




**MINISTER OF
FINANCE**

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

APR 07 2020

Mr. William Gardner
Chairperson, The Manitoba Employers Council
gardner@pitblado.com


Dear Mr. Gardner:

I am responding to your letter of April 6, 2020 regarding the COVID-19 pandemic and the need to ensure coverage of workers contracting the virus in the course of employment.

I want to thank all the front-line workers, emergency responders and all the essential service workers for their service and for protecting Manitobans during this global pandemic.

I have confirmed that the WCB is currently adjudicating COVID-19 claims and will cover workers who contract COVID-19 arising out of and in the course of their employment. Rest assured, if a worker is exposed to and contracts COVID-19 on the job, they will receive WCB coverage. WCB is making COVID-19 claims a priority and will devote additional resources as needed.

I am further assured by the WCB that the inquiry process that they use for adjudication of claims is best suited for determining causal links between workplace exposures and related injuries. WCB's policies require that all environmental hazards associated with a worker's employment be taken into consideration when adjudicating claims.

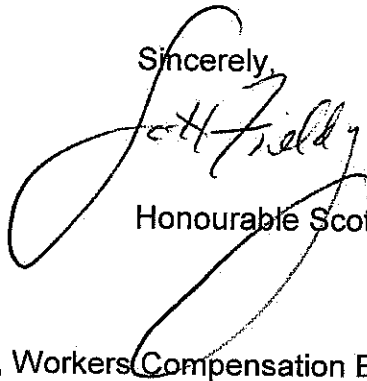
The WCB advises that other Canadian workers compensation agencies are taking the same approach. By policy, if the illness arises "out of and in the course of" their employment, the worker's illness will be compensable. It will likely be easier to establish work-relatedness for certain types of workers, such as front-line medical personnel, but the WCB must still adjudicate the claim in order to establish a work-related cause.

In the current environment, a statutory presumption would not assist adjudicators in processing claims more quickly, as it will still be necessary to weigh employment and non-employment related factors in order to determine if the presumption should be accepted or rebutted.

Employment Insurance benefits are widely available and provide an additional level of security to affected workers.

The WCB advises that its staff are working diligently to process all claims, including any claims for work-related COVID-19, and will continue to do so during these difficult times to ensure that all workers entitled to compensation receive it as quickly as possible.

Sincerely,

A handwritten signature in black ink that reads "Scott Fielding". The signature is written in a cursive style with a large, sweeping initial "S".

Honourable Scott Fielding

cc: Winston Maharaj, President and CEO, Workers Compensation Board of
Manitoba
Michael Werier, Chair, Workers Compensation Board of Manitoba

MEC Members

ACSESS

Canad Inns

Canadian Federation of Independent Business

Canadian Manufacturers & Exporters

City of Winnipeg

Construction Association of Rural Manitoba

Construction Labour Relations Association of Manitoba

Convenience Industry Council of Canada

Credit Union Central of Manitoba

Human Resource Management Association of Manitoba

Hydro Project Management Association

Keystone Agricultural Producers

Manitoba Aerospace Association

Manitoba Chambers of Commerce

Manitoba Customer Contact Association

Manitoba Electrical League

Manitoba Fashion Institute

Manitoba Heavy Construction Association Inc.

Manitoba Home Builders' Association

Manitoba Hotel Association

Manitoba Motor Dealers Association

Manitoba Pork Council

Manitoba Real Estate Association

Manitoba Restaurant & Foodservices Association

Manitoba School Boards Association

Manitoba Sloped Roofing Association Inc.

Manitoba Trucking Association

Maple Leaf Foods

MERIT Contractors Association of Manitoba

Mining Association of Manitoba Inc.

On-Site Safety & Health Management Solutions

Princess Auto Ltd.

Provincial Health Labour Relations Services

Restaurants Canada

Retail Council of Canada

Staffmax Staffing & Recruiting

Westland Plastics Ltd.

Winnipeg Chamber of Commerce

Winnipeg Construction Association

Winnipeg Regional Health Authority

The Manitoba Employers Council

2500 – 360 Main Street, Winnipeg, Manitoba R3C 4H6
(204) 956 - 3560, gardner@pitblado.com

Via Email

April 6, 2020

The Honourable Scott Fielding
Minister of Finance
Legislative Building
Room 317, 450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Fielding:

Re: WCB Coverage for persons infected with COVID-19

As you are aware, MEC wrote to the Chair of the Workers Compensation Board by letter dated March 26, 2020 (see copy attached).

In it we asked for confirmation that "COVID-19 is not generally compensable for workers where the likely cause of infection is through community transmission," and "that the WCB ensure that the policy of community vs. occupational transmission for COVID-19 will be applied consistently."

By letter dated March 27, 2020 (see copy attached) the CEO of WCB responded confirming that "the approach WCB is taking on claims for COVID-19 is consistent with rules set out in *The Workers Compensation Act* and WCB Policies". He stated that "COVID-19 is not generally going to be compensable given the extensive community transmission that we are now seeing throughout the world," and that "claims will be accepted when the WCB is able to determine that the worker's condition more likely than not arose out of and in the course of employment." This is the correct approach in our view.

We are aware that your government and the WCB have been approached to implement presumption of all COVID-19 claims. As is clear in any objective consideration, COVID-19 is not an occupational disease as defined by *The Workers Compensation Act*, rather it is a global pandemic and therefore no presumption should apply.

MEC expects that COVID-19 claims will be assessed quickly, and with care, which is the standard by which WCB is known. Nothing more than this is required. The policies of WCB have stood the test of time and have worked well for Manitobans over the years. They should continue to be applied.

We would be happy to discuss this further with you if desired.

Yours very truly,

Manitoba Employers Council

Per:

A handwritten signature in blue ink, appearing to read 'William S. Gardner', written over a light blue horizontal line.

**William S. Gardner, Q.C.
Chairperson**

Attachs.

cc: Michael Werier
Winston Maharaj
MEC Members

MEC Members

ACSESS
Canad Inns
Canadian Federation of Independent Business
Canadian Manufacturers & Exporters
City of Winnipeg
Construction Association of Rural Manitoba
Construction Labour Relations Association of Manitoba
Convenience Industry Council of Canada
Credit Union Central of Manitoba
Human Resource Management Association of Manitoba
Hydro Project Management Association
Keystone Agricultural Producers
Manitoba Aerospace Association
Manitoba Chambers of Commerce
Manitoba Customer Contact Association
Manitoba Electrical League
Manitoba Fashion Institute
Manitoba Heavy Construction Association Inc.
Manitoba Home Builders' Association
Manitoba Hotel Association
Manitoba Motor Dealers Association
Manitoba Pork Council
Manitoba Real Estate Association
Manitoba Restaurant & Foodservices Association
Manitoba School Boards Association
Manitoba Sloped Roofing Association Inc.
Manitoba Trucking Association
Maple Leaf Foods
MERIT Contractors Association of Manitoba
Mining Association of Manitoba Inc.
On-Site Safety & Health Management Solutions
Princess Auto Ltd.
Provincial Health Labour Relations Services
Restaurants Canada
Retail Council of Canada
Staffmax Staffing & Recruiting
Westland Plastics Ltd.
Winnipeg Chamber of Commerce
Winnipeg Construction Association
Winnipeg Regional Health Authority

The Manitoba Employers Council

2500 – 360 Main Street, Winnipeg, Manitoba R3C 4H6
(204) 956 - 3560, gardner@pitblado.com

March 26, 2020

Via Email

Workers Compensation Board of Manitoba
6th Floor, 333 Broadway
Winnipeg, MB R3C 4W3

Attention **Michael Werier, Chair**

Dear Sirs/Mesdames:

Re: WCB Coverage for Persons infected with COVID-19

We are writing out of concern about the potential financial impact on WCB should claims relating to COVID-19 be accepted that are not the direct result of the course of employment.

We seek assurance that the application of WCB occupational disease policy will be applied to claims arising directly out of the course of employment, as opposed to arising from community transmission. For example, if an employee catches the flu from a co-worker while at work, this is not considered in the course of employment. However, a healthcare provider who is infected by a patient, would be covered.

Simply, we seek confirmation COVID-19 is not generally compensable for workers where the likely cause of infection is through community transmission.

We ask that the WCB ensure that the policy of community vs. occupational transmission for COVID-19 will be applied consistently, and an informational bulletin to that effect be sent to the employer community and internally to adjudicators.

Organizations represented on the Manitoba Employers' Council regard a fair, effective and financially viable WCB system as essential to protecting workers affected by workplace injury or illness, as well as to the long-term economic health of our province.

We welcome the opportunity to be engaged as you consider decisions that affect the WCB, the industries and employers that fund the WCB system.

Yours very truly,

Manitoba Employers Council

Per:

William S. Gardner, Q.C.
Chairperson

cc: Minister Scott Fielding, Minister Responsible for WCB Act
Winston Maharaj, President and CEO, WCB
Employer Representatives on the WCB Board of Directors

March 27, 2020

The Manitoba Employers Council
2500 – 360 Main Street
Winnipeg, Manitoba R3C 4H6

Via Email

Attention: William (Bill) Gardner

Dear Bill:

Re: WCB Coverage for Persons infected with COVID-19

I am responding to your letter of March 26, 2020, directed to Michael Werier, Chairperson of the Workers Compensation Board of Manitoba (WCB) expressing concern about the potential financial impact of COVID-19 on employers.

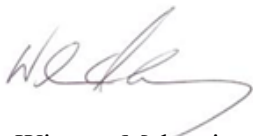
I can assure you that the approach WCB is taking on claims for COVID-19 is consistent with rules set out in *The Workers Compensation Act* and WCB policies. COVID-19 is not generally going to be compensable given the extensive community transmission that we are now seeing throughout the world.

The WCB will adjudicate every COVID-19 claim based on the individual merits and the specific facts and circumstances of each case. A claim will be accepted when the WCB is able to determine that the worker's condition more likely than not arose out of and in the course of employment.

While it may be easier to establish work-relatedness for some workers where the risk of exposure to the virus is higher, including front-line medical staff, the WCB must still examine all available evidence in coming to a decision. WCB adjudicators are being reminded of the rules and standards to be applied in order to ensure fair and consistent decision making.

Please share this letter with your members and advise them to check the WCB webpage for additional information for employers.

Sincerely,



Winston Maharaj
President & CEO

cc: Michael Werier, Chairperson, Workers Compensation Board of Manitoba
Minister Scott Fielding, Minister Responsible for *The Workers Compensation Act*
WCB Board of Directors