

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Human Resources

Chairperson
Ms. Marilyn Brick
Constituency of St. Norbert

Vol. LVI No. 3 - 6:30 p.m., Monday, June 6, 2005

ISSN 1708-6655

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON HUMAN RESOURCES

Monday, June 6, 2005

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

VICE-CHAIRPERSON – Mr. Bidhu Jha (Radisson)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mses. Allan, McGifford

Ms. Brick, Messrs. Cullen, Jha, Ms. Korzeniowski, Messrs. Maloway, Martindale, Penner, Mrs. Rowat, Mr. Schuler

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Mr. Kevin Connolly, Private Citizen
Mr. Don Penney, CN Railway
Mr. Patrick Riley, Manager, Claims Division, Canadian Pacific Railway
Mr. Chris Christensen, South Eastern Manitoba Labour Council
Mr. Dave Gledhill, Private Citizen
Mr. Dave Angus, President, Winnipeg Chamber of Commerce
Mr. Terrence Turner, Private Citizen
Mr. Neal Curry, Canadian Manufacturers & Exporters, Manitoba Division
Mr. John Jacobs, Private Citizen
Mr. Alan Payne, Private Citizen
Mr. Rory Roman, Private Citizen
Ms. Gloriafer Shand, Private Citizen

MATTERS UNDER CONSIDERATION:

Bill 25 – The Workers Compensation Amendment Act

WRITTEN SUBMISSIONS:

Mr. Bruce Campbell, Regional Representative, Public Service Alliance of Canada
Ms. Donna Fedorkiw, Private Citizen
Ms. Kim Knox-Powers, Private Citizen
Mr. Stan Letwyn, Co-chair, Health and Safety Committee, Versatile Manufacturing, 1998-2000
Mr. Cliff Anderson, Workers Compensation Board
Mr. Jim Baker, Private Citizen

Madam Chairperson: Good evening. Will the Standing Committee on Human Resources please come to order. The meeting has been called to consider Bill 25, The Workers Compensation Amendment Act.

Our first item of business is the election of a vice-chairperson. Are there any nominations?

Ms. Bonnie Korzeniowski (St. James): I nominate Bidhu Jha.

Madam Chairperson: Mr. Jha has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Jha is elected Vice-Chairperson.

We have a number of presenters registered to speak this evening, which you will find noted on the presenters' list before you. We have also posted the lists at the entrance of the room. For the information of the committee, Kim Knox-Powers, No. 8 on your list, has left and has left for the committee members a written presentation.

Before we proceed with these presentations, we do have a number of other items and points of information to consider. First of all, further meetings have been called, if necessary, to hear any presenters which we may not get to this evening. These meetings are scheduled to be held in this same room, 254, tomorrow, Tuesday, June 7, at 9:30 a.m. and at 6:30 p.m.

Second, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room.

Also, for the information of all presenters, while written versions of the presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another 5 minutes allowed for questions from committee members. In accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. Further, if the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

For the information of the committee, several written submissions on Bill 25 have been received and distributed to committee members. The submissions are from Jim Baker, Bruce Campbell, Donna Fedorkiw, Kim Knox-Powers. Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

On the topic of determining the order of public presentations, I will note that we do have a number of out-of-town presenters in attendance, marked with an asterisk on the list. At our previous meeting, we had agreed to hear out-of-town presenters first. Is it the will of the committee to continue that practice? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations, unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets at 6:30 p.m. As of 6:30 p.m. this evening, there were 29 persons registered to speak to Bill 25. Therefore, according to our rules, this committee may not sit past midnight to hear presentations without unanimous consent.

Prior to proceeding with public presentations, I would like to advise members of the public regarding

the process for speaking in committee. The proceedings of our meetings are recorded, in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I have to first say the person's name. This is the signal for the Hansard recorder to turn the mikes on and off.

Thank you for your patience. We will now proceed with public presentations.

I am going to call from the out-of-town presenters list. Jan Forest, private citizen.

Is Jan Forest here? Seeing that Jan Forest is not present, we will have her dropped to the bottom of the list.

David Zirk, a private citizen. David Zirk?

Steve Hunt, district director for the Steel Workers Union. One more time for Steve Hunt, district director for the Steel Workers Union.

Kevin Connolly, private citizen. Mr. Connolly, you can proceed.

Mr. Kevin Connolly (Private Citizen): I am just here on behalf of, well, myself and other people that got hurt. I got hurt in '99 in a construction accident and a lot of things I find are, to me, not fair, like Workers Compensation telling you that you have to do this or do that or you will get cut off.

I am pretty nervous. I am not used to doing anything like this, so—

I got sent back to work and subsidized and I am finding it very hard to live on what they call subsidizing my wage from what I was making before. I still live with pain every day of my life. I would rather just answer questions, because I do not know what, really, I can say.

Madam Chairperson: Thank you very much, Mr. Connolly.

Are there questions for Mr. Connolly?

Mr. Jack Penner (Emerson): You know, Mr. Connolly, you should not feel nervous up there, although somebody once said that to me when I appeared before a committee such as this for the first time and I was just shaking in my boots.

Mr. Connolly: I am shaking.

Mr. Penner: So I know how you feel, but in all reality we are really your servants and we really want to know and hear what you say. You are the people that we are supposedly making amendments to The Workers Compensation Act for, because if it was not for people like you, we would not need a Workers Compensation Act. So what I would like to ask you is that, when you had your accident, how did Workers Compensation deal with you. Did they deal with you fairly, and is there a process that you think needs to be changed in order to deal with situations such as yours?

* (18:40)

Mr. Connolly: At the beginning, I found it fair and, as time went on, it seemed the rules changed. I feel, so does my doctor at the same time, I was used a guinea pig for my back injury. I was told I had to do this, do that, or I would be cut off. So now I am at a job which pays me hardly anything, and they are supposed to subsidize me, and it is defeating all my restrictions. If I quit, I get cut off. If I do not follow the rules, I lose my medical, I lose everything. I have already had to sell my vehicle, sell a house. I do not think I can lose anything more now. They gave me a permanent impairment of 5650. That is supposed to last me the rest of my life, I guess. I do not know. That is some of the parts that I think are not fair because I cannot do what I used to be able to do. I never will be able to again. I do not think that I should have to be threatened all the time. If I do not follow their rules right now, I get cut off.

Mr. Penner: Well, thank you very much, and I appreciate what you just said. So you really feel threatened, or are you telling this committee that you, in fact, are threatened from time to time?

Mr. Connolly: Yes, I am telling you that.

Mr. Penner: In what respect of—

Madam Chairperson: Mr. Penner.

Mr. Penner: I am sorry. I get into the debate, and so I apologize. In what respect would you suggest that this bill should be changed in order to ensure that you as a worker that has been injured and has come to Workers Compensation and is dealing with Workers Compensation would feel comfortable with

and not feel threatened when you make your case and your needs known to Workers Compensation?

Mr. Connolly: Well, I think that they should just try listening to us and dealing with us instead of as injured people, but as people too. I am not really quite sure how I can answer this, but I am so frustrated with them that it is hard to describe. I get cut off no matter what as of July 19 this year, so I am just hoping anything I say can help the next person. I can never be covered for my back again. I have already been told that, so if my back goes out no matter what I am doing, I am on my own.

Madam Chairperson: Mr. Schuler—oh, sorry. Mr. Penner, did you have a supplementary question?

Mr. Penner: You know, if you had to write this act, how would you write this act in such a way that you would no longer feel threatened when you go back to Workers Compensation to make your case before Workers Compensation?

Mr. Connolly: Just try showing some compassion to the people and try listening to them the best that you can because we are all human. They do not know what we are feeling, and we will take it from there, one step at a time. Just treat us fairly and if we are hurt, we are hurt. A lot of us are not lying. MRIs and X-rays do not lie.

Hon. Nancy Allan (Minister of Labour and Immigration): Mr. Connolly, I would like to thank you for showing up this evening. I would just like you to know that there is a representative from the Workers Compensation Board here this evening. His name is Mr. David Scott, and he would be more than happy to assist you in any concerns you have in regard to your individual claim.

Madam Chairperson: Thank you. Thank you, Mr. Connolly.

For the information of the committee, the presenter Chris Christensen listed as committee presenter No. 18 is not available to come until 7:15. Is it the will of the committee to move him further down the list without dropping him to the end of the list? *[Agreed]*

We now call Don Penney from the CN Railway. Don Penney. Mr. Penney, are you going to be presenting by yourself?

Mr. Don Penney (CN Railway): I will be presenting. I have asked my associate, Mr. Falardeau, to assist me with any questions that might come from the committee.

Madam Chairperson: Okay, that is great. You can proceed, Mr. Penney.

Mr. Penney: Thank you very much.

CN thanks the committee for this opportunity to share our views on Bill 25, the amendments to The Workers Compensation Act. CN is a self-insured Schedule 2 employer with approximately 2200 employees in Manitoba, with a payroll of about \$132 million in 2004 and annual expenditures of some \$153 million.

CN has a long history in the province of Manitoba. We value our relationship with the province. We welcome this opportunity to have this dialogue and propose changes to the WCB.

First of all, I want to express our appreciation and support to the committee for the diligent work that was performed. In general, we support most of the recommendations. However, there are a number of Legislative Review Committee recommendations that give us great concern. Among our concerns are these three: firstly, the elimination of a salary cap on insurable earnings; secondly, the payment of wages by the employer for the first 14 days; and our third item of consideration is the obligation to re-employ being legislated. We will deal with each one of these three points.

CN believes the review committee's recommendation to remove the cap on insurable earnings should be withdrawn. All Canadian jurisdictions provide a cap on insurable earnings. No jurisdiction has removed this vital feature. The removal of the cap effectively creates a universal disability insurance program which will increase direct and administrative costs borne by entirely self-insured employers. Salaries and benefits of CN, particularly for those employees who operate trains, significantly exceed those paid for comparable work by other employers in the province of Manitoba.

In an injury situation, the compensation system works best when both the employee and the employer have an equal incentive for a timely return to work. If a conductor or a locomotive engineer can make 90 percent of a wage that can exceed \$100,000

per year, there is little incentive for employees to pursue an early return to work.

The payment of 90 percent of unlimited insurable earnings would also be a very attractive item for our employees residing in other provinces who, on a regular basis, travel into Manitoba. We would expect those employees, with this change, to elect to file claims in Manitoba rather than in their home province.

CN, therefore, requests that the recommendation on the removal on the cap be eliminated. We would not object to evaluating the current cap relative to other jurisdictions, and we would support any mechanism to ensure the cap keeps pace with increases in the cost of living.

On the second item, Payment of wages by the employer for the first 14 days, our concern here is our ability as a self-insured employer to recover our cost if the WCB makes an administrative error or if the employee's claim is denied after the employer has paid the first 14 days. There must be a mechanism to effectively recover overpayments.

We are also concerned that this process would add an additional administrative step, or steps, again at an additional cost to CN. The proposed legislation indicates that the WCB would reimburse the employer for those 14 days, but it is not clear to us at this stage how the apparent shortfall would be handled.

Our third point, Obligation to re-employ, CN is committed to returning injured employees to work as soon as possible. We offer modified work, alternate work, graduated re-entry programs. CN does not believe this legislation is necessary in light of existing requirements under the Canadian human rights legislation.

If enacted, it is important to ensure that this amendment does not conflict with existing human rights legislation. CN is a federally regulated employer with duties under the Canada Labour Code. We are concerned that any sort of overlapping legislation in this area would cause confusion and additional administrative costs to our operation.

* (18:50)

CN values safety in the workplace. Labour and management at CN collaborate in injury prevention

programs. This commitment has paid dividends in making CN one of the safest railways in North America. Our injury rate, not just in Manitoba, but across our country has shown a steady reduction. We strive to reduce both the frequency and severity of workplace injuries and our record demonstrates that success.

When we look at our record on our prairie division in recent years, we have reduced lost time injuries by something in the order of 40 percent and our current lost time rate is at or near one lost time injury per 200 000 person hours worked, or about 1 percent. We actively pursue return to work programs and, in fact, here in Winnipeg for the last several years, we have had a full-time occupational therapist working with us on our early return to work program.

So, in closing, CN, like other high-paying employers in the province of Manitoba, is concerned that these proposed changes will put our Manitoba operations at a competitive disadvantage. So we are asking committee members to give careful consideration to amending these changes.

Madam Chairperson: Thank you. Before we go on, is there the will of the committee to have Mr. Falardeau also answer questions? *[Agreed]*

Mr. Cliff Cullen (Turtle Mountain): Thank you, Mr. Penney, for your presentation tonight. I do want to ask you specifically about these salary caps. Have you had the opportunity to compare the existing salary cap in Manitoba to the cap level in other jurisdictions across Canada? I guess the second part to that, if we take away the cap, will that have a very significant impact on your operations here in Manitoba?

Mr. Penney: Mr. Cullen, I believe the cap here in Manitoba is about, I think it is about \$58,000 to \$60,000, I believe. In Ontario, it is a little higher than that and in Saskatchewan it is a little less than that. I believe Alberta and B.C. are something in the low sixties. So, yes, we have looked at that. Again, we are concerned that an increase in the cap would add directly to our cost. It would also, if you will, have an influence on employees who reside in adjacent provinces but, because of the nature of their work, they work into Manitoba. They could suffer an injury.

I will say a most common injury is a soft-tissue injury, a sprain or strain, and it may come from

lining a switch; it may come from riding in a locomotive; it may come from swinging a spike hammer. So those employees, to some extent, have a choice of election as to where they claim the injury. So we are concerned that, all things being equal, an individual would make that claim in a province where the opportunity for the wage loss replacement is greater. So we are very concerned about that.

Ms. Allan: Thank you very much, Mr. Penney, for your presentation. I know that you have come from out-of-town to make this presentation. We appreciate you being here tonight with your colleague.

I did want to just touch base with you in regard to the elimination of the statutory maximum on salary. We believe that about 5 percent of claims will be above that statutory maximum. We have made a commitment to the employers' stakeholders group here in Manitoba that we will aggressively monitor that particular amendment to the legislation because, as you know, we do not want to lose our competitive advantage in regard to the WCB having the lowest rates in Canada. So that is important to us.

Also, in regard to the issue you raised about the payment of wages by employers for the first 14 days in regard to an administrative mechanism, we also will consult with employers in regard to what that administrative mechanism will be. On the obligation to re-employ, that will also take the form of consultations with employers around what the best practices are. There are some organizations and employers that have an excellent record in regard to the obligation to re-employ, and we want to work with employers in regard to how that could best be implemented.

I would like to take the opportunity to congratulate you on your injury-prevention programs because we all know that that is the best way to prevent organizations and companies and employers from having their assessment rate go up. So thank you very much for the work that you have done in this very important area.

Mr. Penney: We thank you for those comments and your commitments to work through these three specific areas. What I can add is that when we did take a look at these claims, we found almost one third of our lost-time injury claimants would exceed the cap, and when we looked at that one third, we found that, I believe the number 31 percent, the wage-loss replacements would have been a 30 point

percent higher overall. So that will give you some flavour for the magnitude of the issue from our perspective.

Mr. Penner: Well, thank you very much, Madam Chairperson. Mr. Penney, you talk about the increase in rates, if this legislation would, in fact, be enacted the way it is being presented, can you tell us how much of an increase in rates we have seen over the last five years?

Madam Chairperson: Mr. Penney, you have about 20 seconds to respond.

Mr. Penney: Actually, I am not certain I understand the question.

Mr. Penner: I am wondering whether you could tell us how much the rates have increased in workers compensation to your company. How much of a rate increase have you seen in the last five years?

Mr. Penney: We are a self-insured employer, so we are not paying an assessment rate, if that is the basis of the question.

Madam Chairperson: Thank you very much for your presentation. We appreciate it.

The committee calls Patrick Riley, Manager of the Claims Division for Canadian Pacific Railway. Mr. Riley, did you have someone else you wanted to have present with you?

Mr. Patrick Riley (Manager, Claims Division, Canadian Pacific Railway): Yes, Mr. Paul O'Donoghue, the Director of General Claims for Canada for Canadian Pacific Railway.

Madam Chairperson: Is it the will of the committee for Mr. O'Donoghue to also present? *[Agreed]*

Please proceed Mr. Riley and Mr. O'Donoghue.

Mr. Riley: On behalf of Canadian Pacific Railway, I would like to thank Minister Allan, the committee and the Clerk's Office for the brief opportunity to comment on Bill 25, The Workers Compensation Amendment Act. It is a pleasure to be here. I spent a good deal of my life in Manitoba, and it is always a welcome opportunity to get back.

By way of introduction, Canadian Pacific Railway is proud of its history in Manitoba and of its significant presence in the province. We employ about 1500 Manitobans with an annual salary approaching \$90 million. Geographically, we cover some 1500 miles of Manitoba with track. Our commercial activities generated somewhere in excess of \$130 million last year in local goods and services purchased. This kind of activity and involvement in the province carries with it some responsibilities, and I want to briefly touch on the issue of safety.

There is really no higher priority for us. It is the cornerstone of our business, and it is clear that we cannot succeed without addressing that issue. With respect to workers compensation, it is our ultimate goal that no worker would have to access the system at all in the perfect world. The drive for safety has been, as you have heard from CN, is a factor with us. Since 1995, our personal injury rates have decreased 67 percent based on FRA reporting criteria, and last year we drove the rate down a further 12 percent. This was actually an improvement over the goal that had been set by our Senior Health and Safety Management Committee. We see safety as a ball that, once you get it rolling, it can generate some real benefits to everyone in the system.

* (19:00)

With respect to Bill 25, while we feel strongly about a particular element of that bill, we see the legislation as generally a positive step. The proposed amendments reflect a reasonable balance between employers, employees, and, in most areas we feel, align Manitoba's legislation with the legislation found in other provinces. When you are a national chair, these issues are important. Consistency, as you move the trains across the country, is a very important factor.

Some of the positive elements that we see is the optional coverage for volunteers; the extension of liability protection to directors who are employers is good. The appointment of a Fair Practices Advocate is an interesting feature that we think will bring some transparency to the system or improve the transparency. We have a good relationship with the board here, and any aspects of Bill 25 that support and encourage a timely return to work benefit both the worker and the employer. They are consistent with programs that we currently have in place and we

believe are in line with the historic principles of workers compensation.

Now, while most of Bill 25 can be supported, we have some very strong reservations about the removal of the salary cap, and, not surprisingly, because our businesses are very similar, you will find our comments similar to those advanced by my friend at Canadian National Railway. We recommend against the removal of the salary cap, but let me be very clear that we are not averse to having the cap reviewed for its adequacy, its consistency with other jurisdictions, and to be tied to a reasonable indexing mechanism that ensures that the cap, once fixed, stays relevant and current. We feel that the removal of the cap will increase our direct and administrative costs. We think that there is an opportunity to create a disincentive to an early and timely return to work. We think, as well as CN, that there will be an element of forum shopping where opportunity presents itself because the benefits are out of step with the balance of other systems.

As Mr. Penney pointed out, all Canadian jurisdictions have a salary cap. From time to time in other jurisdictions, the cap has been considered whether it should be removed or adjusted upwards, but all have retained that cap. Most jurisdictions calculate the cap at a level between 90 percent and 95 percent of the employee population in the province. They set the cap at a level that will try and capture 90 percent to 95 percent of the employees, or they will look at the average industrial wage and try and set that at somewhere between 165 percent to 185 percent of the average industrial wage. That is where they benchmark the cap.

I guess our main feeling is that before any removal of the cap, there should be a complete cost-benefit analysis with respect to Schedule 2 employers, those that are self-insured or deposit accounts as they are sometimes known. We feel that the impacts on an assessed account are going to be somewhat different than those on the self-insured accounts.

While increasing costs is one concern that we have, the system really works best when both employer and employee have an equal incentive to return to work. As pointed out by CN, if you have a running trades' employee, which are high earners, if you can get 90 percent of that net wage staying at home, there is little incentive to come back to work.

We think that the reduced incentive is compounded by the proposed removal on collateral benefits. As I understand Bill 25, it will allow collateral benefits up to 100 percent of the salary of an employee. In this case, an employee now has no incentive to return to work because they are completely whole under the compensation system, plus whatever top-up might come from employers or top-up from a disability insurance program.

In conclusion, I think Bill 25 is a positive piece of legislation; however, the cap on earnings should not be removed. It should be adjusted to an appropriate level and protected by an indexing feature. Thank you.

Madam Chairperson: Thank you very much.

Mr. Cullen: Thank you for your presentation, Mr. Riley. I think you did answer my question there towards the end. I just wanted to confirm, you are self-insured, as well, the same as CN would be?

Mr. Riley: Correct, Mr. Cullen. We are self-insured.

Mr. Cullen: Okay. I guess further to that, then, you would be in the same situation with an injury occurring in Manitoba, if someone was outside the province, and had the injury occur in Manitoba, they could, then, select which jurisdiction they wanted to have their claim in.

Mr. Riley: That is correct, as is CN's experience, CP's experience is that many of the issues are soft-tissue strain type of injuries. It is difficult to determine where, in the process of a trip that transits the border this injury, would have actually occurred. So, given that ability to select the most favourable jurisdiction, I think the most rational employees would make the decision in the jurisdiction that benefits them the most.

Mr. Kevin Lamoureux (Inkster): Both you and Mr. Penney raise an issue which does cause concern for myself personally, and that is the issue of encouraging claims from non-residents to the province. In coming up with your presentation, is this something that the two of you came up with completely independent of each other? In other words, did you have discussions with your counterparts at CN on this, or is this just something that is that blatantly obvious that it is going to happen that we should be aware of?

Mr. Riley: We have had discussions with the railways in general, but our method of operations are so similar, you end with the same result. Our crews come in from Kenora every day on the east, or from Broadview to Brandon or Bredenburg to Minnedosa in the west, so it is a common issue that railways have.

Mr. Lamoureux: And last, very short, there is no doubt in your mind, and I guess I could have asked this same question of Mr. Penney, but there is absolutely no doubt in your mind that, if this legislation passes as is, we will get people outside of the province taking advantage of Manitoba's workers compensation as a direct result of passing this legislation?

Mr. Riley: Yes. Our experience in other jurisdictions has been that employees will look to the jurisdiction that provides them the best benefits, whether it is Alberta or B.C. or Alberta and Saskatchewan. It is a common practice, and, in particular in the engineering services where you are running large gangs who may be staffed with residents from a completely different province, they will move across Canada, so they are not really tied to a jurisdiction.

Ms. Allan: Thank you very much, Mr. Riley, for your presentation this evening. I will not repeat the comments that I made in regard to the statutory maximum that I made earlier.

I do want to take this opportunity, though, to congratulate you on your injury rate reduction. That is admirable. I also wanted to mention that I understand both yourself, your organization, and CN met with WCP today, as well as my deputy minister. We want to make sure that we keep those lines of communication open in the future in regard to this legislation.

Mr. Riley: Thank you, Minister, and thank you members of the committee.

* (19:10)

Madam Chairperson: Thank you very much for your presentation.

For the information of the committee, Chris Christensen, whom we had given leave to not be dropped from the list but to appear when he does

come, has now arrived. Is it the will of the committee to hear Mr. Christensen? *[Agreed]*

Mr. Christensen, do you have written submissions?

Mr. Chris Christensen (South Eastern Manitoba Labour Council): No, it was something that I had understood was going to be about a week from now. Then, when it got rushed ahead, I did not have time to prepare, but I am going to try.

Madam Chairperson: Oral presentation is great. You can proceed, Mr. Christensen.

Mr. Christensen: I would like to focus on an expression. You may have had some dealings with it by other presenters. It is called objective medical findings. You can let me know if you have had any discussion on that because what we have found is that objective medical findings, when you use that as a basis for dealing with a claim, and that does not matter whether you are working with a Workers Comp claim or with a short-term disability claim or whatever. Objective medical findings comes down to a very neutral scientific approach, so that whether you are labour, which I am, or management, you are dealing with a worker and his condition. How do you get this person diagnosed as quickly and as efficiently and as accurately as possible, get him rehabilitated, whether you have to intervene with an operation or whatever therapy? This is a cost factor.

We will hearken back to the history. As everybody knows, this was a trade-off between the corporate entities and the workers. No lawsuits, no-fault insurance, and so we will deal with those things that happen in the workplace and there will not be all this hassle with legal wrangling.

Anyway, I mention it because I want to tell a story. I will not mention the person's name. I am in the process now of reviewing this individual's claim. I want to tell you how this thing worked along and why objective medical findings is so important.

This individual works at the paper mill in Pine Falls where I also work, and he was involved in some heavy work one day and he ended up banging his wrist against a metal piece of equipment; now we have a claim. The initial diagnosis is that it is soft-tissue damage.

But, when you go through the file, you notice some interesting things. The first thing is that, well, it seems that he had an injury when he was a kid. He got his thumb caught in a car door, and this was on the wrist, and they are trying to say it is related, which of course it is not. Anybody can figure this out. He has got a scar on this thumb and his thumb works quite fine, but it is down here at the base of the thumb in the wrist area. But there was something else in the file. It seems that, when he was a youngster, he had some sort of an emotional concern and up pops the thought that, well, perhaps this individual has a psychosomatic thing. There is something emotional here.

Now, why this is a problem is that they have not done anything. They have just said, well, it is soft-tissue damage and no therapy, no operation. Nothing takes place, and the individual, of course, is not healing as he should. If it were just soft-tissue damage, he should recover in six weeks. You know how they have these injuries outlined, and a broken arm takes this time and that takes that time. Generally, if you fall within the guidelines, there is no problem. So they were avoiding treating him because of information that was in the file. Now, this was not a bad employer coming up with stuff that had nothing to do with his claim. This had to do with Workers Comp going into his past history. However they obtained that information, I do not know, but it got in the way of them looking at this guy from the point of view of what is the objective medical evidence. It was coloured already.

He tried going back to work. He could not handle the pain. Now, this young fella, he would be the poster boy for a proactive worker who wants to get ahead. He thought that he might not be able to go back to work, so he decided to enrol in school. He wanted to get an accounting degree. Now, he would have been a perfect candidate for voc rehab, but he was not getting any help because, first of all, his claim was not being treated as though it were a sincere claim, and these other impediments were involved in this process. So, when they began to realize, you know what, he really does have a problem, so maybe we better do something.

They did further investigation and they found that there was nerve damage, so now they schedule him for surgery and they operated on him, and you know what? He started recovering. The prediction was, oh, he will make a full recovery. Well, guess

what has happened? Months of delay had caused this injury to become ingrained. If you do not attack it right away, you are going to have a problem with it getting worse, deteriorating, and, guess what? This is several years later and he has not fully recovered. He can work, but he has to be very careful. What he has, basically, is a nerve that is bare. There is no sheath on that part of the nerve. So, if he twists it the wrong way, or if he hits it, it is like he gets a huge electric shock. He breaks out in a sweat. So, although he has recovered quite well, that is still there; he has got that now for the rest of his life. That may not have been there if they would have said, "Look, what is this fellow's condition?" Done whatever, they have got all kinds of scientific tools to assess a person's injury.

Just a little anecdote. On our weekly indemnity claims, we do occupational therapist reviews of these people, and I can guarantee you when they do tests on a person as to their recovery, they can determine if that person is faking it or not. In other words, they have ways of determining how hard the person is trying, et cetera. What I am saying about it is that you can weed out malingerers. If that is what the main concern with Workers Comp is, it is trying to find that 4 or 5 percent who are just ripping off the system, do the objective medical findings thing, and you can find out who is sincere and who is not. Medical science has come a long way. So why not get this business down to the neutral? Take the individual, I mean, sports medicine, they can rebuild athletes and put them back into the sport. Why can they not do that for workers?

In any case, this individual, as I say, he would be the poster boy for a proactive individual. He goes and takes a course now in accounting and, because he is not able to work at his job, which is a physical job, you see the comment in the file that, "Well, he probably really just does not want to work." You have kicked the wrong guy in the teeth. He is a physical specimen. He works out. He wants to keep in good shape. He thought because he might not possibly be able to go back to work in the mill, he had better get another form of education. He is doing all this to protect his future, and Workers Comp is not helping him. Workers Comp has not suggested rehab. So he has taken out student loans. Fortunately, he got some assistance from the Métis Federation.

But, to me, it is a botched case, all because it was not dealt with the way it should be dealt with. This has not benefited the employer. It has not

benefited the union or this individual. He still has thousands of dollars in student loans to repay. He is still working at the mill. He is a junior man, but he is concerned that this problem may be with him for the rest of his life, get worse, and who knows if he can continue physical labour?

So that is a little story I wanted to tell and because, as I say, it is a case that the one good thing about it is workers comp does not have a deadline. So we are in the process of getting it reintroduced and showing that, despite their prediction that there would be a full recovery, there is not a full recovery. So we will have him re-examined by his specialist and we will proceed and, hopefully, we will succeed.

But, to me, an awful lot of time was wasted. The process was just not done right, and, to me, I think that if more of the adjudicators, et cetera, would do the objective medical findings thing, we would be far better off on all sides. So that is the story I wanted to tell. Thank you for listening.

Madam Chairperson: Thank you very much, Mr. Christensen.

Does the committee have questions for Mr. Christensen?

Mr. Penner: Well, thank you very much. Basically, what you are saying is that Workers Compensation should employ a process of scientific medical analysis of each individual case and apply the findings to take corrective measures.

Mr. Christensen: We do that with our weekly indemnity and it works very well. We are amazed at how accurately the occupational therapists or the physiotherapists can home in on the problem and diagnose it. We have had excellent rehab programs. It shortens the whole process. It gets the guy back to work sooner and, as I say, if there is someone who is just trying to rip off the system, that can be detected. We had an individual who was put through that process and he decided maybe he should quit, because he did not have what he was claiming to have. We did not have to tell him. He got the point.

* (19:20)

So, again, and I am speaking from the perspective of a union that has an agreement in the collective agreement with the company to not support fraudulent claims, we will not do it. We have enough work to do without trying to jerry-rig some

claim that is not worthy of being paid. I do not know if there is a lack of co-operative spirit on the part of unions and management in other mills or workplaces, not that we do not have problems with our management, but in that area, by using that principle, we find that you have a much better success rate.

Mr. Penner: Is there a section in this act that you feel should be amended to ensure that what you are suggesting might in fact be put into this act?

Mr. Christensen: Well, that is a good question because it seems to me that, within the policy realm, the adjudicators do look for objective medical findings. I mean, we hear that expression. It is just that in certain instances, another fellow who is working on a case told me that he was communicating on a particular file and the claimant was denied. He asked the question of the adjudicator, "Well, what is your objective medical findings?" and he is not getting an answer. So it seems that sometimes opinion takes over. Sometimes that is a doctor's problem. Doctor writes a note, says, "Well, I think the individual needs two weeks off." Well, what are his objective medical findings? What test did he do? What results did he get from that test? He is basically just saying, "I think he needs this." Well, that is a problem when we try to process a claim.

So, again, I do not know if you need to actually put it in the legislation or if the policies are sufficient to cover it. Just make sure it happens, but it would not hurt to put it in the legislation to give it more strength. To me, it is scientific. It gets rid of the bias, I think. It deals with the pure issue of getting this worker back to work.

Madam Chairperson: Thank you very much. Seeing no other questions from the committee, we thank you for your presentation. Just for the information of the committee, Mr. Christensen was here from the South Eastern Manitoba Labour Council.

Thank you, Mr. Christensen. We also wanted to tell you that you can proceed down the hall to room 254, 255, I apologize, because you are scheduled to appear at Legislative Affairs Committee as well.

Mr. Christensen: All this stuff is going on. Anyway, thank you.

Madam Chairperson: Yes, we are busy people. Thank you.

Mr. Gerald Puhach from the Park West School Division. One more time for Mr. Gerald Puhach from the Park West School Division. Mr. Puhach will be dropped to the bottom of the list.

Fred Cole, private citizen. One more time for Fred Cole, private citizen.

We will now start with in-town presenters. Grant Rondeau, private citizen. One more time for Grant Rondeau, private citizen.

Warren Dowhan, private citizen. One more time, Warren Dowhan, private citizen.

Dave Gledhill, private citizen. Did you have copies you wanted to distribute to the—

Mr. Dave Gledhill (Private Citizen): The minister only.

Madam Chairperson: Okay. Mr. Gledhill, you can proceed whenever you are ready.

Mr. Gledhill: Well, first off, my first injury was 1985-86 working for PCL Construction. It was a knee injury, 13 months, 2 operations. After the first operation, Compensation Board decided I could go back to work. My doctors, my physiotherapist said no. I could not get a job, so they wanted me to see their doctor. I went to see their doctor. He put his ear to my knee; he cranked my knee. My knee made such a noise that his eyes went about the size of plates and he said, "My God, you've got a problem." Certainly do.

Another surgery, another six months, finally back to work, never had another problem with my knee until 1998 working for Trans-Canada Pipeline, steam pipelines actually, and a crane operator rams a load of lumber across both my knees, pins me, hyperextended both knees, torn anterior cruciate ligaments both knees, torn medial meniscus, both knees. The lateral meniscus was torn. It showed up on the MRI.

Compensation Board paid for all these surgeries except for the lateral meniscus. They decided that that was not torn, never said anything about it. All of a sudden, through a work-hardening program, a cyst forms on the right side of my knee about half the size of a golf ball. They want me to come see their doctor. They send me a letter stating that I cannot

bring a lawyer, that I cannot bring a doctor or physiotherapist, a union representative or anybody else. Bring a mushroom, somebody kept in the dark that knows nothing, and if the person I bring says anything in that room that examination is terminated, my benefits are cut off. If I do bring a lawyer, a representative, union fellow, he will not see me. Benefits cut off. Terminated. What kind of crap is that?

So, anyway, I see their doctor in there. I happen to bring a union representative, not my own. He worked for Bristol Aerospace, business agent, but a friend of mine. He heard the doctor, I heard the doctor, and the doctor said, "I have no problem, that this is associated with the injury. I am okaying the surgery." I go in for the surgery, everything else. When I get a copy of my file that doctor wrote exactly the opposite in the file. He had a hard time associating it with a work injury. If that is true, why did he okay the surgery? He okayed the surgery. The surgery went ahead. I asked him that. Oh, it was just an exploratory. Well, an exploratory, you go in, you take a look. No, they went in, they sliced it open; they took the cyst out. They found a tunnel coming from the lateral meniscus that proves that there is a tear in the lateral meniscus because it allows fluid to escape.

So, in their infinite wisdom, they decide that I can go back to work. The physiotherapist, my doctors, everybody else says "No way, he needs some more physiotherapy." I had two surgeries in '85. Through this I had three more surgeries or, actually, two more surgeries on the right knee at this point and one on the left. So they say, "Okay, you can take a work-hardening program." Well, both my doctor, actually I had six doctors, but three of them said, "You should go to the Wellness Institute; it is the best. You are going to get the best physiotherapy there; they will get you back, ready for work." I wanted to get back to work.

They tell you you are making 90 percent of your wage. Uh-uh; 26 percent of my wage. They wrote me a letter telling me it is 90 percent of my wage. I worked on Trans-Canada Pipeline. I worked as many as 110 hours a week, worked my butt off, very physically fit. Then it gets to a point where they cut me off because I said that I wanted to go the Wellness Institute, and that is even in the letter that I gave to the minister. Their own doctor, Doctor Arnot says, "I note that the WCB was prepared to authorize

a work-hardening program, but the claimant disagrees with the referral. He wants to go to the Wellness Institute. This raises the issue of compliance and mitigation." What is the doctor saying that for? He is a doctor. Compensation can say that, but why is the doctor saying that? That is their doctor because he is in their fucking pocket. Excuse my language. I am sorry. I did not mean to say that, but he is in their pocket.

So I get cut off. I had to write a letter stating in no way did I disagree with the work-hardening program, I just wanted the best. I am owed the best. Why should I not have the best? So they agree with it, put me on a work-hardening program. "Oh, you are getting four weeks." Well, my physiotherapist said, "Well, you need at least eight to ten weeks." Oh, no. It is right in the letter there. "Four weeks, that is all you are getting." "Well, what if my physiotherapist . . .?" "It does not matter what your physiotherapist says. We are giving you four weeks. Then your benefits are terminated." Well, it did not work that way. Things got to February 16, 2001, and I was going in for another cyst removal, because the work-hardening program, they had not done anything about the lateral meniscus tear. So the fluid keeps escaping the knee, I get another cyst; I have to go in for surgery.

You know what they do? They cut me off the day I went in for surgery. They cut me off for 30 weeks. Thirty weeks. No physiotherapy, nothing. What is a guy supposed to do? I have to get ready to go to work. How can I go to work? I cannot. So I am doing my own physiotherapy. I tried to do work. It took me five weeks to do a 76-hour side job. I worked as much as 110 hours a week. I could not handle it. My knees could not handle it.

* (19:30)

Things went downhill. I had to move out of my house. I had to sell furniture. No money coming in. My parents helped me out. I went in the hole, and then when it got to a day that I climbed in my truck and I wondered how easy it would be to put a pipe from my exhaust pipe into the cab of my truck, I said, "This is ridiculous." I drove straight to the Compensation Board and, with tears in my eyes and trembling like I am now because this brings it back. This talking it right now brings it back. I went down and I said, "I need help." Oh yeah, they got a counsellor down there. They sent me to a

psychologist and then finally they decide this guy is ready for PVP, I think they call it, preventative voc rehab, PVR, decide they are going to put me through school.

They send me through mechanical aptitude testing, psychological testing, they send me to work, all kinds of different testing, work placement testing. We settle on Civil/CAD Technology. I figure, "Hey this is good; things are moving ahead. If I cannot go to back to my job, at least I am going to get a good job. I am going to get some training. I am going to get a good job."

Red River wanted me to take Grade 11 and Grade 12 upgrading. I wondered why. I had graduated Grade 12, but it was 1975. They said to take Civil/CAD Technology you have to be right up on your math and physics. Fine. I was a poster child for their system. Grade 11, six A's, three A-pluses, graduated with honours. Halfway through the Grade 12 program I get a call from Compensation. What do you want me down there for? Well, we just want to check on your progress. Oh, yeah, check on my progress. Got me in a little room. This is how it is going to work. Two weeks your benefits are terminated. We have decided it is not cost-effective to retrain you. Good-bye. Do you have any plans?

They had the audacity to ask me if I had any plans. Yeah, I had plans.

Madam Chairperson: Mr. Gledhill. I am just going to ask you, just if you do not mind, I am just going to respectfully ask you to—

Mr. Gledhill: To lower my voice. I am sorry.

Madam Chairperson: A little bit. Yes. If you do not mind.

Mr. Gledhill: This is what this all makes me feel. That happened three, two and a half, no three and a half, three years ago. Since then, I walked away. That is their plan. That is what they do down there.

I do not know who up there says get rid of him, get rid of him, get rid of him. It does not matter who they are; they are just a number, but they are at the top of the pay scale, get rid of them. That is what happens. You are not a person. That is what the Workers Compensation Board teaches. They taught me how low I could feel. They taught me how low

my self-esteem could get. They taught me that somebody who had never ever thought of suicide, all of a sudden for a brief 30 seconds or a minute sitting in my truck, I thought of suicide. My God, I have never, never ever would—just absolutely ridiculous. So what I did was I tried to get work, and you know what they said? I told them I cannot get work because people want to know where I have been for the last five years on my resume. I tell them the truth, I was on compensation, got a knee injury. They do not want to hire me.

You know what he said to me? "Oh, you do not have to tell them you were on compensation." So what are you telling me? Lie? I am starting out a new job and I am supposed to lie to him. I am going and putting in an application, I am supposed to lie? Anyways—

Madam Chairperson: Thirty seconds.

Mr. Gledhill: Thirty seconds. Yeah, the file is this deep. I could go on for a long time, but I will not. That is it. There are a few documents that I gave the minister in here. Even my union said that I could not go to work, but they do not listen. They do not listen to your doctors. One of their doctors said it is all related to the compensatable injury. They did not like that answer. They sent it to another doctor. That doctor did not know. Finally, they find a doctor that says, "No, it is a degenerative joint disease, pre-existing." That is what they go with. Thank you.

Madam Chairperson: Thank you, Mr. Gledhill.

Mr. Gledhill: Oh, and one more thing, sorry. Now, when I do heavy work that is what I wear.

Madam Chairperson: Mr. Gledhill, we thank you for bringing your brace in.

Mr. Gledhill: Thanks.

Madam Chairperson: Does the committee have any questions for Mr. Gledhill? Seeing no questions, we thank you very much for your presentation. We appreciate you coming and telling your story to the committee.

Mr. Gledhill: I am sorry for yelling.

Madam Chairperson: That is okay. It is understandable. It is all right.

Mr. Ken Haines, private citizen. One more time for Mr. Ken Haines, private citizen.

Bobbie Milles, private citizen. Bobbie Milles, private citizen.

Dave Hansen, private citizen. Dave Hansen, private citizen.

Michelle Proulx, private citizen. Michelle Proulx, private citizen.

Dave Angus from the Winnipeg Chamber of Commerce. Dave Angus from the Winnipeg Chamber of Commerce. I will call one more time. Dave Angus from the Winnipeg Chamber of Commerce. Welcome, Mr. Angus.

Mr. Dave Angus (President, Winnipeg Chamber of Commerce): Thank you very much.

Madam Chairperson: Did you have copies of a presentation you wanted to distribute to the committee?

Mr. Angus: No, because you have really already received the submission through MEC.

Madam Chairperson: Mr. Angus, you can proceed whenever you are ready.

Mr. Angus: Thank you very much. Good evening, ministers, members of the Legislature, ladies and gentlemen, my name is Dave Angus. I am the president of the Winnipeg Chamber of Commerce.

We are an organization that is growing, actually. We have over 1650 corporate members, about 2700 representatives from those members, representing almost 75 000 employees in the city of Winnipeg making us the largest business association in the city.

It is a pleasure for me to be here and I appreciate the opportunity to take a few minutes to talk about changes and proposed changes to The Workers Compensation Act here in Manitoba. We represent companies, some of which are currently on the program, some of which are not, but all of which have a stake in the changes that are being recommended here and, certainly, have an interest in making sure that we are maintaining a competitive environment here in Manitoba. Many of my comments will be reflective of that.

We have appreciated the process of being involved in the discussion around changes to the act, and we endorsed the consensus report. I do want to make a point, a point about the report, which is truly a compromise. We do not agree with everything that is in that consensus report even though we endorsed it, but it is a compromise, and it is important that we understand that, when we have reports like that, we have to respect the give and the take in the negotiation that went on in its development. If we begin to cherry-pick these recommendations, the compromise evaporates. That truly is our concern.

I want to talk a little bit about process because, to me, there has to be a time within the process where potential recommendations that had been negotiated by the panel are tested, and they are tested with government. If there are recommendations that the government cannot adopt, the panel should be aware of those because those are negotiated terms. I think it is unfortunate that, when we do come together as business, labour and the community and government, and we come forward with a consensus document, we are faced with a situation where we cannot embrace and endorse and celebrate the entire document, because, as I said, even though we endorse the document, we do not endorse every single piece of it. But we know the nature of the compromise is such that there are some things we are going to have to give in order for us to take.

The employer community did not ask for this review. The employer community knows that any time an act like this is reviewed, it is going to cost us more money. So the reality is, though, we, in good faith, sat with our friends from labour and government and the community to enter into discussions about a very important program.

* (19:40)

Before I get into just a few specific items that I think are worthy of note, I want to say that we are quite proud of the performance of the workers compensation program here in Manitoba. We think that it has elements to it that are leaders within our country, and we would hate to see that evaporate. So it is nice to have some competitive aspects to the cost of doing business here in Manitoba because it certainly helps our ability to attract and retain industry and, certainly, to create jobs.

I want to cover off a few points that I believe we have some concerns with and, of course, our

presentation is consistent with what you have heard previously from the Manitoba Employers Council, which is a group that we certainly are committed to, as well as ETF.

First of all, in terms of recommendation No. 4, "The cost of Workplace Safety and Health Division should be borne by the Province of Manitoba." That is a recommendation, unfortunately, that has been turned away, likely. That is unfortunate.

We knew that a lot of the changes being called for, it was going to cost the employer community extra dollars. This was one element that, first of all, we thought was properly placed with the provincial government and, secondly, would help to offset some of the costs, again, in the spirit of negotiation and in the spirit of compromise. So the recommendation, and it is an estimated \$5-million cost saving which would be realized by employers as a result of having not been accepted by the government. It is submitted, therefore, that the cost of expansion of coverage should be correspondingly reduced in order to maintain the balance achieved by the consensus report. Again, if you do not agree with that, there needs to be an offsetting amount that comes off the employer side.

Number 2, and it is section 2, 2.1, which is the expansion of coverage, we submit that it is important that WCB retain its current decision-making role with respect to expansion of coverage. That is an element that we believe is very important and we were somewhat surprised at the recommendations coming forward to transfer the responsibility related to coverage over to the department. Accordingly, we urge the government not to repeal sections 92 and 93 of The Workers Compensation Act. Further, we look to the government to commit to abide by the principle of voluntary inclusion of low-risk industries as recommended in the consensus document. When it comes to coverage, it is extremely important to us that we do abide by the principle of voluntary inclusion for low-risk industry. That, certainly, is something that we will be looking for as time goes on.

Number 3, it is section 46, and I know that you have heard some objection to this at these hearings, and that relates to the removal of the cap on earnings. If enacted, it will mean that Manitoba is the only jurisdiction not to have a cap on earnings. Truly, that is our concern. We will stand out from the employers' perspective in a negative way by not

having a cap. It does increase costs and it certainly increase costs in specific industries. It increase costs in industries of high-paying jobs. Our economic development strategy is all about, and should be all about, the attraction of industry that is going to bring high-paying jobs to Manitoba. We need to increase incomes for Manitobans. That is how we increase the quality of life. We are behind Saskatchewan when it comes to average weekly wage earnings. This is an area we need to do better at. This kind of policy does not help because it does penalize those industries and it is a barrier to those industries coming to Manitoba related to high-income jobs and the removal of the cap.

The other section that we are concerned about is section 39(6), Earnings at or below the minimum. We note that the elimination of the 10% reduction of net earnings carries the risk of removing the incentive of workers earning minimum wage to return to work. It would be important for the WCB to manage these compensation claims carefully to ensure that the length of time of compensation is not dragged out, which, if allowed to occur, will have harmful effects, not only on the employers but also on injured workers.

Also, section 49(3), Obligation to re-employ, we support this amendment which reflects a recommendation of the consensus report. However, it is important to ensure this amendment does not conflict with existing WCB policy not to return an injured worker to a situation where a substantial risk of re-injury does exist.

Section 39.2(1), Payment of wages by employers for the first 14 days, this truly is an issue of concern by our small business members. We support this amendment which reflects the recommendation from the consensus report; however, there needs to be a mechanism to deal effectively with recovery of overpayments. So we would urge the government and, certainly, would urge WCB to ensure that there is a mechanism in place to deal with that recovery.

Section 67(4.1): Reference to panel on request of employer. We note that WCB must refer a matter to a panel if requested by an employee. However, if the request is for an employer, the board may—underline "may"—refer the matter to a panel. We believe there should be equality between workers and employers in terms of the right to request a matter to be referred to a panel.

The other part is one thing that we really asked for, and that was, in our submission to the panel, the program audit. We commend you for including in your recommendations the commitment to audit a program every five years at WCB. We think that is a step in the right direction, but we would also urge that you look to become even more aggressive with that, as allowed. So, depending upon the program, there may be a need to conduct an audit, depending upon the nature of the program, depending upon input from WCB—

Madam Chairperson: If you could give us your concluding remarks, Mr. Angus.

Mr. Angus: Well, concluding remarks are simply this. We are committed to working with this government on this particular program. We are proud of our history with Workers Compensation Board, Workers Compensation Act here in Manitoba. We have to make sure that our companies remain competitive here in Manitoba, as well as those outside see Manitoba as a place where they could do business internationally and be able to compete.

Madam Chairperson: Thank you very much.

Mr. Cullen: Thank you very much, Mr. Angus, for taking the time to provide your presentation tonight. You, certainly, brought forward a number of recommendations, many of which we have heard before. I guess, from our perspective, if we could hear maybe one or two of those recommendations which you think would be the most important for us to look at of any amendments to this legislation.

Mr. Angus: The No. 1 issue is coverage. I will be honest with you. The No. 1 thing we would be looking for is to make sure this is a status-quo change, so that we are not adding new industries to the current coverage under WCB. We will be looking very closely for that.

Secondly, we are concerned of taking the authority of coverage away from WCB and bringing it to the department. We are curious as to the reasons why. We believe it is well placed in WCB. We, as employers, are represented on WCB and the WCB board, and, I think, they should be empowered to address the coverage issue. So that is an area that we will be looking for change. That is a priority area for sure.

Mr. Lamoureux: Mr. Angus, I suspect, on Thursday in and around 5:30, that this legislation will actually

pass, primarily because of a tribute to our firefighters and how patiently diligent they have been in terms of trying to get the legislation brought forward.

I am concerned in terms of some of the business communities and the response that they have given thus far. I am wondering if you could give clear indication as to your organization if the consensus report that was brought forward in terms of the recommendations—I think it is 100 recommendations—would have been adopted where there was no cherry-picking. Would your organization have supported it?

Mr. Angus: We did support the consensus report. If it was adopted completely, it was a report that we endorsed. I will repeat that we did not support every item in that report, but it was a compromise, so, to answer your question, yes.

Ms. Allan: Dave, thank you very much for being here this evening to present on behalf of the Winnipeg Chamber of Commerce. I am so pleased to hear that your membership is growing. Thanks because of that lively debate that we have had about Sunday shopping, I understand.

Mr. Angus: Absolutely.

* (19:50)

Ms. Allan: It is true, but I did want to chat with you just about a couple of issues. I am glad that you mentioned that the expansion of coverage was your No. 1 issue. Actually, just to clarify, we did not transfer the responsibility. We have always had regulation-making authority in regard to the WCB. It made it sound to me like you thought we were completely and totally transferring authority and that we did not have it before. But, having said that, there has not been an amendment or a change to any industry, or there have not been any regulations in this area since the late fifties. You will be pleased to know that the one amendment that we have to the bill this evening is around the area of coverage.

Also, I wanted to just talk about the recommendation in the report in regard to the workplace safety and health and the costs being borne by the Province. This is a very important area for us, as you know. We are really interested in injury reduction. We have worked with the WCB, we have worked with employers, we have worked with community

organizations to reduce injuries and our injury reduction over the last four years is 22 percent. There is a cost savings of \$29 million and we believe there is another \$29 million that is saved by employers.

So that was kind of the heart and the soul of our government in regard to injury reduction and that was one of the reasons why we felt that this was difficult to do. We believe it is an investment, the \$5 million or \$6 million is an investment to employers and is a cost savings.

Thank you again for being here this evening. I always look forward to our meetings, and I know that lots of times we do not agree, but we have very good dialogue when we do have meetings. I look forward to seeing you again.

Mr. Angus: Thanks very much for that. I am looking forward to the exact wording of the amendment around coverage. I know that that was an area we certainly need clarified, and we needed an amendment around in terms of clarity of how coverage would work.

I appreciate your comments, and I will leave it with this. The employer community is as motivated as government, as labour, as a community overall in reducing workplace accidents. We want safe workplaces here in Manitoba, and so we share the same objective and we celebrate the same results. So I think that we are absolutely on the right track when it comes to safety. So I will leave my remarks there.

Madam Chairperson: Thank you very much, Mr. Angus.

Mr. Ron Schuler (Springfield): I was wondering if we could get leave from committee so that I could pose one last question.

Madam Chairperson: Is there leave from the committee for one additional question?

An Honourable Member: Leave.

Madam Chairperson: Leave has been granted.

Mr. Schuler: Often at these committees, we hear brother and sister being used. I do not know if it is appropriate to call you Brother Angus or not.

Mr. Angus: Just do not call me Sister Angus.

Mr. Schuler: No confusion there.

Madam Chairperson: Your question, Mr. Schuler.

Mr. Schuler: One of the issues that, clearly, is perplexing for us as the opposition in regard to this bill is, on the one hand, we have got the fact that the compromise was broken, and that is problematic in some of the things that were purposely left out. On the other hand, we know that there are positive components.

In fact, we had argued that this bill should be split because the firefighters issue was really an entirely different issue and the Workers Compensation Board was another issue. Unfortunately, we are where we are today, dealing with the legislation.

We are very concerned, and we have raised this with the minister, the fact that the compromise was compromised, that the compromise was broken. We always want to make sure that we are competitive in our market. We do not have the same kind of market that an Alberta has or Ontario has. So we certainly appreciate that. I suspect as we go line by line, we will be dealing more with individual clauses, but just you know that is where we are on this particular legislation.

Mr. Angus: Great. I appreciate the comments. We are as concerned about the fact that the consensus document was not adopted, and I think it is a concern of government. I think it is improper process. There has to be a way in which, if there are issues and items that cannot be adopted for some reason, and that would not be, sort of, in the realm of thinking on the panel, there has to be a part of the process where that is communicated, so that truly, at the end of the day, a consensus document can be tabled, can be agreed to by all parties and can be adopted, because to take items out, the compromise has been dissolved. It makes it difficult for us who endorse the compromise document to, then, weigh in on a hybrid, and it becomes difficult. So I appreciate your comments on that.

Madam Chairperson: Thank you very much, Mr. Angus.

Terrence Turner, private citizen. Mr. Turner, you can proceed whenever you are ready.

Mr. Terrence Turner (Private Citizen): Good evening. Thank you, honourable minister.

Madam Chairperson: You just have to come a little closer to the mike, sorry, so we can hear you. Thank you.

Mr. Turner: It is with substantial concerns I present myself today. As per the *Winnipeg Free Press* article of April 23—

Madam Chairperson: I am being given a signal that we cannot hear you so you have to come a little closer and you have to sort of face a little bit more directly to the mike. Thank you very much.

Mr. Turner: Honourable minister and members, it is with substantial concerns I present myself today. As the article in the *Winnipeg Free Press* of April 23 this year, Bill 25 will help fix the broken system. In regard to my own claims with WCB, there are a couple of issues that I would like to present. One says that we are pleased that more occupational diseases prevalent among firefighters will be automatically accepted as compensable injuries by Workers Compensation Board, but this should not be limited to that one occupation.

It goes on to say that when a worker in a particular industry contacts one of the listed diseases related to that job, compensation should be automatic without the worker having to prove it was mainly caused by the workplace. In most cases it is an impossible standard to meet.

In both my claims, you have copies of it, as of the 25th of January, that is all I have been trying to do is prove my claims. I have doctors' reports upon doctors' reports. Doctor Adhikari of the WCB, I will just read his statement here. It says that "diesel exhaust contains many chemicals and particulate matter. The chemicals are oxides of nitrogen, carbon and sulphur. It also contains some hydrocarbons and aldehydes. The particulate matter can adsorb material and cause further damage to the alveoli" and, it says, producing a "pneumonia-like effect or pulmonary edema."

The adjudicator's decision on May 27, five months later, with five doctors substantiating and backing the claim comes to the decision that it is, in "the opinion of the Rehabilitation and Compensation Services that based on all the current information on file, we are unable to establish that your difficulties are related to an accident arising out of and in the course of employment. As such, your claim for compensation has been denied."

As I presented copies of each of the doctors' statements, obviously, all the information was not looked at in my opinion and in my doctor's opinion. That is just one case, one claim.

In the second claim after three appeals, it finally went to a medical diagnosis, I guess, or a consultant. At that point, he determined it was caused by the employment, but no time loss go with it. I have two doctors' letters. The latest one says that, if this patient were volunteering to not stop driving, I would inform the Minister of Transportation to determine fitness to drive a Class 1 vehicle."

* (20:00)

I just heard two gentlemen from CP and CN talk about how their train operators operate between Manitoba and Saskatchewan, or Manitoba and Kenora and how, when they get injured they come to, if they are from Kenora they will come and apply for Manitoba. I know a lot of truck drivers who have been on workers compensation, or who have applied for workers compensation, me, myself included. Why would I go to Alberta? I am a resident of Manitoba. Why would I go to Alberta, B.C., for that matter the U.S. and apply for workers compensation, when I live and my family doctor and my practitioner is here in Manitoba? It does not make sense. Why would I go anywhere else, as these gentlemen suggested?

My doctor has now kept me off work. What do I do? Go back to work and probably kill somebody? Then what? I am up the creek. I will not take much more time. As it is implicated in my files, both files, of fair practice; illegible correspondence; misleading, false and slanderous reports by the employer; inadequate adjudicative skills; premature decision findings, this establishes and substantiates that Bill 25 to speed up and lighten workload of claims to the WCB by having one person adjudicate claims, this would be the utmost disgrace to Manitobans.

You know, a few of the gentlemen talk about monitoring employees that abuse the system. Who monitors the employers that abuse the system by giving false, misleading and slanderous reports? What punishment is applied on them? I have not seen any, and I have lived in Manitoba for 25 years. It is being done. This, to me, is all about the employers. We are, as employees, it says here somewhere about being "the viable part of a business is the

employees." It says, "This contract between workers and employers continues to be the principal safety net for injured workers." It is not a very safe net for a lot of injured workers. Thank you.

Madam Chairperson: Thank you very much, Mr. Turner. Does the committee have questions for Mr. Turner? Seeing no questions, I thank you very much for your presentation.

Neal Curry, from the Canadian Manufacturers & Exporters. Mr. Curry, you can proceed whenever you are ready.

Mr. Neal Curry (Canadian Manufacturers & Exporters, Manitoba Division): Thank you. I am here this evening in my role as a member of the board of directors of the Manitoba division of the Canadian Manufacturers & Exporters. CME is the voice of the manufacturing industry in Manitoba. Manufacturing directly employs 70 000 Manitobans, 95 percent of whom are full time at an average wage that is 13 percent higher than the Manitoba average.

Every dollar of manufacturing output in Manitoba generates \$2.70 in total economic activity, the largest economic multiplier of any business sector in the province. Manufacturing accounts for about 54 percent of Manitoba's exports of goods and services, and more than 75 percent of all private-sector investments in research and development.

CME is an active participant in the Manitoba Employers Council and in the Employers Task Force. I will probably cut some of my remarks shorter than I intended, because a lot of it mirrors the MEC report and Dave Angus's report of a few minutes ago, but there are some items that we would like to address.

CME supports the recommendations put forward in the MEC submission. I will not repeat each specific item, but leave the committee to refer to the submission. Rather, I would like to discuss those items that are of special concern to the manufacturing community.

When we expressed support for the recommendations put forward by The Workers Compensation Act Legislative Review Committee, it was not without a great deal of trepidation, as these recommendations represent considerable cost increases and further erosion in the competitive

position of the manufacturing community. Having said that, CME supported those recommendations because it was a consensus report that was considered to be a reasonable compromise in achieving a balance among employers, labour and injured workers.

CME has concerns that the legislation, as drafted, does not entirely respect the compromise and balance achieved in the report and requests that the government develop legislation that reflects the intent of the recommendations without destroying that balance.

In light of the fact that the government has chosen to cherry-pick the unanimous recommendations of the Legislative Review Committee, which is a government-appointed committee made up of equal representation from employers, labour and the public interest, our specific concerns are as follows:

Section 39.2(1), Payment of wages by employers for the first 14 days. CME members have expressed concern that this provision would go against efforts to encourage early return to work and as a result drive up duration and costs. We see this provision as having a negative effect on all the excellent effort that has been put into getting workers back to work on the job as soon as possible. There is little incentive to return to work when full wages carry on uninterrupted for two weeks. Since many manufacturers are small-to-medium enterprises, this is an additional burden that will be damaging to them.

Issues surrounding claims that are ultimately rejected are also a concern. Clawing back the money paid out would in many cases cause hardship to the employee while forgiving the overpayment would certainly create an atmosphere for abuse.

Recommendation 4. "The costs of the Manitoba Safety and Health Division should be borne by the Province." Dave discussed that and the minister responded. Considering the fact that the employers provide 100 percent of the funding for the WCB, it is disconcerting that WCB funds should be diverted from their intended purpose which is to compensate workers for injury.

The minister has assured us in writing that, upon passage of this bill, no expansion will take place; that is, the status quo will prevail. We have also been assured that consultation with the WCB will take

place before any expansion occurs. We thank the minister for those assurances, but we all know that ministers change and, at the end of the day, it is what is written in the act that counts.

We ask that the government remove even the appearance of future political interference in the operation of the WCB and not repeal sections 92 and 93 of The Workers Compensation Act.

Obligation to re-employ. As Dave Angus said, we support that as long as there is no conflict with the existing WCB policy not to return an injured worker to a situation where a substantial risk of reinjuring exists.

Reference to the panel. We just find it patently unfair that an employee may demand a panel and get it, or employer. They may or may not get the panel depending on the whim of the adjudicator.

Given the sweeping nature of the changes proposed in Bill 25, it is essential that the WCB monitor carefully the effect of these changes, especially with respect to the cost to employers and the effectiveness of initiatives regarding injury reduction and return to health and work. CME urges the WCB to continue to improve its statistical reports, in terms of accuracy, amount, the variety of information and availability to stakeholders. Without that information, it is very difficult to judge whether the intent of the changes are being achieved.

Finally, I would like to thank the government for recognizing that the workplace is only one of many areas of people's lives that has the ability to affect their health and well-being. By maintaining the current definition of stress in the act and the concept of dominant cause with respect to disease, you spare the employers, who are the job creators in Manitoba, a grossly unfair and potentially crippling burden. Thank you.

* (20:10)

Madam Chairperson: Thank you very much, Mr. Curry.

Mr. Schuler: Thank you very much for your presentation. I guess we have heard parts of this throughout the evening and my colleagues last Thursday. I take it you have probably heard our comments that this bill cause a lot of concern

because it does include components that we do support. We would like to have seen the firefighter portion removed.

What is causing us a lot of difficulty is the fact that the compromise was broken, that the consensus was negated. Our concern is that this current government or, as you state, governments in the future, view Workers Compensation Board as just another cash cow for government. That is a problem, because we can get all kinds of commitments from the minister, but, as you mention here, that is only as good as the day is long and then those commitments, unless they are in the act, are, really, of little good.

What this all dovetails to is the fact that we become less and less competitive as a province, as an economy. So we certainly appreciate the fact that you came out and made your presentation. Certainly, we share with you these concerns and hope that, as this bill proceeds through committee and then into the third-reading process, perhaps we can get some of the changes that we are looking for. We do share a lot of your concerns with the issues you brought up.

Mr. Curry: Competitiveness is an issue and, sometimes, especially when you are in manufacturing. Manufacturing jobs are not like a mine. The mine is here. Like it or not, the miners have to live with what you shovel down to them. Manufacturing jobs can move in a heartbeat, and they do every day.

Madam Chairperson: Thank you very much, Mr. Curry.

Ms. Allan: Thank you very much, Mr. Curry, for being here this evening on behalf of the Canadian Manufacturers & Exporters. We appreciate it. I just wanted you to know that we have made a commitment to the employer community to monitor the changes in regard to some of the concerns that you have and I just wanted to make sure that you knew that we would be aggressive on that.

Thank you for being here this evening.

Mr. Curry: Thank you.

Madam Chairperson: Scott McLaren from the Canadian Auto Workers. One more time for Scott McLaren from the Canadian Auto Workers. Mr.

McLaren's name will be dropped to the bottom of the list.

Cliff Anderson, private citizen. Cliff Anderson, private citizen.

John Jacobs, private citizen. Good evening, Mr. Jacobs. Did you have something you wanted to circulate to the committee?

Mr. John Jacobs (Private Citizen): No, I do not. This will be a brief oral presentation, thank you.

Thank you for hearing from me. I would like to thank our government and the Minister of Labour and Immigration (Ms. Allan) in particular for putting this rather progressive bill forward. I have had a quick look at it. I am no expert on the compensation system, even less familiar with the political process, but I have had a look and I see some good things. In particular, payment on the first day of an accident can be very important to low-wage earners. There are some proposed changes to section 46. It appears to remove the cap on insurable earnings.

Now, we have heard some words from business representatives on this. Someone has to give the individual perspective. Hopefully, I can give the lay perspective on this. I know people who make 75 grand a year, lots of them, and I know people who make 40. I believe that straddles the high income cut-off line. Like it or not, the people who make 75 a year have the exact same problems as the people who make 40. They are mortgaged, they have car payments and the kids are in hockey.

Now, whether they manage their money well or not, or maybe they should be putting more away, the fact is, both sides of that high income cut-off are in the same darn boat, and nothing changes the day you get injured. The bills keep coming. So I think it is a very good thing to remove this cap.

Sections 29 and 38 seem to remove the age-related reductions on permanent impairments and survivor payments respectively. It seems to be a little breakdown when you turn 45. I am 42. I do not like it. I see no reason to punish, if I could use that word, workers at the age of 45. A permanent impairment award, seemingly, will be used effectively whether you are 42 or 62. It is not making anyone rich. They will find a place to put that money.

Section 39 is the reduction of benefits to 80 percent after two years. I have a huge problem with the way this is implemented. Now removing that reduction is a terrific thing. The financial needs of claimants do not diminish after two years. I will get to the problem in a minute.

So, basically, I see a lot of positive changes. Just on a cursory inspection of this bill, they will make the compensation system in Manitoba fairer for injured workers if the bill is passed, and they will bring us closer to a true wage-loss replacement system.

But on that subject, I do have a huge concern. It just leaps out at me, and that is the issue of retroactivity. If this bill is passed in its present form, it will institute a two-tier system. If I am correct, that pays lower benefits to claims begun before the date of implementation or coming into force, and higher benefits to claims begun after coming into force.

The state of affairs could go on for years. Two claimants could sustain identical injuries a month apart. One sustains an injury before coming into force. One sustains an identical injury a month after coming into force. They get the same benefits. They are dealt with the same way for the same problems. At the two-year point, if I am not mistaken, one of them loses 10 or make that 11 percent of his benefit, and I wonder why. It is to me, with all due respect, unacceptable, unfair and it is unconscionable. We should treat people the same.

I cannot propose full retroactivity to the beginning of time or to the beginning of compensation time. When we make rules, we draw lines. It has to be done. When we change rules, we change lines, but I think we need to pull the line of retroactivity back. So I would urge the committee and our government to adopt an amended Bill 25 which pays the same benefits to all active claimants at a minimum on a go-forward basis, regardless of the date the claim was first made. Thank you for hearing me.

Madam Chairperson: Thank you, Mr. Jacobs. Does the committee have questions for Mr. Jacobs? No? Seeing no questions, we thank you very much for your presentation.

Alan Payne, private citizen. You can proceed whenever you are ready, Mr. Payne.

Mr. Alan Payne (Private Citizen): Good evening. Just to give you a little history before I get into what I have written down, I am an assembly technician at a manufacturing plant that employs approximately 1000 people locally. Approximately five years ago, I got involved as a health and safety committee member and have taken a full-time health and safety co-chair position at this present time.

I took that position originally because I have always enjoyed helping people and wanted to see injuries reduced in our workplace. I found with the more involvement I have with the people there, I am spending more and more time representing them with compensation claims than actually looking at reducing injuries. It is not my main focus, but it is what the job has turned into presently. That is what has brought me here to speak to you today.

I would like to thank you for the opportunity to talk to you on this very important subject. This is a great opportunity for all Manitobans. Everyone should be protected when injury or work-related illness affects him or her. While the amendments that have been recommended go a long way to make things better for Manitobans, I do not believe they go far enough. There are changes that were made in 1992 to the detriment of many workers. I believe that some of the changes that are to be made should be retroactive to 1992.

Permanent impairment awards have not accurately reflected the loss that workers have incurred. Many people made this clear during the hearings. Wages were not kept up with increasing costs for people who had been severely injured and were on benefits for two years, but were then reduced by another 10 percent of their net incomes. These are just two of the examples of how the system did not do what it was intended to do; provide fair and just treatment to injured workers who gave up their right to sue employers. Again, many people made it clear that these practices were discriminatory and that these wrongs should be corrected.

* (20:20)

Privacy concerns are another area that needs to be addressed. Employers constantly use or misuse information from files to red flag or delay claims, thus making it difficult for claimants to receive benefits that they are entitled to. This makes others

in the workplace afraid to go on benefits when they hear the stories that others have gone through. This information should be kept confidential between the claimant and WCB. Only return-to-work information should be shared with the employers.

Occupational disease is another issue that must be addressed. Exposures to new chemicals and processes create new risks for workers every day. It is difficult to prove that the workplace is the dominant cause of an occupational disease and often only becomes provable after an autopsy. Often, there are latency periods that make it difficult to make a connection between the work and the disease.

Science must be used to understand and draw the connection to the occupational diseases and provide coverage before there is a death. Claimants, when they are faced with this type of issue, are not able to access scientific evidence on their behalf. This should be done for them and they should be allowed to die with dignity. People of Manitoba who are affected by occupational diseases deserve to be treated decently in their last days.

Of great concern to me is the absence of an acceptance of stress as a workplace illness. This is very concerning in my workplace. I am in the manufacturing industry and I am always being pushed to be more competitive. We must be more competitive or none of us will have jobs, we are constantly told. This in itself is stressful, but along with the other changes that are taking place, become unbearable for some individuals.

Our workplace has now what are called "Kiazan events". These look at how we can be more efficient, which is important but, at the same time, implements processes that are designed to apply peer pressure to workers. Most of our employees have been in their jobs for at least 15 years. Many have aches and pains from doing repetitive tasks. Now, they have less recovery time due to the designed flow of the work. Not a week goes by that I do not have at least one person in my office in tears about what is happening to them while they are trying to earn a living.

A consultant from Japan runs these Kiazan events. He has been hired from a company in Japan. After doing some research on production from Japan, I found some very concerning information. There is actually a term for work-related suicide in Japan. This term is *karoshi*. Work-related suicide is actually

an accepted claim there. While I want to keep my job and remain competitive, I do not want to see my co-workers committing suicide.

This is why the workers compensation system needs to accept stress and provide benefits to help people before they get to this point. It is bad enough to be injured, but even more difficult when you have been a labourer all your life and now we are being pressured to do more than ever. At home, you are not able to help out and take part in the activities that you used to enjoy. Workers' identities are in question. Our entire lives are affected by what takes place in our workplaces. Stress can and does kill. The workers compensation system must protect and provide fair and just treatment for all Manitobans.

Once again, I look forward to the improvements that will be made with the implementation of the new amendments and ask again if these other issues could be reconsidered. These are that all permanent impairment awards post-'92 be paid retroactively. All claims that are being paid at 80 percent instead of 90 percent be paid retroactive to 1992.

Occupational disease claims must be made easier for workers afflicted by this so they have fair and just treatment they deserve and be allowed to die with dignity. There must be the removal of the restriction on stress claims in order to avoid what is happening in Japan. Workers must receive help before they consider suicide. Thank you.

Madam Chairperson: Thank you very much.

Mr. Cullen: Thank you very much, Mr. Payne, for your presentation tonight. I want to go back to some of your opening comments there. I appreciate your role as a safety officer. I think that is certainly something that every industry needs.

You had indicated that you are spending more time in dealing with the claims side as opposed to being a safety officer. Did I interpret that right? I am just wondering if you could elaborate on that, if it is a process problem that you are having problems with there, or why you are spending time with staff in that regard.

Mr. Payne: What is happening, really, is just that there are more and more claims and more and more people seem to have difficulty getting their claims accepted. So I am having to do more and more work

with them, having to find doctors, having to find the support they need. With soft-tissue injuries, to prove repetitive strain injuries is not easy to put your finger on, to just say, "Yes, this is when it happened." So there is a lot of work going into helping these people get the help they need when they need it.

Mr. Cullen: I suppose, then, your company is fairly fortunate. Your employees there are fairly fortunate that they have an individual such as you to do some of that legwork for them. Some other companies might not be as fortunate to have that, or some employees might not be as fortunate. Do you think there is more of an onus that should be placed with the Workers Compensation Board to facilitate some of the people through the claims process?

Mr. Payne: Well, there could definitely be more help. I mean, a lot of the time is spent waiting and that and getting the information back and forth so, definitely, there can be a better connection. I know myself that the employer seems to have a connection that is immediate and can get answers immediately when we cannot get that same reaction. It would be a lot easier and less time consuming if that was the case.

Madam Chairperson: Thank you very much. Seeing no other questions from the committee, we appreciate your presentation. Thanks.

For the information of the committee, Stan Letwyn will not be present tonight, and there is a written presentation that has been submitted. Is it the will of the committee for that written presentation to appear in Hansard? *[Agreed]*

Brian Inglis, private citizen. One more time, Brian Inglis, private citizen.

Rory Roman, private citizen. Hello, Mr. Roman. Do you have a written presentation that you wanted to—

Mr. Rory Roman (Private Citizen): No, I do not have.

Madam Chairperson: Thank you. You can proceed.

Mr. Roman: I just want to thank the committee looking at permanent awards, removing the restriction from age 45. Since 1992, where I work

there have been a lot of injuries with people over the age of 45, and they got a lot of reductions that they did not really deserve, so I would like to thank the committee for reducing that, myself included. What I wanted to say tonight is I am glad the committee is looking at reducing restrictions on age 45.

Madam Chairperson: Thank you, Mr. Roman. Does the committee have any questions for Mr. Roman? Seeing no questions, we thank you very much for your presentation.

Gloria Shand, private citizen.

Ms. Gloriafer Shand (Private Citizen): Good evening, everyone. My name is Gloriafer Shand. Before I proceed with the main purpose, my reason for being here is how I feel about the WCB. I would like to be known that I am not doing this just for myself, but for all workers who have been injured on the job.

I suffered a very severe crush injury to my dominant hand, my right hand. My doctor who performed the surgery almost amputated my thumb. But the team of surgeons did everything they could to save it and they were able to reattach it. My ring finger and my baby finger are still extremely sensitive, and the pain in my hand is still there and always will be there. My injury is my life.

*(20:30)

If you call a lawyer after a workplace injury, the first thing they ask you is if you are under WCB. If you said yes, they will reply, "I am very sorry, we cannot help you." WCB also told me that a lawyer cannot help me because they are the ones paying my benefits. However, the WCB cannot cover costs of pain, damages and sufferings, nor would the company that I work for. So what are we supposed to do?

I have also talked to the workers safety board, maybe two or three times, and I thought that maybe they would be able to do something about the machine that I was using. The machine malfunctioned while I was using it, causing this injury. They ended up not doing anything about the machine, unless I know it is still in use.

I have also been interviewed by one of the WCB doctors and a psychologist. I was just entering the

room when the doctor told me that our meeting could quite possibly come to nothing, deeming it useless. It really was useless, and I said that. I have friends who have told me that the doctors at the WCB never help any injured person. Why would they have WCB doctors interviewing us? And as far as I know, they cannot do anything about us because we have our own doctor, my own doctor who did the surgery of my hand. He knows everything what happened to me. I know that the WCB doctor will never feel sorry for the injured people. He will find even the smallest hole for me to go back to work, because they are being paid by the WCB.

So, no matter what, they will always find a loophole. I told him that my No. 1 hobbies are playing the piano, gardening and sewing. He had the nerve to tell me that I could still play the piano for using only my left hand, and that is a big insult to me for myself. I was extremely offended. What would happen if he tied his hand, anybody tied your hand behind your back, even for one day? Would he be able to function at work or at home?

Let us go to the insurance company. And then there are the insurance companies. They are only in it for the money. In a recent televised investigation on W5, which aired on CKY in Winnipeg, they pointed out that, because the insurance companies are losing money, they started raising their rates. This proved good for them, so they collectively profited over \$2 billion in a year. In the investigation, it was also shown that there is a quota for certain policies to be terminated.

It turns out to be one out of every two claims was to somehow be terminated. Those offices with the highest termination ratio were applauded. They also showed an insurance fraud handbook that the companies go by. It was proven that it was nearly impossible to not have a claim with at least one red flag for fraud. Obviously, they are not there to help us out or pay our benefits. Only those who complain more than three times were shown to just have theirs looked at.

The companies know that it is more economical for them to not pay, even the few that will take them to court. So those of us who think we are covered with our work insurance, it is pretty much a gamble if you get hurt. Our cases may just be terminated and closed, like mine was. There goes our money that we put in for our supposed insurance, and there goes our

money which is supposedly to be awarded to us in case of injury. Thank you.

Madam Chairperson: Thank you very much. Are there any questions for Ms. Shand? Seeing no questions, we thank you very much for your presentation.

Mike Dzhic, private citizen. One time for Mike Dzhic, private citizen.

For the information of the committee, that is the end of the list. We will now return to have a second call for the presenters who were not here when we originally called their name.

Grant Rondeau, private citizen. Mr. Rondeau will be dropped from the committee list.

Warren Dowhan, private citizen. Mr. Dowhan will be dropped from the list.

Ken Haines, private citizen. Mr. Haines will be dropped from the list.

Jan Forest, private citizen. Jan Forest will be dropped from the list.

Bobbie Milles, private citizen. Ms. Milles will be dropped from the list.

Dave Hansen, private citizen. Mr. Hansen will be dropped from the list.

Michelle Proulx. Michelle Proulx will be dropped from the list.

David Zirk, private citizen. Mr. Zirk will be dropped from the list.

Steve Hunt, District Director, Steel Workers Union. Mr. Hunt will be dropped from the list.

Scott McLaren, Canadian Auto Workers. Mr. McLaren will be dropped from the list.

Cliff Anderson, private citizen. Mr. Anderson will be dropped from the list—excuse me, for the information of the committee, Mr. Anderson has provided a written submission for distribution to the committee. Is it the will of the committee to have this written submission appear in Hansard? *[Agreed]*

Brian Inglis, private citizen. Mr. Inglis will be dropped from the list.

Gerald Puhach, Park West School Division. Mr. Puhach will be dropped from the list.

Mr. Cole, private citizen. Mr. Cole will be dropped from the list.

Mr. Mike Dzihic, private citizen. Mr. Dzihic will be dropped from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing no other individuals who wish to make a presentation, that concludes public presentations.

* * *

Madam Chairperson: We will now proceed with clause-by-clause consideration of the bill. Does the minister responsible for Bill 25 have an opening statement?

Ms. Allan: I would like to just say what an honour it has been to work on this piece of legislation. Bill 25 is the first major review with public consultation in almost 20 years. I would like to thank the review committee, Mr. Wally Fox-Decent, who chaired the committee, Chris Lorenc, Pete Walker and Susan Rogers, who did an extensive review of this legislation and looked at this legislation for almost a year before they presented me with the report that culminated in Bill 25.

* (20:40)

I would like to thank all of the stakeholders that I have had the privilege of working with throughout this process. I probably enjoyed that the most, getting to know all of the stakeholders better that I work with on an ongoing basis. We are implementing the vast majority of the review committee's recommendations. In the few instances where we deviated from the report, we believe that there was solid reasoning behind these particular amendments.

Two examples, for instance, one is governance. We went well beyond the committee's recommendation on governance. We now believe that we have a bill that contains governance recommendations which will make the WCB have the strongest

governance structure of any WCB in Canada. Also, the coverage for part-time and volunteer firefighters, a recommendation that included part-time and volunteer firefighters in the legislation. We believe that was for good solid reasoning.

So I would just like to thank all of the presenters for their presentations over the last couple of nights. We look forward to passing Bill 25.

Madam Chairperson: We thank you, Minister. Does the critic from the official opposition have an opening statement?

Mr. Cullen: Yes. I do have a few comments I would like to make. I, too, would like to thank all the presenters who have come forward over the last couple of nights to make their presentations and their thoughts brought forward on Bill 25.

I think it is also important to review the process that got us to where we are at this point in time. I thank the work that the Legislative Review Committee did in terms of putting together their package. The Legislative Review Committee was made up of the employers, employees and the community at large. I guess they had over 200 submissions brought forward to them. From there they were able to put forward 100 recommendations to the minister. I think, as we heard tonight, it is important to realize that those were consensus recommendations. There certainly was give-and-take on all sides to reach the consensus. I think that is very important for us to note.

Unfortunately, this particular legislation does not reflect the unanimous consent of that particular committee. There was some cherry-picking which occurred when this legislation was drafted. Obviously, we had hoped that the government would respect the compromise and the balance that was achieved in this report. However, that is not the case.

There certainly are a lot of good aspects to the bill, and we certainly recommend the government for bringing those forward. Clearly, we are all in support of the changes that were there to benefit the firefighters, both the full-time career firefighters as well as the volunteer firefighters, of which we probably have over 4000 in total across the province.

I think it is important to note approximately 22 of those 100 recommendations were more policy

directives and not really legislative directives. So, really, they are outside of the act. But I think the government of the day has an onus to respect those 22 recommendations. We are hopeful that those particular recommendations will be followed through in the very near future.

I think it is important for us to recognize that the Workers Compensation Board is indeed an insurance company and, as an insurance company, a major part of the responsibility of that corporation is to deal with claims. I think we have heard that quite consistently throughout the course of the two evenings, that there is work to do in terms of our claim-handling process, whether it be in the management decisions there. So, I think, clearly, 22 recommendations, policy directives, we have a lot of work to do there, as legislators, to monitor how that process takes place. I think that is a very important initiative, Madam Minister, that you take forward.

Certainly, it is a great opportunity for us in Manitoba. You know, we are probably the only province that actually does have a committee stage where we get the chance to hear from all Manitobans on their concerns on legislation and, in particular, in this regard, The Workers Compensation Act. So I think the onus is on the government to hear what Manitobans have to say in regard to Workers Compensation and how the claims are handled.

We hope that, with the Fair Practices Advocate office, there are some changes in the legislation in regard to that, and we will hope that that office will be able to handle the claims situations as they arise and bring forward some very worthy recommendations as to how that process will be handled. I think that will be a very important issue going forward. I think it is important, as one of the presenters indicated tonight that, you know, we certainly recognize the minister has given verbal assurances on different aspects of the legislation. But, at the end of the day, it is the written act that counts, and I guess in that regard that is why we are going to be bringing forward one amendment to this bill which we have heard over and over again over the last couple of nights. That amendment deals with who can be included or excluded from coverage under the act. We think that is a very important aspect of this particular piece of legislation.

I think it was pointed out quite clearly that the Cabinet should not be the only ones in charge of who

is included or excluded. It should be a consultative process. I believe the Workers Compensation Board is represented by the employers, employees and the public at large. So we feel that that is the proper way to make changes in terms of who can be included or excluded from coverage. So that would be the nature of our amendment.

I think the other item that was brought to the floor, too, is that we do have to monitor The Workers Compensation Act, the Workers Compensation Board, as we move forward. There are a lot of aspects in there that we certainly have to be cognizant of for the benefit of all Manitobans.

Madam Speaker, those are my comments. Thank you.

Madam Chairperson: Thank you very much. We thank the member for his comments.

Mr. Lamoureux: Madam Chair, I would request that I may have leave just to put a few opening remarks on that prior to getting into discussion on the bill.

Madam Chairperson: Is there leave for the member to put a few opening remarks on the record? *[Agreed]*

Please proceed, Mr. Lamoureux.

Mr. Lamoureux: Yes, thank you, and thank you, committee members.

I, too, just wanted to express my appreciation and compliment those individuals that took the time to come before the committee to express both their personal cases, in many instances, and in other areas just to express from an industry point of view and different types of personal comments that were expressed.

I think that it is very admirable to come out and sit to past midnight on one evening and to be very patient and as we go through the process, as we notice it can be a very emotional discussion. We saw that in the faces of many of the presenters. I just commend the courage that it would have taken for them to come before this committee.

Madam Chair, as I had indicated to one of the presenters, this is a bill which we are supportive

of. We do anticipate that it will receive Royal Assent, we suspect Thursday, right around 5:30 on Thursday. The primary reason why we are giving that support is because of the political will from all political parties inside this Chamber to show support for our firefighters, be it full-time or part-time. The government can be commended for bringing forth the legislation in that sense.

Having said that, there is concern on our part in regard to the labour-employer consensus that was achieved. I think in most part the representatives from the Legislative Review Committee did meet in good faith, came up with recommendations, and one has got to ask the question what impact it will have in the future. Obviously, there is at least one side to this feeling that they have been somewhat left to the side, and this is something that the minister responsible is going to have to ultimately deal with.

With those few words, again, I appreciate the opportunity to say a few comments. Thank you.

*(20:50)

Madam Chairperson: We thank the member.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. *[Agreed]*

Shall clauses 1 and 2 pass?

Mr. Schuler: Madam, Chair, I would like to just make a few comments. I would like to do that up front, not just in regard to these clauses, but to the legislation. Clearly, as we have heard presentations, we have indicated that we have concerns about the legislation—

Madam Chairperson: Mr. Schuler, I just have to stop you for a moment. Are you speaking specifically to clause 1 and 2, or are you making a general statement? If it is a general statement, I need leave from the committee.

Mr. Schuler: Dealing with clause 1 as it affects the entire legislation.

Madam Chairperson: Please proceed, then.

Mr. Schuler: As we have mentioned before, we have had some concerns, not just with clause 1, but with the entire legislation, the way the bill was put together and the way it has been presented. We have indicated, not just in the Legislature, but also throughout the committee process, that there are positives with the legislation, but, first and foremost, the biggest concern we at the committee have is that there was a real cynical political decision basically to pit firefighters' health concerns against businesses' angst in regard to the changes being made to the Workers Compensation Board.

Those are two very serious issues. Earlier on, my colleague from Turtle Mountain, that would be about the last week, had brought forward an amendment basically lifting the firefighters' component right out of the legislation and creating a new piece of legislation, thereby not bringing the entire firefighters issue into the debate, allowing that piece of legislation to go forward.

The government, of course, understanding that the tactics behind this really did put the opposition into a tough spot because, clearly, the opposition does not want to be seen as being anti-health benefits for firefighters. On the other hand, a compromise between business and labour had been broken, and this was a detriment to our competitiveness in the province, our ability to attract good-paying jobs, to keep jobs in Manitoba. It was meant to put the opposition in a tough spot and, in fact, has put the opposition in a tough spot.

I think that is really unfortunate, because now we are going to go line by line, starting with clause 1. We have a real conflict because, yes, we support the positive sides of it; however, there are some really serious concerns being laid out by employers. We have heard the Chambers coming forward and, I think, laying it out in a very credible fashion. The minister, before she was the minister, we have sat, if not in this committee room, the other one, through many, many hours, and we have been through a lot of presentations. I would have to say that this is one of the more amenable, one of the more respectful, groups of presenters. People laid it out with great credibility, explained where their difficulty was, explained where they agreed with legislation. It is unfortunate that one presenter, and I will give a direct quote, "But we all know that ministers change,

and at the end of the day, it is what is written in the act that counts." That is really serious because, certainly, on this side of the House, we want to make sure that this province is competitive.

The one individual, the one presenter mentioned, "When it is a mine, the mine cannot move. What is down there, you have to bring up, but you cannot move the jobs. Either you mine or you do not mine. With the manufacturing jobs, in a heartbeat, those jobs can be moved."

I have mentioned before we do not want to see the Workers Compensation Board, which is an insurance company for business, and it is also an insurance company for workers, that somehow we do not make this into something that it was not intended to be. One of things is it is not supposed to be is a cash cow for government. That is clearly a concern, right from clause 1 on through. We want to make sure that this is good for everybody involved.

I just felt, Madam Chair, that we cannot proceed into legislation until those comments were made very clearly and were laid out very clearly in the legislation and that somehow after this legislation is passed and we get into the dog days of summer, that somehow the great communicators of the New Democratic Party do not try to spin that somehow we are anti-firefighter because we did not like everything in the bill. I hope that message is clear to the firefighters.

On the other hand, we want to be very clear that those individuals who employ Manitobans, that they know that we are very concerned about competitive issues in the province. I ask the minister, is there any movement on her part—and I believe it was, as the minister puts it, Brother Angus who, I think, laid out the issue very clearly—is there any movement on the part of the government to look again at the compromise that was brokered, the consensus report, and perhaps go back to that compromise to that consensus?

Madam Chairperson: First of all, thank you very much, Mr. Schuler. I am glad that you are thinking that we are going to have a great summer.

Ms. Allan: I just want to say that, when Dave Angus was making his presentation to the committee tonight, he listed his No. 1 area as coverage. I hinted to the committee that I was pleased to hear that

because I have one amendment to this legislation and it is around the area of coverage.

It is really unfortunate that the opposition has a political dilemma with this bill. First of all, I just want you to know that the firefighters were referenced in this legislation. Last Thursday night when we were in committee, the Association of Municipalities, the AMM, made a presentation to this committee that outlined, not just the firefighter legislation, but they also said very clearly in regard to part-time and volunteer firefighters, they supported other amendments in the legislation, and so do the firefighters. They support the fact that with this legislation, Bill 25, that you will be able to top up and they also support the removal of the cap.

You know it is really unfortunate that you have just carved off what you want to carve off because it is really unfortunate. But I am sorry you have not taken a really good look at the recommendations in the report because there are recommendations in the report on firefighters. That is what we are implementing. This is a very, very important piece of legislation and you are just going to have to deal with your political dilemma.

Mr. Schuler: I thank you, and, of course, we are at all times referencing clause 1. I think it is just amazing and gratuitous. The minister talks about, "but you cannot just carve off the parts that you like," you mean, as what the minister did with the compromise, with the consensus report. So what the minister is saying is that, "Do not do as I do, do as I say. Do not follow my lead," is what the minister is saying.

The minister would not even be in this position if the minister had not carved off or, as one individual put it, cherry-picked. If the minister had not cherry-picked through the compromise report, if the minister had not cherry-picked through the consensus report, we would not be having this discussion, so—

Madam Chairperson: Just one moment. I cannot hear everybody at the same time. Order, please.

Mr. Schuler, you can continue.

Mr. Schuler: I think it is humorous at best that the minister would accuse a member on this side of carving anything off when that is the whole reason

why we have this difficulty here. There are serious issues where we have heard individuals coming forward and saying, "This can have serious repercussions when it comes to competitiveness in manufacturing." We just lay that on the table.

* (21:00)

Madam Chairperson: Thank you very much, Mr. Schuler.

Mr. Penner: I, too, want to express my appreciation to all the presenters that we have heard here today and those that presented yesterday. I would suspect that if we really listened very carefully to what we heard a number of the presenters say today, that this bill has some real deficiencies.

I just hope that we do not have to sit here five years from now, or two years, three years from now, have firefighters come before us and talk about the deficiency that was discussed here at this committee today by the presenters that made those accusations and comments about the Workers Compensation Board and how they were dealt with as individual cases.

We probably, as a party, have been greater supporters of ensuring that firefighters and others would have equal treatment under a government insurance process. I believe it behoves all of us, whether we are in opposition or in government, to see to it that the No. 1 priority for all our people in this province is fairness. I am not certain that under this bill, fairness was the key element in drafting this bill.

I say to the minister we will be very careful, and we will scrutinize very carefully what the deficiencies in this bill are. We will bring them to the attention of whoever the minister might be during that day, because I would not be surprised at all if there were some significant changes in ministries in this governance model that we have before us over the next short while.

Madam Chairperson, I truly appreciate the opportunity that we have been given as opposition members to very carefully scrutinize this bill, and that was one of the main reasons. We would have hived off the matter dealing with firefighters and dealt with them in a very special and separate way, because we think they need very special and separate consideration.

Madam Chairperson: Seeing no other comments, clauses 1 and 2—pass; clause 3—pass.

Shall clause 4 pass?

Ms. Allan: I have an amendment. I move

THAT the proposed section 2.1, as set out in Clause 4 of the Bill, be amended by renumbering it as subsection 2.1(1) and adding the following as subsection 2.1(2):

Board to consult industries, employers and workers

2.1(2) Before a regulation is made under subsection (1), the board must provide an opportunity for consultation with affected industries, employers and workers, and report the results of the consultation to the minister.

Madam Chairperson: It has been moved by Minister Allan that—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. The motion is in order. The floor is open for questions.

Mr. Cullen: We just ask the minister the intent of this, I guess understand the intent of the consultation process. How will it work? How will the process work, and then will the ultimate decision still rest with the Cabinet, in terms of which industries will be covered by Workers Compensation?

Ms. Allan: We listened to employers in regard to this amendment. I said publicly that no expansion in coverage would happen without consultation with employers and with workers, and that that consultation would be initiated by the Workers Compensation Board.

I actually believe that one of the questions I received in Question Period from you was where was this in the legislation. If you recall, that was one of the questions that you asked me. So this amendment reflects that commitment, and, at the end of the day, the Lieutenant-Governor-in-Council would still make the regulation, but we have put our commitment to consult and have the consultations initiated by the Workers Compensation Board in legislation.

Mr. Cullen: A comment to that. We are certainly happy to hear that the minister is agreeing to the consultation process, which I think a lot of industries realize that is very important. I guess our amendment would just be a follow-up to that particular process, too. From what we are hearing from companies is that they want to be involved in the process as well in terms of which companies and which industries are going to be included.

So would the minister be prepared to have a look at our amendment which would take this process one step further?

Ms. Allan: We consulted with employers on our amendment, and so we are comfortable with this amendment, that it covers off some of the concerns that employers had in regards to consultation and coverage.

Mr. Lamoureux: Your consultation, Madam Minister, would it have included the Winnipeg Chamber of Commerce?

Ms. Allan: That is a good question. I do not know if the Chamber of Commerce—Manitoba? In regard to the regulation, we consulted with the Manitoba Employers Council. I do not know if they are a member of the Manitoba Employers Council.

Madam Chairperson: Seeing no other questions, is the committee ready for the question?

Some Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows.

It has been moved

THAT the proposed section 2.1—

Some Honourable Members: Dispense.

Madam Chairperson: Dispense. Shall the amendment pass?

Some Honourable Members: Pass.

Madam Chairperson: The amendment is accordingly passed. Shall clause 4, as amended, pass?

Some Honourable Members: Pass.

Madam Chairperson: Mr. Cullen.

Mr. Cullen: I also have an amendment to clause 4.

Madam Chairperson: You can proceed with your proposed amendment, Mr. Cullen.

Mr. Cullen: I propose section 2.1 as set out in clause 4 of the bill be amended by striking out, "the Lieutenant Governor—

Madam Chairperson: Mr. Cullen, just one moment. You have to say, "I move that." You do not need a seconder, just—

Mr. Cullen: I move

THAT the proposed section 2.1, as set out in Clause 4 of the Bill, be amended by striking out, "The Lieutenant Governor in Council may" and substituting, "the board may".

Madam Chairperson: Thank you, Mr. Cullen. It has been moved by Mr. Cullen

THAT—

An Honourable Member: Dispense.

Madam Chairperson: Dispense. The motion is in order. The floor is open for questions.

Mr. Cullen: Just to make a comment on it. I think this particular amendment speaks directly to a number of comments we have heard from various delegates over the last couple of evenings here. What it does, in my mind it allows the employers, the employees and the public at large to assist in the decision-making process as to what industries are covered. It takes the heavy hand of government out of the process.

We certainly agree with the consultation process, but I think this particular amendment would allow all parties equal representation at the table, and again, we still do not have an adequate answer as to why the Cabinet should have the say as to what industry would or would not be included under this particular coverage.

* (21:10)

Madam Chairperson: Is the committee ready for the question?

An Honourable Member: Question.

The question before the committee is

THAT the proposed—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Some Honourable Members: No, read it.

Madam Chairperson: Okay.

THAT the proposed section 2.1, as set out in Clause 4 of the Bill, be amended by striking out "The Lieutenant Governor in Council may" and substituting "The board may".

Shall the amendment pass?

Some Honourable Members: No.

Some Honourable Members: Pass.

Voice Vote

Madam Chairperson: All those in favour of the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Nays have it. The amendment is accordingly defeated.

* * *

Mr. Schuler: Madam Chair, I am very disappointed that we have sat here at committee and have heard presentation upon presentation indicating that this was an issue of great concern to the business community, to employers, to manufacturers, that it was problematic that, for instance, at this point in time, if you look at the Cabinet you will have to look very, very, very hard to see anyone who is an employer or ever has been an employer at the Cabinet table. And yet they are the ones that are going to be making decisions. This is a very, very bad thing for Manitoba.

This is a dark day for Manitoba and for our employers and for the manufacturers of this province. It is shameful. I look across the way and I see six NDP members of the Legislature and the minister, all who have been here listening to submissions, all have listened as individuals with great credibility have stood in front of this committee, have made presentations, and yet, although they have listened, they have heard nothing. They have heard nothing about the presentations. They have just blindly sat and followed a party line to the detriment of the competitiveness of the province, something that is seen as a stumbling block.

Until this was defeated, it used to be the Workers Compensation Board was where the business community puts money into an insurance company, and the insurance company sees to it that the employees are insured. What we have seen tonight and what we will see happen in the next hours, and, Minister, I ask for your attention on this. I know there are all kinds of distractions taking place in the boardroom, including the individual sitting next to you, but I think this is important. I do not take this lightly. I do not have a smile on my face. This is not funny and members across the way can turn their back to me. That is fine. I understand, as never having had an employee, that they do not understand this kind of thing. But this bodes very badly for the province of Manitoba.

It has been said over and over again, and when representatives of employer groups come forward and lay these issues out very clearly for committee, and no consideration is given, not a question was asked, not a hand was raised, nothing. So it is no longer now that business puts money into an insurance company and then has representatives on the board, and they decide who is and is not insured. Now it is going to be a labour government which has a former union negotiator as head of the table, the Premier (Mr. Doer), which has all kinds of union reps on the board. That is who is going to make the decision for business. And then members smile and laugh and heckle from across the way, wondering why would business, why would manufacturers, be upset?

They do not understand because there is no comprehension. This is very bad for our manufacturing sector which is in an incredibly tight labour market, very tight labour market. It is

unfortunate that we are going to see decisions made at—

Some Honourable Members: Oh, oh.

Madam Chairperson: Order, please. Mr. Schuler has the floor. Thank you.

Mr. Schuler: Thank you, Madam Chair. I appreciate that members opposite do not agree with what I have to say. I appreciate that. I appreciate that this is a labour government that predominantly members come from labour unions and are labour activists. I appreciate that. But having some respect, as one individual who has been an employer, who is an employer and has grave concerns and is going to stand up and stop committee for a moment and say, "What we have just done is a mistake. It is wrong, what we have done."

It is not the Premier in Cabinet that should be making these decisions. It is the Workers Compensation Board, which is a practice where we have set up: we have got labour representatives, we have got business representatives and we try to come to some kind of compromise. Minister, unfortunately, you are going through this whole process and it is literally a bull in a china shop. You are destroying good will. The compromise that was brokered, the consensus report, is in shambles and then, Minister, your government goes back and says, "Business will not come to the table. Why is there such hostility on the side of business?"

No wonder. No wonder. This is not healthy. This is not good for our province and the competitiveness of our province. It is unfortunate that it was given such short shrift. I understand that the members opposite find this all witty and laughable and all the rest of it. I can assure you members on the Progressive Conservative side of this table do not. This is an unfortunate day for Manitoba.

Mr. Penner: I will be very brief. I think today the NDP party and the government have truly demonstrated their true colours. I think today they have told the employees of this province that they no longer will have a say in the policy perspective of the province of Manitoba. By saying nay to the board making the decisions and having the minister or the Lieutenant-Governor-in-Council, the Cabinet, make the decision, I think you have truly told the workers of this province what kind of disregard you have as a

government and as minister for their well-being, because they could have been given a voice in determining the future of the decision-making process in this government and you have said no to them. That is a complete change from where the NDP party has portrayed itself and how it has portrayed itself in the past and will, I think, have consequences in the future.

Mr. Cullen: Madam Chairperson, I guess it just appals me after sitting through a couple of evenings of presentations. I made a point of asking when these delegates had a number of issues. I made a point of asking them which is their most important issue that they wanted us to bring to the table in terms of amendments. Time after time, it was the idea of who was going to have coverage and who was going to have say in who has coverage.

This particular bill has gone from the inclusion process that we were used to, to the exclusion process. Now, we can live with that. I think we can live with that. The consensus report, again, I go back to that, it was a building effort. Again, it is employers and employees and the community at large. There was no idea to change the way the coverage was fundamentally implemented. They never even brought that to the forefront.

Now, the government of the day, out of its own volition, decides to make this fundamental change in how coverage will be implemented. Going through the democratic process, I think it is something that is very unfortunate to see this type of bull-in-the-china-shop approach, as my colleague would put it. We like the idea that the minister has agreed to put the consultation process in place here. At the end of the day, unless the amendment that we have proposed here is adopted, the Premier and Cabinet will still have say as to who would be excluded from coverage.

* (21:20)

I do not know just where we are headed for all this down the road. It certainly means it is open in Manitoba. We talk about our competitive advantage. We certainly must maintain that. Anything that we can have is, certainly, of value to Manitobans and I would just hope that the members on the other side would, certainly, reconsider this particular amendment, which I think a lot of Manitobans look forward to.

Madam Chairperson: Seeing no other comments.

Clause 4 as amended—pass; clauses 5 and 6—pass; clauses 7 and 8—pass; clauses 9 through 12—pass; clauses 13 through 15—pass; shall clauses 16 and 17—pass; clauses 18 and 19—pass; clause 20—pass; clauses 21 through 24—pass; clause 25—pass; clause 26—pass; clause 27—pass; clauses 28 and 29—pass; clauses 30 through 32—pass; clause 33—pass; clauses 34 and 35—pass; clause 36—pass; clause 37—pass; clause 38—pass; clauses 39 through 42—pass; clauses 43 through 45—pass; clauses 46 through 48—pass; clause 49—pass; clause 50—pass; clauses 51 through 53—pass; clauses 54 and 55—pass; clauses 56 through 58—pass; clauses 59 through 61—pass; clause 62—pass; clauses 63 and 64—pass; clauses 65 through 69—pass; clauses 70 through 73—pass; clauses 74 through 76—pass; clause 77—pass; clauses 78 and 79—pass; clauses 80 through 83—pass; enacting clause—pass; title—pass. Bill be reported as amended.

The hour being 9:25, what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Committee rise. Thank you very much, committee.

COMMITTEE ROSE AT: 9:25 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 25

PSAC AFPC

The Public Service Alliance of Canada is very pleased with the work that has gone into the Report of the Legislative Review Committee on the Workers Compensation Act. We look forward to the effective implementation of most of the recommendations. There remain certain areas of concern, which we would like to see, addressed further at this stage.

I am a representative at the Public Service Alliance of Canada in Winnipeg. Part of my responsibilities is to advise, assist and represent injured workers with their Workers Compensation claims. I deal, in many cases, where members have encountered problems with the Workers Compensation system.

Members that I assist either are under the Government Employees Compensation Act or directly covered by Workers Compensation. The Government Employees Compensation Act or G.E.C.A., for example, covers members working for federal departments and agencies. In these cases, claims are adjudicated by the WCB using the rules applicable to the provincial jurisdiction although the funding is under the G.E.C.A. not using the WCB assessment system.

A major area of concern is the failure to recognize workplace-related stress as a compensable injury. The current procedure only recognizes stress that relates to a traumatic incident. This process ignores situations in which an ongoing situation results in a stress-related inability to function in the workplace.

Stress

In the current act, the definition of occupational disease states; "occupational disease" means a disease arising out of and in the course of employment and resulting from causes and conditions, a) peculiar to or characteristic of a particular trade or occupation, or b) peculiar to the particular employment; but does not include, c) an ordinary disease of life, and d) stress, other than an acute reaction to a traumatic event.

Situations such as long-term harassment are not recognized under the current procedures. The poisoned workplace and the impact this has on victims is not being recognized. In many cases, the victims are those already marginalized by society, and this unfair treatment further worsens their situation. In fact, this treatment by WCB further discourages victims from coming forward with complaints of violence and harassment in the workplace.

Repeated related incidents of threats of violence are characterized under the current system as not constituting a traumatic incident because a series of events is involved. This is unfair to victims who, for reasons beyond their control, attempt to survive in an intolerable situation until they are severely adversely impacted. When the member then goes for help, they are informed that there is not a single triggering event and therefore the injury, although very real, is not compensable.

Exposure to long-term stressors such as those incurred during peacekeeping activities have been

recognized by other authorities as relating to the activities involved. The Department of National Defense has extensive programs to assist military personnel and their families. It would be socially unacceptable not to treat and recognize the responsibility for assisting those impacted in this way. Similarly, it is unacceptable not to recognize those individuals that have been negatively impacted because of other work related stressors.

It is our position that in cases where an individual is suffering from a stress-related workplace injury this should be considered a compensable injury. There are many health related impacts of stress that are currently not being properly addressed because of this shortcoming in the WCB legislation.

Physical impacts of stress can include such diverse symptoms as high blood pressure, skin disorders, digestive tract problems and many others. The impacts are very real and the response by the WCB is not appropriate.

The following is directly from the current Canadian Mental Health Association Web site:

Other illnesses may accompany PTSD.

People with PTSD may develop a dependence on drugs or alcohol. They may become depressed. It is not uncommon for another anxiety disorder to be present at the same time as PTSD. As well, dizziness, chest pain, gastrointestinal complaints and immune system problems may be linked to PTSD. These are often treated as self-contained illnesses. The link with PTSD will be revealed only if a patient volunteers information about a traumatic event or if a doctor investigates a possible link with psychological trauma.

The following is directly taken from the current Canadian Psychological Association Web site:

What do we know about PTSD?

Research shows us that the majority of people exposed to a traumatic event experience some symptoms of PTSD within the first weeks, and most people's symptoms start to go away within one month. Twenty to forty percent suffer from PTSD for at least a month. One-half to two-thirds of those initially distressed people recover within the first year, and the rest remain disabled for more than

one year. Research with transportation and assault victims, for example, suggests that between ten and twenty percent are disabled for several years.

PTSD is not limited to combat and disaster experiences. It also occurs following sexual or physical assault, transportation or industrial accidents, life-threatening illnesses such as cancer, war zone experiences and repeated exposure to others' physical trauma (i.e., emergency room nurses and ambulance attendants). Roughly speaking, sexual and physical assault results in the highest rates of PTSD. Exposure to life-threatening illness (i.e., breast cancer) results in the lowest rates, and transportation and industrial accidents are in between.

It was initially assumed that the more severe the initial stress, the more likely an individual would develop PTSD. However, that assumption has not been supported by research. The severity of a trauma (i.e., damage to car, physical injuries during assault) is less important in predicting PTSD than is the survivor's initial emotional response. PTSD is more likely to occur to people whose initial responses include extreme fear, panic attacks or dissociation (a method of coping by blocking out of one's mind the upsetting event as it is occurring).

I would like to emphasize that a number of the above examples which result in PTSD are not one traumatic event. For example, combat or disaster experiences or experiences of emergency room nurses and ambulance attendants. The current knowledge on the subject clearly shows that the practice of the Workers Compensation Board is not in keeping with up-to-date knowledge.

One of the bases of the Meredith Principle is that when workers are injured at work they will be eligible for compensation for the injury which resulted from their workplace. By not recognizing a major type of injury, work-related stress, the system is failing the injured workers of Manitoba. The principle that employers are taking responsibility for the injurious impact of the workplace is not being followed.

On behalf of workers that are impacted negatively by workplace stress, we ask that this be considered in this review of The Workers Compensation Act.

Another point that is of concern to Public Service Alliance of Canada members is the

methodology of calculating income. A reduction is made to reflect the amount of Canada Pension Plan (CPP) and Employment Insurance (EI) premiums that an individual would have anticipated paying if income had been earned on the job. This practice is inconsistent with the legislation that governs both CPP and EI. In both of these cases, income needs to meet certain requirements in order for benefits to accrue.

Correctly, no amount is remitted for CPP or EI to the responsible federal departments on amounts received as Workers Compensation benefits. Such a payment would not be in keeping with the appropriate federal legislation. As a provincial legislative body, there is no authority to change the applicable federal legislation. The problem arises in having deducted the amount for CPP and EI in calculating the amount to be provided as a benefit. Individuals do not receive credit for the amounts deducted in calculating the amount for which they are entitled.

When an individual applies for the Canada Pension Plan benefit, they will not receive any credit for the amount that has been deducted in calculating their WCB payment. Similarly, when they apply for employment insurance, a credit for hours worked will not be allowed even though they were not entitled to the related funds. A consequential concern is that no amount will be calculated for an overpayment of either CPP or EI upon filing of an income tax return even though the amount was deducted to arrive at the WCB payable amount. This is unfair and gives a misrepresentation of the amount being paid by the Workers Compensation Board. Unless applicable federal statutes are changed, there is no justification in deducting amounts deemed CPP or EI equivalents.

We feel that the confidentiality of our members' claim-related information is essential to the integrity of the Workers Compensation system. One way that the legislation can assist in ensuring this is to require that employers only receive the information that they require in order to protect their right of appeal. Further, whether the employer chooses to appeal or not, the information that they have acquired for that purpose must be returned to the WCB at the conclusion of the action or decision not to pursue further action. It must be mandatory that no copies of the file information have been produced and that

nothing is maintained for any future utilization by the employer.

In conclusion, the Public Service Alliance of Canada congratulates all those involved in the review process regarding The Workers Compensation Act of Manitoba. We ask that the points that we have highlighted in this submission be considered in the final legislation.

Thank you.

On Public Service Alliance of Canada

IN SOLIDARITY
Bruce Campbell

* * *

Re: Bill 25

TO WHOM IT MAY CONCERN:

My name is Donna Fedorkiw. I am a nurse's aide at the Personal Care Home in Dauphin with the Dauphin Regional Health Authority. I have been working there since 1989, three years in dietary, four years in housekeeping and approximately seven years as a health care aide at the Personal Care Home, which I thoroughly enjoyed.

May 30, 2003, my partner and I were transferring a resident on the commode when the resident's knees buckled and she went down. I took the brunt of it so she did not get hurt. As a result, I twisted my back and my whole left side. This resident had been advised to use the hooyer, but her niece that works in an office in a hospital advised her aunt she has rights and can refuse the hooyer. I went to the doctor and he took me off for a couple of weeks, but the pain was not subsiding so he ordered X-rays. In the office the doctor looked at the X-rays and told me "Your discs are pinching a nerve." So he sent me to physio. I phoned WCB and told them what the doctor said. WCB told me the report they got was that everything was normal. I told her, "Don't I look stupid!"

Going to physio, he told me that there is a nerve that is ticking off my sciatica and to ask my doctor to order a CT scan. I had three visits with my doctor before he finally ordered the CT scan. My lower back and my left leg are affected from the injury I

sustained at work. My doctor talked to a WCB doctor, and they decided to send me back to work.

I am not a lazy person. I grew up on a farm and to this day I am still farming. Vacations never did happen in our family. I enjoy my lifestyle, including my job. Speaking the Ukrainian language made my job more enjoyable as the majority of the residents speak Ukrainian.

I went back to work and lasted three quarters of an hour and the pain got so bad I cried. I went and saw my doctor. He told me to go home and go back to work the next day. I went and saw the doctor on call and he took me off until the CT scan was done. I then got a different family physician, Doctor Van Rooyen.

In September '03, I went to see Dr. Bilous, a WCB doctor. I went alone. I was in there for about an hour. He had me bending and moved my leg and I yelled in pain. He said, "Oh, it is only your groin." I told him I was in a lot of pain and that I felt sick and lightheaded. He took my blood pressure and I told him that my blood pressure is normally low. He snapped at me and said, "You are not even in the top ten of low blood pressure." He then told me to go back to work for four hour shifts for one week and then go back to work full time. When I came out of this office, I was barely walking and my husband had to help me back to the vehicle.

Dr. Bilous told my doctor that I said the pain was in my groin. It has been nothing but twisting of facts to discredit my claim. One can sure see why there is heavy security at the WCB building.

On December 29, 2003, WCB told me I had to see one of their doctors again. I said fine, but Dr. Bilous is not to touch me again. I saw Dr. Glover. My husband has been at every doctor's appointment since or with any dealings with WCB. Going to Winnipeg that day, we basically skated in due to the roads being icy. Dr. Glover phoned my place three times that morning, asking my family if they heard from us. She was very concerned. She examined me, asked questions with my husband there for most of the exam. She asked my husband to come back in the room to compare notes and the exam with Dr. Bilous's report. Dr. Glover said that there is definitely something wrong as Dr. Bilous disregarded a lot of the facts. My left calf was one inch smaller than my right one. She said I needed an

MRI done within a week. I had a MRI, EMG and a nerve conduction test booked.

My doctor sent me to see a specialist, Dr. Banman, at the Pan Am Clinic. I was to see him immediately when the tests were in. We waited for these test results for a month and half, which were to be sent to my doctor. I called WCB and asked them if they had them. They said, yes, they had them and the results were in their file awaiting their review. I was quite upset and told them I did not take these tests for their amusement, which is the only true statement I made that was entered in my file correctly. I immediately made an appointment with Dr. Banman at the Pan Am Clinic. I asked WCB to send my test results (MRI, EMG, nerve conduction study) to Banman and they said they would send them directly to the Pan Am themselves. They told me do not worry, the results would be sent immediately. When we went to my appointment to see Dr. Banman approximately two weeks after talking to WCB about sending those test results to Dr. Banman, he said he did not receive my test results. He left the room twice in search of these results. He even had the staff looking for them, but they were nowhere around. My husband and I drove down to WCB to get the test results and get back to see Doctor Banman before he left for the day. When we got there I told the guy what I needed and fast because the doctor was going to wait for me. This person at WCB took his sweet time and stalled even more when I said we needed to hurry. He just laughed and said, "Well at least you got a shopping trip out of the deal free of charge. It is on us." I have a back injury and my walking is limited so I did not find his statement funny. By the time we got back to the Pan Am the doctor had left for the day (it was around four or five o'clock).

WCB sent me back to work. I showed up at work and my boss had no idea I was coming. Then WCB said that they did not send me back to work and that I just showed up at work, making me look stupid.

In summary, I can truly see why there are armed guards and such tight security in that building. WCB can put in and take out whatever they want in your file, say and do what they please to you. I am willing to take a lie detector test to prove that my pain is real!

WCB should be set up for people who get hurt at work, help fix them up and get them back to work,

not do everything in their power to get out of paying and creating jobs for themselves. WCB would no doubt find pregnancies a pre-existing condition, that is how ridiculous WCB really is.

SUGGESTION: Take out the security from the WCB building and let the staff start being accountable instead of screwing around hard working Manitobans. I could write a book on how WCB has screwed me around. It has been over two years of pain and major stress, not only for me but my family as well. My doctor is setting up more appointments for me to see what they can do to fix my problems that I sustained from my injury at work. WCB has told me that I had to wait for their okay on everything that the doctors wanted to do, then to find out by a specialist that WCB ordered me to see that it is up to me and my doctor, not WCB. Around September 18, 2004 (approx.), WCB cut me off. I then went on long-term disability and was cut off May 28, 2005. I have no income now and I still cannot go back to work.

My supervisor has been supportive of me throughout this whole ordeal. I told the case manager, Laurie Elwood, that Dr. Glover was the only one who was honest and treated me like a human being in that building. I said that Dr. Glover was either new at WCB or that she was from out of town. Laurie told me she was from the United States! I prove my point! Bless your heart, Dr. Glover!

Thank you.

Donna Fedorkiw

* * *

Re: Bill 25

Hi. My name is Kimberley Knox-Powers, I am not able to make it to the hearing but this is my story.

I began working at Maple Leaf Pork in Brandon on September 30, 1999. I was put on the membrane skinner job. The machine was too high for me and when I told my supervisor it was too high he told me I had to stay there. After two weeks, I experienced pain in my left shoulder. I went to my doctor he said I had tendonitis. I went to the nurse at work and she put me on light duties and my supervisor told me I had to work anyway. I stopped using my left hand & arm and only used my right hand. Over the next six weeks, my right hand went numb from being used so

much so I had to go back to using both hands. Over the course of the next three months, I still was reporting the problems I was having to the company nurse and I was also under a doctor's care. Meanwhile, I had to take pain medicine in order to keep working, (Robaxacet, Mathoxicet, Naproxen, and Tylenols 1 and 3) The pain was so bad by December I could not sleep, what sleep I could get was if I fell asleep at the kitchen table for twenty minutes or ten minutes. I cried all the way to work and all the way back. I could no longer take care of my two-year-old daughter on my own, my older daughters, ages 12 and 13, at the time had to bath the two-year-old, change her diapers and basically be her mother for me. I could not go shopping by myself because I could not even push the cart or carry a bag of groceries. I went from being a person who never had to rely on anyone to a person who could do nothing on my own. I began having suicidal thoughts but I didn't want my kids to think I was that weak so in the morning when I went to catch the bus I would walk in the middle of the street and hope that the Grey Hound bus from Winnipeg would run me over so that it would look like an accident. During this time no one talked to me about WCB and I knew nothing about it except what I was told in my orientation at Maple Leaf and we were told by the health and safety manager at the time to not bother applying for it because we wouldn't get it.

In January 2000, the pain was spreading to my right shoulder, down my back, around my rib cage and up my neck. I had to continue taking painkillers and at this point I never slept at all. I was also diagnosed with right hand and wrist CTS. On January 21, I went into work and refused to go back on the skinning machine. At this time I knew nothing about the right to refuse dangerous work and I was still on probation. I went to the nurse and told her and the health and safety manager that I would not go on a skinning machine again. I was told to "go do what I could" The nurse then gave me an Advil and a Robaxacet and sent me back to the floor. The rest of the day was a hazy blur. I remember getting on the bus and my husband who works nights at the plant had my two-year-old with him and she was sleeping on the bus and I broke down crying (I could not carry her and I would often have to ride the bus until she woke up). I don't remember the bus ride home but I was told that a guy put my two-year-old in a shopping cart for me. My two older kids said they found me in the IGA store walking through the aisle crying. My oldest bought supper for her and her

sisters and carried the baby home for me. I remember looking at the clock when I got home, it was 6:10 p.m. I sat on the couch and the next thing I remember is waking up at 11:50 p.m. All the lights were on but I couldn't see the kids. I panicked thinking something happened to them. I got up and went upstairs. By the time I got to the top, it was 1:04 a.m. My oldest daughter said I crawled up the stairs, I don't remember. My husband came home 20 minutes later to help me get into bed, this was the first time in two months I slept in my bed.

I woke up at 4:30 to go to work, I could not get dressed and asked my husband to help me, he told me if I went in to work to not come home. I ignored him and went down stairs to take my painkillers and they were all gone, I had just bought three different types of painkillers just two days before. I knew then that I had overdosed and didn't even realize it.

I stopped taking painkillers altogether and by the end of the week, I had no use of either arm and could not hold my head up. I went again to my doctor and he gave me two weeks off. While off, I went to another doctor and he sent me to physio for my shoulder and to a therapist for my right hand. When I went back to work I was moved to another area that could accommodate my height, but it was a knife position which made my hand worse.

The physio helped my shoulder some but not enough. My doctor gave me 10 days off work and sent me for a bone scan which proved there was no arthritis in my shoulder and I had two cortisone shots in a matter of a couple of months. None of this was paid by WCB. I was told by WCB they needed more information. I gave them a very detailed description of what happened and doctor's reports, physio reports and the bone scan results and they still said they needed more info. What more could I give?

It is now 2005 and I still have never been paid for time loss and my shoulder still hurts. I can never work above my waist and the jobs I can do are very limited. The damage also spread to my left hand and I required surgery two years ago for CTS in my left hand.

I realize this story doesn't sound complete, but it would take me forever to tell you the whole story. The point I am trying to get across is the toll that my injury took on my family, my life, my emotional state of mind and how it still effects me today, not to mention the financial loss.

I am not a doctor and even though I recorded everything and did what I was suppose to do, WCB still said it wasn't enough.

Today I know a lot more and I am also able to help other people with similar problems, but back then I didn't know anything about WCB or what they wanted.

Thank you for your time,

Kimberley Knox-Powers

Re: Bill 25

I acted as co-chair of the Health and Safety Committee at Versatile Manufacturing from 1998-2000.

During that time I observed a 98% decrease in problems with claims submitted to the WCB when the Health and Safety co-chair or a union representative was directly involved in helping the claimant to submit their forms.

When the company alone was involved, we found a high incidence of rejected claims. This comes from the fact that the company did not spend enough time with the claimant to explain the forms fully.

Manufacturing in Manitoba has a highly diversified workforce. Many of the workers are immigrants who have English as a second language. It just makes more sense to have a Health and Safety co-chair or union representative involved at the beginning of the claim process to help the claimant and keep the process running smoothly.

Stan Letwyn

Re: Bill 25

Recommendation 34 (Permanent Impairment Awards)

Recommendation 34 of the Legislative Review Committee report proposes changes to the Value of Impairment Awards.

I support the fact that the Legislative Review Committee has recognized that the current Value of

Impairment Awards does not adequately compensate injured workers for their disabilities.

However, I am concerned that the proposed value increases remain far too low.

Prior to the WCB legislative changes in 1992, the Impairment Awards better reflected the levels of disability and compensated individuals more adequately. In 1992 the government of the day decided that their constituents were overcompensated for their loss of body parts and loss of use of same, and so those with disability ratings of 50% and under had their Permanent Impairment Awards severely reduced.

For example purposes, the current value of a level of impairment of 11 percent today equals an award of \$2,560. The proposed value increase raises the level to \$10,300. In 1985 the level of impairment of an individual earning an average "blue collar" wage would have been over \$34,000. Here we are 20 years later mulling over this proposed increase, which falls way short of 1985 levels. It is therefore difficult for the general public to get excited by these increases when so many individuals who have sustained significant permanent injuries since 1992 have not been compensated fairly. It is also disturbing that these increases do not even reflect one third of 1985 levels.

Workers who suffer permanent disabilities usually return to work with their pre-accident employer. The WCB does cover wage loss benefits until such time as periodic wage increases eat away those benefits with no consideration to annual inflation increases. In most cases, quality of life is significantly impacted and therefore I believe all parties involved in this process have a responsibility to ensure that these individuals are adequately compensated.

In conclusion, I am requesting that our elected members of the Legislature in the province of Manitoba amend the proposed impairment level to reflect those levels which were in place in 1985 at the very least.

We rely on our elected members to act in a fair manner in maintaining a WCB system that properly

compensates injured workers. The system has become derailed and does not meet the needs of those who become vulnerable as a result of a workplace injury. Recommendation 34 must be amended to reflect levels that were applied 20 years ago. Anything less than that is unjustifiable.

I thank you for your consideration in regard to this matter.

Respectfully submitted,

Cliff Anderson

* * *

Re.: Bill 25

Manitoba hotels provide jobs for more than 7000 Manitobans. Our combined payroll is more than \$125 million. Hotels are an integral part of Manitoba's number one industry, tourism. We contribute over \$30 million in property and business taxes annually.

The cost of the WCB is borne by the employers of the province and Manitoba hotels are vitally concerned with any amendments that might increase costs to an industry such as ours, which is under considerable financial pressures at the current time.

As an active member of the Employers Task Force on Safety and Compensation, formed by the Manitoba Employers Council, on which we have a seat, the Manitoba Hotel Association supports the submission by the MEC, a copy of which is attached.

Although not specifically dealt with in the MEC commentary, the MHA wants to stress that the board governance of the WCB is critically important in a successful workers compensation program. Recently, questions have been raised as to the adequacy of the governance at the WCB and the Manitoba Hotel Association awaits the outcome of a review of this issue.

Jim Baker
Manitoba Hotel Association