

WCB issues new policy on third-party agents

The Workers Compensation Act (the Act) allows the WCB to delegate some of its powers under the Act to an agent. This typically occurs for the payment of compensation to workers or their dependants on behalf of the board, or performing certain prevention activities. A new policy explains what it means to be the WCB's agent in such cases.

Individually assessed employers pay compensation to their workers directly following a workplace accident. Examples of individually assessed employers include the provincial government and its agencies, the City of Winnipeg, and major transportation companies like Air Canada and VIA Rail.

However, some **Class E employers**, who are employers who pay assessments into a collective pool to cover the costs of WCB, choose to pay compensation directly to their injured workers. In this arrangement, the employee's income continues following a workplace accident, and the WCB reimburses the employer for the amount the WCB would have paid to the injured worker. Class E employers who choose this option are known as "pay employers."

Under the Act, individually assessed or Class E "pay employers" are considered to be agents of the WCB, because they are paying wage loss benefits to injured workers on the WCB's behalf.

On May 1, 2023, WCB Policy 22.30, *Agents of the WCB*, took effect. It replaced an outdated policy and sets out rules for all employers, Class E or individually assessed, who act on the WCB's behalf. The new policy clarifies that any employers who are agents of the WCB must follow all the same rules that apply to the WCB.

For example, employers who pay wage loss benefits, collect overpayments, or perform prevention activities as agents of the WCB may only carry out those activities as outlined in the Act and WCB policies.

It is important that all employers acting as agents of the WCB understand their legal obligations and responsibilities in the workers compensation system. Employers acting as agents of the WCB should familiarize themselves with any applicable statutory and policy limits on their authority. If they do not, they may lose their authority to act on behalf of the WCB or, in some cases, face an administrative penalty.

Detailed answers to frequently asked questions (FAQs) about the new *Agents of the WCB Policy* can be [found here](#).

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