

**WORKER ADVISOR
OFFICE**
**An Overview of
Workers
Compensation**

Manitoba



Introduction

- Workers Compensation in Manitoba
- Worker Advisor Office

WORKERS
COMPENSATION
IN MANITOBA

1. The Act

- *The Workers Compensation Act*
- Coverage
- Rights and Responsibilities
- WCB Policies

2. Workplace Accidents

1(1) In this Act,

"**accident**", subject to subsection (1.1), includes

- (a) a chance event occasioned by a physical or natural cause,
- (b) a wilful and intentional act that is not the act of the worker, or
- (c) an event or condition, or a combination of events or conditions, related to the worker's work or workplace,

that results in personal injury to a worker, including an occupational disease, post-traumatic stress disorder or an acute reaction to a traumatic event; (« accident »)

a. Traumatic Injuries

b. Non-specific accidents

c. Occupational Disease

- *Examples:*
- Hearing Loss
- Cancer
- Asbestosis
- Stress

3. Reporting an injury

- Make a written report for your employer
- Seek medical attention (with your own doctor or at walk-in clinic, if necessary)
- Notify WCB of the accident
- * *Any delays in reporting or in seeking medical attention will make it more difficult to establish a workplace injury.*



NOTICE OF INJURY TO EMPLOYER



IMPORTANT: Do not send this form to the WCB. Keep one copy for yourself and provide a copy to your employer.

If the workplace incident has resulted in an injury requiring healthcare attention or time off from work, please report the injury to the WCB by calling:

204-954-4321 or toll free 1-855-954-4321 (8:00 AM to 7:00 PM, Monday to Friday)

Injured Worker Name _____

Injured Worker Address _____

Date of Injury _____ Time _____ AM PM

Location of Incident (site address and location on site)

Description of Incident

Description of Injury

Time Off Work Due to Injury Yes No

Names of Witnesses (if any) _____

Supervisor Signature _____

Injured Worker Signature _____

Date _____

4. Adjudication of Claims

Claims are investigated before accepted:

- Worker & Employer Accident Reports
- Witness Statements
- Medical Reports
- Description of the mechanism of Injury
- Any prior problems

5. Specifics of the Accident

- What was the worker doing when injured?
 - Specific vs. gradual onset?
- Where did the accident take place?
 - At workplace, off work premises, in vehicle, on the way to/from work?
- When did the accident occur?
 - During work hours?
 - At lunchtime?

6. Pre-existing Conditions

Pre-existing conditions (Examples)

- Aggravation – temporary worsening
- Enhancement – permanent worsening

Entitlement to wage loss and medical aid benefits will depend on combined effect.

7. Recurrence

A recurrence refers to injured workers who appear to have recovered from their workplace injury, but upon returning to work, experience a worsening of the original injury or illness.

8. Types of Benefits

- Wage loss
- Medical aid
- Independent Living Allowance
- Travel expenses
- Vocational Rehabilitation
- Impairment Awards

9. Mitigation

Definition: “To reduce, moderate, or lessen the severity of”

Workers responsibilities include:

- Assist in their own recovery
- Refrain from actions that will slow recovery
- Communicate with WCB/doctor/employer about problems

Consequences of not mitigating

- Suspension or reduction of benefits

10. Appeal Process

- Adjudication / Case Management
- Review Office
- Appeal Commission

11. Other WCB Processes

- **Fair Practices Office**
 - Investigates concerns by employers, workers, and the general public on the actions taken by the WCB
- **Medical Review Panels**
 - Only relevant prior to an Appeal Commission decision
 - Function is to resolve a difference of medical opinion between a worker's doctor and a WCB medical advisor

12. Resources

Make referrals - [Services, Help and Support](#)

- Financial Support
- Employment Resources/Counselling
- Crisis Intervention (ie. Worker Distress Line 786-8175)

THE
WORKER
ADVISOR OFFICE

1. What is the Worker Advisor Office?

- Assist workers who disagree with a decision by the WCB or have questions about workers compensation
- Established in 1982
- Incorporated into *The Workers Compensation Act in 1987 (Section 108)*
- Independent
- Free
- Confidential

2. What does the WAO do?

The WAO provides:

- 1) **ADVICE**
- 2) **ASSISTANCE**
- 3) **REPRESENTATION**

3. What is the process?

A) INTAKE

B) TRIAGE

C) ASSIGNMENT TO A WORKER
ADVISOR

4. Outcome of Review

- 1) No basis to provide representation
- 2) Further file development is required
- 3) Ready for appeal with existing evidence

5. Reconsideration

A.) INFORMAL (over the phone)

B.) FORMAL (in writing)

1. Decision Maker
2. Review Office
3. Appeal Commission

6. Outcome of Appeals

- Successful appeals
 - file closed with Worker Advisor Office
- Unsuccessful appeals
 - Review reasons for WCB position
 - Reassess if further representation is appropriate
 - Offer further advice or assistance
 - Continue representation

7. Representation at Appeal Commission

- Worker appears in person and gives evidence to Appeal Panel
- Worker Advisor Office
 - Submits application to appeal
 - Prepares worker for hearing
 - Presents argument on behalf of the worker
 - Explain decision to worker
 - Closes worker's file on that issue

8. Timelines at WAO

- Preliminary file review will occur:
 - Within 4 weeks
- File review by Worker Advisor:
 - 1 to 3 weeks
- Completion of Appeal Process will vary:
 - Depending on individual aspects of each file

9. WAO Staff

Currently the Worker Advisor Office has:

- Intake Officers
- Worker Advisors
(including 1 in Brandon)
- Manager

Contact Us!

- Worker Advisor Office Inquiry:
1-800-282-8069 (ext 5787) or *945-5787*
- Website:
www.manitoba.ca/labour/wao
- Email:
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