

Policy 22.30, *Agents of the WCB*
Frequently Asked Questions (FAQs)

Q. Why did the WCB introduce an *Agents of the WCB* policy?

A. *The Workers Compensation Act* (the Act) authorizes the WCB to delegate its power to third parties to perform certain activities it is required, by law, to perform. When the WCB does so, the third party becomes an agent of the WCB.

While this authority is laid out in the Act, the new policy is an opportunity for the WCB to clearly explain to third parties what it means to be an agent of the WCB in a user-friendly format.

Q. What **does** it mean to be an "agent" of the WCB?

A. A third party that is an agent of the WCB is essentially acting on the WCB's behalf. As a result, when carrying out delegated activities, they cannot do anything the WCB is not authorized to do under the Act and WCB policies.

Q. What are some examples of activities that the WCB might delegate to an agent?

A. Two common examples are paying wage loss benefits to workers or their dependents on behalf of the WCB, and activities related to workplace injury and illness prevention.

Q. You say this policy is new. However, my firm has been paying wage loss benefits directly to our injured workers on the WCB's behalf for a long time. Was my firm doing something wrong before?

A. No. If the WCB has been allowing you to pay wage loss benefits directly to injured workers, you have been doing so under delegated authority. However, in undertaking to pay wage loss benefits directly to your injured workers, we recognize you may not have realized that you were acting as an agent of the WCB or what that means. This new policy clarifies the obligations and responsibilities of your firm that are laid out in the Act.

Q. As an employer, how do I become authorized to pay wage loss benefits to injured workers on behalf of the WCB?

A. Individually assessed employers are automatically responsible for paying the costs of claims submitted by their workers as they arise, including wage loss benefits. When they pay compensation to injured workers, they act as agents of the WCB. They are not required to take additional steps to become agents of the WCB for this purpose.

Class E employers may indicate their intention to pay wage loss benefits to an injured worker directly on the WCB's Employer Incident Form. Those who do so are known as "Pay Employers" in the WCB system and become agents of the WCB for this purpose. The WCB reimburses Class E employers for these wage loss benefits, up to the statutory benefit limits.

Q. As an employer, what happens if I do not carry out my delegated authority in accordance with the Act and WCB policies?

A. The WCB may revoke the employer's authority to act as the WCB agent in these circumstances. In addition, if the WCB determines that the employer has contravened the Act, and continues to do so after a warning, the WCB may charge an administrative penalty.

Q. As an employer who is an agent of the WCB, what can I do to make sure I meet my obligations?

A. The best way to meet your obligations is to familiarize yourself with the relevant sections of the Act and WCB policies.

For more information, please email policy@wcb.mb.ca.