

Claim Suppression: The Elephant in the Workplace

Appendix B: Summary of recommendations

Recommendation #1

That the WCB redesign the Section 21(2)(f) form (PL29) to include:

- the worker's responsibility to report all injuries to the employer (Act s. 149(2);
- the employer's responsibility to report an injury or occupational disease to the WCB within 3 days of notification (Act s. 150); and
- the prohibition against the employer discouraging, impeding or dissuading a worker from reporting an injury or illness to the WCB by any means (Act s. 73) with reference to the applicable penalty where a violation is found.

Recommendation #2

That the WCB initiate an education campaign for employers and workers around the issue of claims suppression and what constitutes claim suppression as outlined in the 2019 Patterson New Directions Review to the Minister of Labour. The education program should include a new brochure along the lines of the previously referenced claim suppression brochure produced by SafeWork Manitoba.

Recommendation #3

That the Board WCB develop a claim suppression audit tool to be applied where there is evidence of possible claim suppression in a workplace to determine whether violations have occurred and whether penalty consideration is warranted.

Recommendation #4

That the claim suppression brochure referenced in recommendation #2 include a section on safety incentive programs that promote claim suppression and also include a dedicated tip line for reporting claim suppression activities.

Recommendation #5

That the WCB initiate an independent review of the WCB's experience rating system to determine whether and to what extent this system provides an incentive for claim suppression and promotes inequity among employers.

Recommendation #6

That the WCB amend the experience rating policy to charge the first two weeks of any time loss claim to the industry rate group to be funded collectively by that rate group rather than individually by each employer.

Recommendation #7

That the WCB establish a special Claim Suppression Unit with trained investigators from Claims Services, Prevention Services and Assessment Services to enforce the provisions of the Act that prohibit claim suppression.

Recommendation #8

That the WCB credit the funds collected for claim suppression violations to the industry rate group in which the offending employer is registered.

Recommendation #9

That the WCB review its criteria for undertaking investigations of no time loss injuries where there is some evidence of actual time loss.

Recommendation #10

That the WCB fully implement the best practices outlined in recommendation #51 and Appendix 21 of the New Directions Review to ensure that a return to work before maximum medical recovery is suitable for an injured worker.

Recommendation 11

That the WCB support implementation of effective disability management programs in partnership with the National Institute for Disability Management and Research.

Recommendation # 12

That the WCB establish a process for the Board to request a Functional Abilities Assessment from the worker's treating physician paid for out of the accident fund.

Recommendation #13

That the WCB review its criteria for investigating suspended claims where there is evidence of time loss from work to ensure that the decision to discontinue the claim is not the result of claim suppression activity.