease

Recommendation:

The concept of dominant cause be replaced with a concept capturing “unless the contrary is proven” or “on a balance of probabilities”

It is our opinion that the concept of dominant cause is dated and should be replaced with wording that better captures the evolving processes reflected in other jurisdictions. The concept of “on a balance of probabilities” provides a much more acceptable test for consideration and adjudication of a WCB claim, and the concept of “unless the contrary is proven” is often the standard when considering presumptive clauses and should be considered when implementing a progressive plan to update the Act.

Clarification on the relationship with GECA

Recommendation:

Ensure the correlation between the Government Employees’ Compensation Act and the Workers’ Compensation Act is clear.

We recommend that the Manitoba Act clearly reflect the connection and correlation between the two Acts. This correlation is not always clear to employees, employers, or WCB staff assigned to adjudicate or process claim files. A clear understanding for all of those involved would lead to a better application of the coverage.

Conclusion

PSAC thanks the Workers’ Compensation Act Committee of Review for the opportunity to provide our input into the review of The Workers’ Compensation Act and thank the committee for their consideration. As an affiliate of the Manitoba Federation of Labour, we also would like to state our full support of the recommendations outlined that submission.

Should you require further clarification, please feel free to contact us.

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