

CLAIM SUPPRESSION IN THE
MANITOBA WORKERS
COMPENSATION SYSTEM:
RESEARCH REPORT

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Claim Suppression in the Manitoba Workers Compensation System: Research Report

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Executive Summary

The purpose of this study was to examine evidence on the incidence of claim suppression in Manitoba's system of workers compensation and the factors that may be associated with claim suppression.

The methodology devised for this study, therefore, does not purport to provide a precise measure of claim suppression. However, the results of the study do provide insight into the approximate size of the claim suppression problem and administrative steps that could be taken to flag files where evidence suggests that there is a greater risk of claim misrepresentation or claim suppression.

Principal Findings:

1. There appears to be significant under-claiming of WCB benefits in Manitoba. Survey evidence suggests that around 30.1% of workers who experienced a work-related injury that involved more than 5 days of lost working time may not have claimed WCB Lost Earnings Benefits. This finding is broadly consistent with research into other compensation systems similar to Manitoba's.
2. Lack of knowledge of entitlement rights and workers' preference for readily available alternatives (*e.g.*, Manitoba Health, sick leave, employer benefit plans) are the most important factors behind under-claiming. These factors are more important than overt claim suppression as a cause of under-claiming.
3. Misreporting lost-time injuries as no-lost-time claims is a material occurrence. Extrapolating survey findings (after re-weighting for the sampling procedures) suggests that the lower boundary estimate for misrepresentation is 14.3% of all accepted no-lost-time claims while the upper boundary estimate is 35.1%.
4. Claim suppression is a material and germane factor. Overt claim suppression includes providing misinformation as to eligibility, employers' requests of employees not to submit a claim (or to withdraw a claim) and threats to employees. Four survey procedures were used to estimate the incidence of overt claims suppression. These procedures suggest estimates ranging from 6.0% to 29.8%. The strongest of these estimates is derived from a general population-based survey of injured workers. That survey found that that 11.5% of respondents had experienced or were aware of instances of overt claim suppression. This proportion increases to 36.3% if wage continuation is included as a form of claim suppression.
5. Third party claims administrators appear to be involved in 30% or more of WCB claims. They have become an important element in Manitoba's system of workers compensation.
6. Survey results provide broad support for WCB policies that promote safe and early return to work, although the survey data suggest that there may be implementation gaps that could warrant attention.

7. There are marked differences in how stakeholders perceive the incidence of claim suppression, the role of third party claims administrators and the relationship (if any) of experience rating to claim suppression.

Qualifications to Findings:

All of the findings reported in this study are based on the analysis of sampled files and surveys undertaken for the study. Estimates of under-claiming, and expected misreporting and overt claim suppression are based on these sources. It is important, therefore, to keep in mind the limitations of these sources:

- a) All sampling and surveying procedures are subject to sampling error. It is inevitable when dealing with a phenomenon such as time-loss injuries related to work, that the number of survey observations will be small. This increases the risk of sampling error.
- b) To increase the number of survey observations, respondents were asked about injuries that occurred within the past three years. The passage of time increases the risk that recollection may not be accurate.
- c) Some of the participants in surveys or some of the injuries that they reported may not have been eligible for WCB coverage.
- d) Claim suppression cannot be directly observed. The only source of information is survey respondents' reports of employer activities to which it is reasonable to impute an intention to suppress a WCB claim. Some survey respondents may be reluctant to provide this information while others may exaggerate.
- e) The research procedure used to generate a pool for follow up surveys of WCB claimants involved prioritizing subsets of files based on greater risk that those claims may have involved either misreporting or claim suppression. This procedure was adopted to maximize the efficiency of limited resources for surveying. As a result of the prioritization procedure, adjustments must be made when extrapolating these survey findings to produce overall estimates of the expected incidence rates for misreporting and claim suppression. The resulting estimates could overstate or understate the risk of misreporting and claim suppression. To avoid overstatement, the report used conservative assumptions.

For all of these reasons, it is important to exercise caution when interpreting the results of the research presented in this report.

Research Methodology:

This study drew on the following research to support its conclusions:

- 1) Literature Review
- 2) *Survey of Injured Workers (General Population)*:
 - Telephone survey of 200 workers drawn randomly from the Manitoba population who reported that they had experienced a work-related injury while they were resident in Manitoba and were 18 or older at the time of injury.
- 3) ANLT Claims Analysis
 - A sample of 1,329 ANLT claims randomly drawn from the period 2010 to 2013, with over-sampling from 2012 and 2013.
- 4) *ANLT Survey*:
 - Survey pool drawn from a sub-set of 803 ANLT claims that were judged to be at greater risk of pertaining to a lost-time injury notwithstanding that the claims had been reported and accepted as no lost-time claims.
 - Survey sample: 121 persons
- 5) DLT Claims Analysis:
 - A sample of 922 disallowed lost-time claims drawn from the period 2010 to 2013.
 - Two sub-sets:
 - (a) 220 claims that were disallowed because the WCB could not establish that a work-related injury had occurred.
 - (b) 702 claims that were disallowed because of insufficient information
- 6) *DLT Survey*:
 - Survey pool drawn from a sub-set of 547 files that were judged to exhibit stronger or more numerous anomalies that raised questions as to why the worker had not pursued the claim or appealed the disallowance.
 - Survey sample: 47 persons comprising 22 persons whose claims had been disallowed because the WCB could not establish that a work-related injury had occurred and 25 persons whose claims had been disallowed because of insufficient information.
- 7) Employer and Worker Focus Groups:
 - One focus group was conducted with employer representatives (4 participants).
 - Two focus groups were conducted with worker representatives (17 participants).

Under-Claiming:

There appears to be significant under-claiming of WCB benefits in the Manitoba. The *Survey of Injured Workers (General Population)* suggests that 45.7% of workers with lost-time injuries did not apply for WCB benefits. The proportion of non-claimers declines as the duration of lost-time increases. However, the proportion of non-claimers for absences from work of more than five days was still high at 30.1%. This finding is consistent with other, published research findings.

Motives for Under-Claiming:

The research for this report, as well as other research studies, finds that many workers refrain from claiming workers compensation benefits for reasons that are unrelated to overt claim suppression.

Survey evidence found that of those workers with lost-time injuries who did not apply for WCB lost earnings benefits:

- 27.4% reported that it was ‘not worth the trouble’,
- 17.9% were uncertain about their eligibility, and
- 18.8% preferred to use sick leave benefits.

Of those workers who did not apply for WCB Medical Benefits, the survey found that 47.0% preferred readily available alternatives such as Manitoba Health, an employer health plan, or a family member’s health plan.

Other survey evidence found that half of employees who experienced lost working time, but whose claims had been submitted and accepted as no-lost-time claims, had their wages continued by their employer or by a sick leave plan.

Misreporting of No-Lost-Time Claims:

Misreporting consists of an employer submitting an EIR in which an injury is described as involving no lost working time when, in fact, the injury required time off work. Misreporting potentially denies workers lost earnings benefits to which they would otherwise be entitled. Misreporting may also ‘game’ the experience rating system by making an employer’s incidence of lost-time injuries appear to be lower. Finally, if the prevention system relies on WCB lost-time data, misreporting could lead to a misallocation of prevention resources by masking situations that require more proactive prevention efforts.

As described above, the *ANLT Survey* was selected from a sample of accepted no-lost-time claims. Answers to a number of survey questions were inconsistent with the no-lost-time status of many of the claims:

- 40.6% of respondents reported that they had lost at least 1 day of working time,
- 45.5% of respondents were advised by a medical practitioner to take time off,

- 12.5% of respondents reported that they had lost more than 5 days of working time.
- 5.0% of respondents left their employment following their accident.
- 5.0% of respondents reported that their pay or hours were reduced.

When extrapolated to the sample of 1,329 ANLT claims, the lower boundary estimate of misrepresentation is 14.3% while the upper boundary estimate is 35.1%. The core conclusion, therefore, is that misreporting is a material occurrence. (The extrapolation procedure required re-weighting survey results to take account of the selection procedure used to generate the survey pool from the original sample of 1,329 ANLT claims).

Claim Suppression:

This report distinguishes between ‘overt claim suppression’ and ‘soft suppression’. Overt claim suppression occurs when employers (a) ask or pressure workers to withdraw claims or not to report injuries to the WCB, (b) threaten workers if they report an injury or do not withdraw a claim, (c) eliminate or reduce bonuses or ‘perks’ if lost time is reported, or (d) provide workers with misinformation as to eligibility. Soft suppression consists of wage continuation in lieu of WCB Lost Earnings Benefits and the use of benefit plans in lieu of WCB Medical Benefits.

Four survey procedures suggest that claim suppression is a material and germane factor. The following table summarizes the survey results.

**Summary of Survey Findings
on Claim Suppression**

Source	Key Findings
<i>Survey of Injured Workers (General Population) Sub-Set of Respondents who did not apply for WCB Benefits (n=117)</i>	<ul style="list-style-type: none"> • 6.0% reported overt claim suppression as a factor in not applying for LEB. This does not include wage continuation as a form of claim suppression. • 7.7% reported claim suppression as a factor in not applying for Medical Benefits.
<i>Survey of Injured Workers (General Population) Total Sample (n=200)</i>	<ul style="list-style-type: none"> • 11.5% respondents reported that they had experienced or were aware of incidents of overt claim suppression, excluding wage continuation.
<i>ANLT Survey (n=121)</i>	<ul style="list-style-type: none"> • 19.8% respondents reported at least one time of over claim suppression, excluding wage continuation. • This increases to 36.3% if wage continuation is included as a form of claim suppression.
<i>DLT Survey (n=47)</i>	<ul style="list-style-type: none"> • 29.8% respondents reported at least one time of over claim suppression, excluding wage continuation. • This increases to 53.23% if wage continuation is included as a form of claim suppression.

The estimates range from 6.0% to 29.8%. The estimate in the total sample of the *Survey of Injured Workers (General Population)* is the strongest of these findings methodologically. Including wage continuation as a form of soft suppression increases the estimate.

Third Party Claims Administrators:

The analysis of ANLT and DLT claims and the follow-up surveys with workers indicate that third party claims administrators are involved in about 30% of WCB claims and possibly more. It is clear from these findings that third party claims administrators play an important role in Manitoba's workers compensation system. However, there is insufficient data in the research for this report to draw any conclusions on the role of third party claims administrators. Nevertheless, the evident importance of third party claims administrators makes it important to be cognizant of their professional standards and their approach to claims management and disability management. The findings from this report cannot speak to whether regulation of this role is needed or appropriate.

Modified Duties

The survey data suggest that modified duties played a role in return to work in around 15.5% of injuries. The vast majority (87.1%) of survey respondents with experience of modified duties reported that these modified duties were consistent or a good fit with their recovery from injury. Around 32.3% of respondents with experience of modified duties felt that their modified duty arrangements were inconsistent or not a good fit with their training and experience.

Stakeholders' Perceptions:

The focus groups revealed a wide gap between the perceptions of employers and the perceptions of workers' representatives across a range of issues relevant to, or raised by, this report. The employers that participated in the focus groups were all drawn from large organizations with well-developed policies and procedures for collecting information on work-related injuries. The experience of these employers was that very few work-related injuries go unreported. The employers all described 'by the book' practices for reporting to the WCB. These employers were highly sceptical that under-reporting and claim suppression are significant occurrences in the compensation system. If claim suppression occurs, they expect that it is confined to a small minority of small employers who account for only a minor fraction of the Manitoba work force. These employers are concerned about the prospect of more demanding regulatory requirements to address what they regard as uncommon and isolated phenomenon. They regard third party claims administrators as providing a useful service, though primarily to small employers who lack internal expertise on WCB claims management and disability management.

In contrast with employers, workers' representatives see claim suppression as systemic. In their view, it is common for employers to encourage workers to use sick leave and benefits plans in lieu of WCB benefits. The workers' representatives see third party claims administrators playing an important role in deterring WCB claims through the practice of aggressive appealing of claims. The use of third party claims administrators is seen as quite common and not confined to small employers. Workers' representatives believe that the driver behind claim suppression is the incentive to reduce claims costs so as to enjoy benefits or avoid penalties under the experience rating system for employers' WCB contributions. Workers' representatives seek more stringent penalties for claim suppression, regulation (or prohibition) of third party claims administrators and elimination or major reform of experience rating.

■

1. Introduction

This research report was commissioned by the Manitoba Workers Compensation Board. The purpose of the report is to develop evidence-based estimates of the incidence of claim suppression in the Manitoba workers compensation system.

1.1 Outline of Report

Chapter Two reviews the research literature on under-reporting and claim suppression to provide a context for the findings presented in this report.

There are two types of suppressed claims. The first pertain to an incident that never comes to the attention of the WCB. This would occur when neither the worker nor the employer files the required WCB forms, nor is there a report filed by a medical practitioner. The second type of suppressed claim pertains to an incident that is reported to the WCB by an employer as ‘no lost time claim’, but which actually entailed lost time or lost earnings beyond the date of the incident. This would include incidents for which the lost time was covered by wage continuation, a sick leave plan or the use of vacation time.

There are intrinsic challenges in endeavouring to measure actions which are illegal and which those who engage in such actions often attempt to conceal. As well, there is not always a clear line between claim suppression and under-reporting that is not related to claim suppression. The methodology devised for this study, therefore, does not purport to provide a precise measure of claim suppression. However, the results of the study do provide insight into the approximate size of the claim suppression problem and administrative steps that could be taken to flag files where evidence suggests that there is a greater risk of claim misrepresentation or claim suppression.

Two survey strategies were used to gauge the approximate magnitude of claim suppression. The first was a survey of injured workers who were randomly selected from the general population. A total of 200 persons were identified. The results of this survey are described in Chapter Three. This survey is referenced as the *Survey of Injured Workers (General Population)*.

The second survey focused on identifying the incidence of suppressed claims that were ‘hiding’ in the WCB’s files. Claims were sampled and reviewed with a view to identifying claims in which there were documented anomalies that suggested a *risk* that claim suppression may have occurred. These claims were redacted to ensure that no information was released which could identify the worker. It must be stressed that flagging a claim was only an assessment of risk, *not* a determination that claim suppression had occurred. Two categories of claims were reviewed. The first were 1,329 randomly selected accepted no-lost time claims from the period 2010 to 2013. Throughout this report, the acronym used for ‘accepted no-lost-time’ claims is **ANLT**. The randomly selected ANLT files were reviewed to ascertain whether there was a misreporting risk, *i.e.*, documentation in the claim suggesting that the injury may have involved lost time notwithstanding that the claim had been reported and accepted by the WCB as a no-lost-time claim. A total of 803 ANLT claims were flagged. The workers who were the subject of these flagged ANLT claims were surveyed. There were 121 participants in this survey. This survey is

referenced as the *ANLT Survey*. The second category of claims that were reviewed were disallowed lost-time claims. The acronym used in this report for ‘disallowed lost-time’ claims is **DLT**. There were 922 claims in this sample which was also randomly selected from claims received between 2010 and 2103. The sample contained two types of disallowed lost-time claims: (a) claims that the WCB disallowed because of insufficient information and (b) claims that the WCB disallowed because the WCB could not establish that a work-related injury had occurred. The DLT claims were reviewed to identify anomalies that posed a puzzle as to why the worker did not pursue the claim. For example, the claim documentation may have indicated that a medical practitioner had characterized the injury as work-related and there may also have been evidence in the file suggesting that lost time had occurred or was likely to have occurred. A total of 547 DLT claims were flagged. The workers who were the subject of these flagged DLT claims were surveyed. There were 47 participants in the survey. This survey is referenced as the *DLT Survey*.

The analysis of the ANLT claims and the survey of workers in the flagged ANLT claims are reported in Chapter Four. The results of the analysis of DLT claims and the survey of workers in the flagged DLT claims are presented in Chapter Five.

In addition to the claims research and surveying, the study also conducted focus groups with employers, representatives of injured workers, and rank-and file workers. The results of these focus groups are summarized in Chapter Six.

Chapter Seven summarizes the principal findings from the research.

1.2 Conceptual Framework

This report uses the following terminology:

- Under-claiming refers to a worker’s non-submission, withdrawal or abandonment of a claim for an injury that was likely compensable or describing an injury as a no-lost-time injury when there was lost time involved.

- Under-reporting refers to employers non-reporting or misreporting of injuries which they are statutorily obliged to report to the WCB. Non-reporting consists of the failure to submit an Employer’s Incident Report as is required by the Manitoba *Workers Compensation Act*. Misreporting consists of misrepresenting a lost-time injury as a no lost-time injury either by inaccurately describing the injury in the Employer’s Incident Report or by failing to submit information on material changes in the workers condition.

- Claim suppression is *intentional inducement of a worker* by an employer not to claim WCB benefits to which the worker would likely have been entitled. Inducement includes incentives not to claim WCB benefits, threats or perceived threats if benefits are claimed and the deliberate

provision of misinformation as to entitlement to benefits. Claim suppression is explicitly prohibited by sec. 19.1 of the *Workers Compensation Act, C.C.S.M. c. W2000*. A debatable practice is employer-sponsored incentive programs that provide a material benefit to a work group if they have no lost-time injuries. A worker who submits a claim potentially jeopardizes the group benefit. This can result in peer pressure to abstain from claiming benefits or a sense of duty to the group that has the same effect.

It is important to distinguish claim suppression from the broader phenomena of employer under-reporting and worker under-claiming. All claim suppression involves employer under-reporting and worker under-claiming. However, both employer under-reporting and worker under-claiming can occur without an employer inducing a worker to under-claim. Some employers, for example, may be unaware of their reporting obligation or they may believe incorrectly that continuing wages in lieu of a compensation claim is permitted.

There are various reasons why employees may decline to submit a claim. Some injured workers may not think that it is worth their time to file a claim, especially if there is no lost time and their medical expenses are covered by the public health system or a benefits plan. Some workers may be deterred by the perceived complexity of the compensation system’s procedures or they may be unaware of their entitlement to compensation. An injured worker might view himself or herself as being at fault. Concern about reputation or fear of discipline for failing to comply with safety policies could discourage reporting the incident to either the employer or the compensation system. Some employees may be motivated by a desire not to get their employer into trouble. It is important to keep in mind, therefore, that claim suppression is only one factor – and possibly not the most important factor – in the broader phenomenon of under-reporting and under-claiming.

1.3 Synopsis of Acronyms and Surveys

The following tables summarize the acronyms that are used in this report and the three surveys.

Synopsis of Acronyms

ANLT	Accepted No-Lost-Time Claims
DLT	Disallowed Lost-Time Claims
LEB	WCB Lost Earnings Benefit
EIR	Employer’s Incident Report
WIR	Worker’s Incident Report

Synopsis of Surveys

<i>Survey of Injured Workers (General Population)</i>	Survey of 200 injured workers drawn from a random sample of the Manitoba population
<i>ANLT Survey</i>	Survey of 121 workers with accepted no-lost-time claims from a pool of 803 flagged ANLT claims that were selected from an original sample of 1,329 ANLT claims
<i>DLT Survey</i>	Survey of 47 workers with disallowed lost-time claims from a pool of 547 flagged DLT claims that were selected from an original sample of 922 DLT claims

1.4 Acknowledgements

This report could not have been undertaken without the support and guidance of Bruce Cielen, Barry Warrack and Tim Young at the WCB who provided invaluable advice on the design of the data collection template, survey samples and survey questionnaires. Appreciation is also expressed to the WCB Policy Research and Quality Assurance staff who carried out the detailed analysis of more than 2,200 claims files. Viewpoints Research Ltd. provided expert advice on survey and focus group design and recruited employers for the employer focus group. Viewpoints Research Ltd. also administered the Injured Worker Survey (General Population), the Injured Worker Survey (Flagged ANLT Claims) and the Injured Worker Survey (Flagged DLT Claims). The Manitoba Federation of Labour convened and hosted two focus groups for the study. Appreciation is also expressed to the employer and union representatives and workers who contributed their time to participate in these focus groups.

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2. Literature Review

This chapter reviews the research literature on the extent of under-reporting, under-claiming and claim suppression and the factors that appear to motivate or correlate with these behaviours.¹

2.1 Under-Claiming of Workers Compensation Benefits by Injured Workers and Under-Reporting of Injuries by Employers

Several studies compare survey-based or other measures of the incidence of occupational injuries to workers compensation claim data to estimate the approximate rate of under-reporting. As noted in Chapter One, under-reporting is a broader measure than employer-induced claim suppression. While all claim suppression entails under-reporting, some under-reporting is unrelated to claim suppression. Employers may be unaware of their reporting obligation or they may believe incorrectly that continuing wages in lieu of a compensation claim is permitted. There are various reasons that employees may decline to submit a claim. They may not think that it is worth their time to file a claim, especially if there is no lost time and their medical expenses are covered by the public health system or a benefits plan. They may be deterred by the perceived complexity of the compensation system's procedures or they may be unaware of their entitlement to compensation. Some employees might regard themselves as being at fault and be concerned about either their reputation or discipline for failing to comply with safety policies. Some employees may be motivated by a desire not to get their employer into trouble. There is only limited research evidence on the importance of these factors in under-reporting. However, when reviewing the research literature, it is important to keep in mind that claim suppression is only one factor in the broader phenomenon of under-reporting.

Figure No. 1 summarizes the findings from 12 scholarly studies published by research institutes or peer-reviewed journals. These studies suggest the following:

- The injury rate is approximately 10-11% per year. Around a third of these injuries entail lost-time.
- Estimates of non-reporting range from approximately 10% (for serious injuries in a unionized environment) to 40% using broader measures. An estimate of 15-20% would be supported by most of the research literature.

¹ The chapter draws on work undertaken for the Ontario Workplace Safety and Insurance Board, also by Prism Economics and Analysis. Refer to: Prism Economics and Analysis, *Workplace Injury Claim Suppression: Final Report* prepared for the Ontario Workplace Safety and Insurance Board (April 2013)
<http://www.wsib.on.ca/files/Content/FundingReviewClaimSuppressionStudy/WSIBClaimSuppression-FinalReport.pdf>

- Survey data suggest that 3% to 9.5% of reported no-lost-time injuries actually involved lost time.
- There is only limited evidence on claim suppression. One (Ontario) study suggests that 7% of employees believed they were discouraged from submitting compensation claims. This may be a low estimate since interviews were restricted to workers whose employers agreed to participate in the study. A second (Ontario) study suggests that 8% of employers agree that they do not always report injuries as required.

Similar conclusions have been reached by studies in the U.S. and Australia, although differences in legislative regimes make these comparisons less reliable.²

<See Figure No. 1 - Next Page>

² Emily A. Spieler and John F. Burton Jr., “The Lack of Correspondence Between Work-Related Disability and Receipt of Workers’ Compensation Benefits,” *American Journal Of Industrial Medicine* 55 (2012)

G. Pransky *et al.*, “Under-reporting of work-related disorders in the workplace: A case study and review of the literature,” *Ergonomics*. 42, no. 1, (1999)

U.S. House of Representatives, Committee on Education and Labor, *Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses*, Majority Staff Report, (Washington: Government Printing Office, June 2008). The report summarizes 13 studies published in peer-reviewed journals.

Australian Bureau of Statistics, *Australian Social Trends*, “Work and Health”, cat. no. 4102. <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features20Jun+2011>.

Figure No. 1
Summary of Canadian Research Literature
on Under-Reporting of Injuries to Workers Compensation

Study	Workers Compensation Board (Ontario), Research and Evaluation Branch, “Workplace Accident Reporting Practices Study: Main Report” (1992)	Harry Shannon and Graham Lowe, “How Many Injured Workers do not file Claims for Workers’ Compensation Benefits?”, <i>American Journal of Industrial Medicine</i> , vol. 42, pp 467-473 (2002)
Data Source	<p>Five Ontario Surveys:</p> <ul style="list-style-type: none"> • WCB Covered Labour Force: n = 200 • WCB Lost-Time Claimants: n = 255 • WCB No-Lost-Time Claimants: n = 105 • WCB Abandoned Claimants: n = 75 • WCB Registered Employers: n = 1,103 	National survey of 2,500 respondents from an initial sample pool of 17,361.
Findings	<ol style="list-style-type: none"> 1. Of 200 workers in the Covered Labour Force Survey, 7 reported a lost-time injury while 4 reported no-lost-time injuries in the previous year. Of the 7 lost-time injuries, 1 was not reported to the WCB. These findings suggest a lost-time injury rate of 3.5% and that 14% of lost-time injuries (1/7) are not associated with a WCB claim 2. Of 225 workers who were previous Lost-Time Claimants, 12 (4.7%) indicated another work-related accident in the previous 12 months for which there was no corresponding WCB claim. 3. Of 105 workers who had submitted a no-lost-time claim, 10 (9.5%) reported that their no-lost-time claim had actually involved lost time. 4. 22 of 75 abandoned claims involved lost time 5. 13.6% of employers would allow a worker to use a few sick days rather than file a WCB claim. Re-weighting the results to mirror the size and industry distribution of employers raised this estimate to 20.1%. 	<ol style="list-style-type: none"> 1. Of the 2,500 respondents, 255 (10.2%) reported a work-related injury in the previous 12 months. 2. Of 255 respondents reporting a work-related injury, 143 were respondents whose injury was in a covered workplace and involved lost-time, lost earnings and/or modified work arrangements. 3. Of the 143 likely compensable injuries, 40% were <u>not</u> submitted as claims for workers’ compensation benefits. Results for Saskatchewan and Manitoba were combined as the Prairie region. In the Prairie region the non-submission rate was the same as the national rate although the number of observations was small (10)

Study	Cameron Mustard and Donald Cole, Harry Shannon, Jason Pole, Terry Sullivan, and Richard Allingham, “Declining Trends in Work-Related Morbidity and Disability, 1993–1998: A Comparison of Survey Estimates and Compensation Insurance Claims” American Journal of Public Health, August 2003, vol.93, no. 8 (2003)	Peter Smith and Cynthia Chen, Sheilah Hogg-Johnson, Linda Kacur, Cameron Mustard, and Emile Tompa, “Changes in the events and nature of injury associated with no-lost-time claim reports in Ontario between 1991 and 2006: examining the role of firm-level incentives” working paper (c 2011)
Data Source	Statistics Canada’s Survey of Labour Income Dynamics (SLID) and the National Population Health Survey (NPHS), 1993 to 1998	Sample of 9,250 Ontario WSIB no-lost-time claims for 1991, 1996, 2000 and 2005.
Findings	Depending on the year selected, the comparison of SLID data with Ontario WSIB claims suggests that the non-submission rate for WSIB claims for work-related injuries or illnesses causing an absence of seven days or more ranged from 12.1% to 27.8% with an average of 19.0%.	<ol style="list-style-type: none"> 1. 3-4% of no-lost-time claims involved “injuries where we would expect that return to work the day after injury, even to a non-demanding occupation, would be challenging.” 2. There was no change in the incidence rate of problematic no-lost-time claims over time. This is inconsistent with the hypothesis that experience rate encouraged claim suppression.

Study	Institute for Work and Health and IBM Business Consulting Services, “Assessing the Effects of Experience Rating in Ontario: Case Studies in Three Economic Sectors” (2005)	Ipsos Reid, 2008 Consumer Satisfaction Survey (WSIB). Relevant sections provided by WSIB.
Data Source	160 interviews with employees (union and non-union) and managers across 80 Ontario employers in healthcare, transportation and manufacturing.	Survey of 1,000 Ontario employers.
Findings	Of the 72 interviewed employees, 5 (7%) indicated that they were discouraged from reporting work-related injuries or illness to the WSIB. The sample may under-estimate the incidence of claim discouragement since employers could decline to be interviewed and the sample omitted industries which may have a higher propensity to claim suppression.	<ol style="list-style-type: none"> 1. 8% of employers reported that they ‘strongly agreed’ or ‘somewhat agreed’ with the statement, ‘my organization does not always report injuries to the WSIB’. 2. 55% employers’ strongly agreed’ or ‘somewhat agreed’ that ‘some employers are not fully reporting their WSIB claims.’

Study	Aaron Thompson, “The consequences of underreporting workers’ compensation claims”, <i>Canadian Medical Association Journal</i> , vol. 176, no. 3, pp 343-4 (2007)	Kathryn Wilkins, and Susan G. Mackenzie, “Work Injuries”, <i>Health Reports</i> , vol. 18, no. 3 (August 2007) Statistics Canada Cat. No. 82-003
Data Source	Survey of 384 Ontario physicians.	2003 Canadian Community Health Survey (cycle 2.1)
Findings	<ol style="list-style-type: none"> 208 of 384 work-related injuries (54%) were inappropriately billed to the public health care system and not to WSIB. In the previous six months, 51% of doctors indicated that a patient had requested that they <u>not</u> report to the Workers’ Compensation Board an apparent work-related injury. 	<p>The rate of activity-limiting, work-related injury was 3.8%. This is substantially higher than the lost-time claim rate.</p> <p>“Activity limiting’ is defined as an “injury [that was] the result of an incident that occurred in the past 12 months that was severe enough to limit normal daily activities for at least one day – for example, a broken bone, a sprain, a bad cut, a burn or a poisoning.”</p>

Study	Peter M. Smith and Agnieszka A. Kosny and Cameron A. Mustard, “Differences in Access to Wage Replacement Benefits for Absences Due to Work-Related Injury or Illness in Canada”, <i>American Journal Of Industrial Medicine</i> (2009)	Cameron A. Mustard and Andrea Chambers, Christopher McLeod, Amber Bielecky and Peter Smith, “Comparison of data sources for the surveillance of work injury,” <i>Occupational Environmental Medicine</i> (2012), pp. 1-8
Data Source	Statistics Canada’s Survey of Labour Income Dynamics (SLID from five panels from 1993 to 2005 and Income Tax data. Only observations with both a work-related injury and Income Tax records showing post-injury income were included in the analysis. In total, there were 3,352 valid observations.	A comparison of Ontario WSIB lost-time claims with hospital emergency department reports that indicated a work-related injury. The analysis covered the period 2004-2008
Findings	<ol style="list-style-type: none"> Overall, 49% of the valid observations did <u>not</u> receive earnings replacement benefits from the workers’ compensation system. Of those who did not receive earnings replacements benefits from workers’ compensation, 55% received pay from their employer. 	<ol style="list-style-type: none"> For 32.3% of ER reports involving a work-related injury there was no equivalent WSIB lost-time claim. However, when the comparison was restricted to fractures or concussions (in both the ER and WSIB data series), the degree of concordance was 99.8%.

Study	H. Alamgir and M. Koehoorn, A. Ostry, E. Tompa, and P.A. Demers, "How many work-related injuries requiring hospitalization in British Columbia are claimed for workers' compensation?", <i>American Journal of Industrial Medicine</i> , vol. 49, no. 6, pp 443-51 (June, 2006)	Susan Stock and Nektaria Nicolakakis, Hicham Raïq, Karen Messing and Alice Turcot, "Reporting of Non-traumatic Work-related Musculoskeletal Disorders to Workers' Compensation: Results of a 2007-2008 Population Survey", Presentation to Canadian Association for Research on Work and Health, 2012 (Vancouver, B.C.)
Data Source	Comparison of work-related hospitalizations in British Columbia to workers' compensation claim records for a cohort of workers in saw mills for the period 1989-1998.	2007-2008 <i>Enquête québécoise sur des conditions de travail, d'emploi et de SST</i> (Quebec Survey of Working and Employment Conditions and Occupational Health and Safety). The analysis was restricted to persons who had lost working time as a result of a musculo-skeletal injury or disease, which the survey respondents perceived as entirely related to work and who were employed in non-managerial occupations (n=3,855). There were 160 valid observations.
Findings	"Compensation data under-report serious and acute injuries by about 10%, even in a population actively working in a large unionized industry..."	<ol style="list-style-type: none"> 1. The implied rate of musculo-skeletal injury was 4.1% 2. 80.4% of persons who reported a musculo-skeletal injury did <i>not</i> submit a claim for workers' compensation. 3. Even among those who lost more than two weeks of work, 63.0% did <i>not</i> submit claims.

2.2 Claim Suppression

There are three survey-based studies which examine employer-induced claim suppression. In reviewing Quebec's 2007-2008 *Enquête québécoise sur des conditions de travail, d'emploi et de SST*, Stock *et al* found that 5.5% of those who did not submit a claim for a work-related musculo-skeletal injury indicated that "filing a workers' compensation claim is forbidden by the employer or fear[ed] that it may be viewed negatively by the employer or co-workers".³ The survey also found that employers had maintained pay for 13.1% of workers who lost time owing to musculo-skeletal injuries. Hogg-Johnson found in a 1996 survey of workers at a large company (n=1,203) that 6.4% of non-reporters feared layoff, unemployment or harassment if they filed a compensation claim for musculo-skeletal pain.⁴ While this fear was presumably real on the part of those who reported it, it is unclear how well founded the fear was and the degree to which the fear resulted in under-reporting. The same survey found that a majority of employees agreed that management encouraged reporting of musculo-skeletal pain. A survey by the Ontario WCB of persons who abandoned their claims found that around 20% of those who provided reasons indicated that they "did not want to hurt the employer's business", although it is unclear if the subsequent under-reporting of injuries reflected overt employer inducement to under-report.⁵ An Ontario WCB survey of employers found that 13.6% of employer respondents would allow a worker to use a few sick days rather than file a WCB claim. (Re-weighting of the results to mirror the size and industry distribution of employers raised this estimate to 20.1%.)

Hennerby examines the employment conditions of agricultural workers in Canada, many of whom work under the Temporary Foreign Worker program.⁶ He reports research findings that show higher rates of occupational injury and disease and low rates of incidence reporting and compensation benefits. Fear of employer sanction, the need to continue working, and lack of awareness of rights appear to be the primary factors accounting for under-reporting by employees.

Kosny *et al.* interviewed 14 social service and advocacy providers and 28 immigrant workers who had experienced a work-related injury.⁷ Based on these interviews, the authors suggest that recent immigrants are likely to be fearful of job loss owing to their financial precariousness. They also may conceal an injury for fear of being blamed for carelessness or fear of being terminated if they file a compensation claim.

³ Susan Stock *et al.*, "Reporting of Non-traumatic Work-related Musculoskeletal Disorders to Workers' Compensation: Results of a 2007-2008 Population Survey," Presentation to Canadian Association for Research on Work and Health, Vancouver B.C., (2012).

⁴ Hogg-Johnson *et al.*, "Reporting Work-Related Musculoskeletal Disorders to the Workplace: factors associated with reporting among newspaper workers," Working Paper #173 (Toronto: Institute for Work and Health, December 2001).

⁵ Workers Compensation Board (Ontario), Research and Evaluation Branch, "Workplace Accident Reporting Practices Study: Main Report" (Toronto: 1992).

⁶ Jenna Hennerby, *Permanently Temporary: Agricultural Migrant Workers and Their Integration in Canada*, IRPP Study No. 26, (Montreal: Institute for Research on Public Policy, February 2012).

⁷ Agnieszka Kosny *et al.*, *Delicate Dances: Immigrant Workers' Experiences of Injury Reporting and Claim Filing* (Toronto: Institute for Work and Health, April 2011).

2.3 Perceived Seriousness of Injury

U.S. studies suggest that workers may refrain from submitting a compensation claim because they do not regard the injury as serious. Similar findings are reported by Stock *et al.*, in their review of Quebec survey data. They find that 19.7% of workers who did not submit claims for musculo-skeletal injuries did not believe their symptoms were sufficiently severe. Shannon and Lowe also found that the likelihood of a claim being submitted increased with the severity of the injury.

2.4 Lack of Knowledge

The Ontario WCB survey of employers found that around 10% did not correctly understand reporting requirements. Stock *et al.* found that, in Quebec, 53.5% of non-submitters thought that musculo-skeletal disease was not covered by the workers' compensation system. It is not clear whether their employer encouraged this misperception or was unaware of it. The survey also found that 15.4% of non-submitters lacked information on the process of submitting a claim. Based on their interview research, Kosny *et al.* suggest that recent immigrants are less likely to be informed on their rights to compensation and the procedures for submitting a claim.

2.5 Demographic and Employment Factors

The national survey reported by Shannon and Lowe found above average non-submission rates for workers in organizations with 25 or fewer employees, workers who were 25 years or age or younger, full-time workers, and workers whose educational attainment was less than high school completion.

Unionization had only a modest, positive effect on submission rates. This contrasts with U.S. research findings which report a strong union effect on claiming rates.

2.6 Experience Rating of Employers' Contributions

Ison offers a systemic critique of experience rating which includes the propensity to suppress claims.⁸ In 2010, the Manitoba Federation of Labour (MFL) released a study of claims suppression based on publicly solicited, anecdotal evidence.⁹ The MFL reports that 150 persons responded to this invitation. The MFL drew on these reported incidents to support its view that experience rating fosters claim suppression. The MFL report also criticized workplace safety programs that rely on financial and other incentives to maintain

⁸ Terrence Ison, *Compensation Systems for Injury and Disease: The Policy Choices*, (Toronto: Butterworths, 1994): Chapter 10 "Revenue and Finance"

⁹ Manitoba Federation of Labour, *An Investigation into the Incidence of WCB Claims Suppression*, June, 24 2010, <http://mfl.ca/content/investigation-incidence-wcb-claims-suppression>.

an accident-free workplace. The Experience Rating Group, which brings together representatives from numerous injured worker advocacy groups in Ontario has been strongly critical of experience rating.¹⁰

In a report for the Ontario WSIB, Morneau Shepell reviewed recent studies of the impact of experience rating.¹¹ Their review concludes that “all well-designed incentive programs create both an incentive for positive behaviour and a risk of negative behaviour.” Morneau Shepell point to the previously noted research undertaken by the Institute for Work and Health / IBM Consulting Services. That study found that nearly three-quarters of managers attributed a positive impact on their health and safety practices to experience rating. However, as noted earlier, the study also found that 7% of employees indicated that they had been discouraged from reporting all occupational injuries. Hyatt and Thomason point out that the influence of experience rating operates along two channels: investment in improved health and safety performance and claims management.¹² These are not mutually exclusive. Employers can invest in both improved health and safety performance and in claims management. Hyatt and Thomason describe as legitimate claims management, measures to accelerate safe and early return to work and contesting claims that are improper. Illegitimate claims management includes excessive contesting of claims to deter workers from filing claims, forcing workers back to work contrary to the principles of safe and early return to work, and suppression or misreporting of claims. Hyatt and Kralj provide evidence for higher rates of employer contesting of claims when experience rating operates. However, they do not imply that these higher rates of claims contesting are necessarily evidence of illegitimate claims management. It is possible that, in the absence of experience rating, there is insufficient contesting of claims on the part of employers since they are not affected by the acceptance of a claim by the compensation system.¹³ There are no Canadian studies which explicitly endeavour to link under-reporting or misreporting to experience rating.

¹⁰ Marion E. Endicott, “Squeezing The Worker: How Experience Rating Works,” Industrial Accident Victims’ Group of Ontario, September, 1996, http://www.injuredworkersonline.org/Documents/Squeezing_the_Worker.pdf.

Experience Rating Working Group, “Experience Rating: An addiction looking for a rationale?” Submission to the WSIB/WCB Funding Review, April 5, 2011. http://www.injuredworkersonline.org/Documents/WSIBFR_ER_Group_Submission_April_2011.pdf

¹¹ Morneau Shepell, *Background and Analysis Report: WSIB Funding Review*, December 2011, <http://www.wsibfundingreview.ca/finalreportpdfs/Morneau%20Shepell%20Background%20and%20Analysis%20Report.pdf>

¹² Douglas E. Hyatt and Terry Thomason, “Evidence on the Efficacy of Experience Rating in British Columbia,” for Royal Commission on Workers’ Compensation in British Columbia, May 1998, <http://www.qp.gov.bc.ca/rcwc/research/hyatt-thomason-experience.pdf>

Boris Kralj, “Employer responses to workers' compensation insurance experience rating.” *Relations Industrielles*. 49, no.1 (1994): 41.

T. Thomason and S. Pozzebon, “Determinants of Firm Workplace Health and Safety and Claims Management Practices,” *Industrial and Labor Relations Review*, 52, no. 2 (2002): 286.

¹³ Douglas E. Hyatt and Boris Kralj, “The impact of workers' compensation experience rating on employer appeals activity,” *Industrial Relations* 34, no. 1 (1995): 95.

2.7 Other Factors

Other factors that can encourage or discourage under-reporting or under-claiming include:

Fear of Inspection: inspections by occupational health and safety authorities are often prompted by injury reports. Welch *et al.* note a desire, in the United States, to avoid inspection as a motivation for employers to under-report injuries.¹⁴

Contracting: Kochan *et al.* report that contracting out of unsafe work is a management response in the U.S. petrochemical industry.¹⁵ Their findings also show that contractors tend to employ workers who are younger, have less experience with their employer and have lower educational attainments - all factors which correlate with a higher incidence of occupational injury.

Sub-Contracting: Based on Australian conditions, Mayhew *et al.* argue that extended chains of sub-contracting, most notable in the construction industry, have an adverse impact on health and safety performance and on access to compensation benefits.¹⁶ In the construction industry, companies may need to have below average reported injury rates to be qualified bidders on some projects. This factor also was noted in the study by Lippel.¹⁷

Reputational Factors: Galizzi *et al.* studied workers in the health care sector. They found that 13.5% had experienced work-related injury (n=480), but that somewhat more than a third of these (37%) were not reported.¹⁸ There was no direct evidence of employer inducement in their findings. Among the more significant factors accounting for professional workers in the health care sector refraining from filing claims was the perceived cost to their personal reputation, *i.e.*, fear of the perception that they might be considered negligent.

Employer Size; Dong *et al.* found that, in the U.S. construction industry, small employers were more likely to under-report injuries than large employers.¹⁹ Similarly, the Ontario WCB employer survey

¹⁴ Laura Welch et al., "Is The Apparent Decrease In Injury And Illness Rates In Construction The Result Of Changes In Reporting?" *International Journal of Occupational and Environmental Health* 13 (2007): 39.

¹⁵ T. Kochan et al., "Human resource strategies and contingent workers: the case of safety and health in the petrochemical industry," *Human Resource Management* 33, no. 1 (1994): 55.

¹⁶ C. Mayhew, M. Quinlan and L. Bennett, "The Effects of Subcontracting/ Outsourcing on Occupational Health and Safety," Industrial Relations Research Centre Monograph, (Sydney: University of New South Wales, 1966).

¹⁷ Katherine Lippel, Marie-Claire Lefebvre, Chantal Schmidt and Joseph Caron. "Managing Claims or Caring for Claimants: The effects of the compensation process on the health of injured workers." Research Report Montreal: Service aux collectivités of UQAM, 2007.

¹⁸ Monica Galizzi et al., "Injured Workers' Underreporting in the Health Care Industry: An Analysis using Quantitative, Qualitative, and Observational Data," *Industrial Relations: A Journal of Economy and Society*, 49, no.1 (2009): 22.

¹⁹ Xiuwen S. Dong et al., "Injury Underreporting Among Small Establishments in the Construction Industry," *American Journal Of Industrial Medicine* 54 (2011): 339.

cited earlier found that the propensity of employers to use sick plans to support wages, in lieu of workers' compensation benefits, was inverse to size.

Incentive-based Safety Programs: Pransky *et al.* found that safety incentives have an indirect, but significant, negative influence on proper reporting of workplace injuries.²⁰

Precarious Employment: Precarious employment comprises employment conditions that are characterized by a high degree of contingency. This includes some (but not all) part-time employment, contract employment, casual employment, and some (but not all) self-employment. The magnitude of precarious employment is difficult to measure. Several studies describe the increased health and safety risk of workers who are employed precariously and the likelihood of lower reporting of injuries involving these workers.²¹

Unionization: Morse *et al.* found that in the United States unionized workers were 5.7 times more likely to claim workers' compensation benefits.²² Hirsch *et al.* report similar findings.²³ However, the finding of a strong union influence on claiming behaviour is not supported by the limited research in Canada. Shannon and Lowe found that union status was not a significant predictor of reporting an occupational injury. This conclusion is confirmed by Smith, Kosny and Mustard and also by the Ontario WCB survey.

2.8 Conclusions from the Research Literature

The research literature points to a materially relevant pattern of under-reporting and under-claiming. The magnitude of under-reporting and under-claiming cannot be accurately inferred from the research literature. However, the research literature clearly finds that both under-reporting and under-claiming are material. An estimate that 20% of work-related injuries are not reported would be supported by the majority of studies. The role of claim suppression in this under-reporting and under-claiming cannot be inferred from the research studies. The limited survey evidence suggests actual threats or sanctions are not widespread, although they do occur. *Perceived* threats to job security or promotion prospects are more common. However, it is difficult to gauge the degree to which these perceptions are well founded. Subtle forms of inducement may be more significant than overt inducement. These include appeals to loyalty, incentive

²⁰ Pransky, G., T. Snyder, A. Dembe and J. Himmelstein. "Under-reporting of work-related disorders in the workplace: A case study and review of the literature." *Ergonomics* 42, no. 1 (1999):171–182., p. 176.

²¹ Elsa Underhill and Michael Quinlan, "How Precarious Employment affects Health and Safety at Work", *Relations Industrielles*, 66, no. 3 (2011): 397.

M. Quinlan and C. Mayhew, "Precarious employment and workers' compensation," *International Journal of Law and Psychiatry*, 22, no. 5-6 (1999): 491.

²² T. Morse et al., "The relationship of unions to prevalence and claim filing for work-related upper-extremity musculoskeletal disorders," *American Journal of Industrial Medicine* 44 (2003): 83.

²³ B.T. Hirsch, D. Macpherson and J. M. DuMond, "Workers' compensation reciprocity in union and non-union workplaces," *Industrial and Labor Relations Review* 50 (1997): 213.

plans to remain accident free, and maintaining pay or paying medical costs in lieu of workers' compensation benefits.

It is important to put employer inducement - whether overt or subtle - in context. Previous survey evidence suggests that other factors may be as important or more important in explaining under-reporting and under-claiming.



3. Survey of Injured Workers (General Population)

This chapter reports on the results of the Survey of Injured Workers (General Population). The survey was conducted by Viewpoints Research.

3.1 Survey Methodology

To generate the survey sample, a random sample of Manitoba workers was contacted. Respondents were considered eligible for the survey if (a) they reported that they had experienced a work-related injury in the past three years, (b) they were 18 years of age or older at the time of their injury and (c) they were a resident of Manitoba at the time of their injury. The total sample was 200 persons. The survey was conducted by telephone during July and August of 2013.

3.2 Demographic and Employment Characteristics of the Sample

Figure No. 2 summarizes the age of the survey participants at the time of their injury.

Figure No. 2
Age Distribution of Survey Respondents at Time of Their Injury
Survey of Injured Workers (General Population)
(n=200)

Age Group	Number	Percent
18 to 24	6	3.0%
25 to 34	23	11.5%
35 to 44	33	16.5%
45 to 54	70	35.0%
55 to 64	63	31.5%
65 or older	5	2.5%
Total	200	100.0%

One hundred and seventy-five (175) of the survey respondents were resident in Winnipeg at the time of their injury. The remaining 25 lived outside of Winnipeg. One hundred and two (102) were male; ninety-eight (98) were female. One hundred and seventy-three (173) were born in Canada while 27 immigrated to Canada.

Figure No. 3 summarizes the educational attainment of the sample at the time of their injury.

Figure No. 3
Educational Attainment of Survey Respondents at Time of Their Injury
Survey of Injured Workers (General Population)
 (n=200)

	Number	Percent
High school or less	39	19.5%
Trade qualifications	16	8.0%
Some college/technical school or college/technical school grad	68	34.0%
Some university or university grad	77	38.5%
Total	200	100.0%

One hundred and eighty (180) respondents in the survey described themselves as employees at the time of their injury; 12 respondents self-described as managers, while 8 described themselves as self-employed. The 12 managers appear to have been covered by the WCB. It is less clear whether the 8 self-employed participants in the survey were covered. Five (5) of the self-employed respondents reported lost-time arising from their injury. However, none of these 5 respondents claimed wage loss benefits. Two (2) of the self-employed respondents who lost time as a result of an injury and did not claim WCB benefits were unsure whether they were covered by WCB while 1 believed that she was not covered.

Figure No. 4 shows the distribution of the sample across industry of employment at the time of the injury.

Figure No. 4
Industry in which Respondent was employed at Time of Their Injury
Survey of Injured Workers (General Population)
 (n=200)

Industry	Number	Percent
Government: municipal, provincial or federal	33	16.5%
Health care or social services	32	16.0%
Other	28	14.0%
Wholesale or retail trade	23	11.5%
Manufacturing	17	8.5%
Education	17	8.5%
Construction	11	5.5%
Transportation	11	5.5%
Other private sector services	11	5.5%
Accommodation and food service	5	2.5%
Utilities	4	2.0%
Agriculture, fishing, forestry or logging	3	1.5%
Finance and insurance	3	1.5%
Mining, quarrying or oil and gas extraction	1	0.5%
Broadcasting, cultural and information industries	1	0.5%
Total	200	100.0%

One hundred and two (102) respondents were members of a union at the time of their injury.

Figure No. 5 summarizes the distribution of the sample across employer size, where ‘size’ refers to the number of employees that the employer had in *all* operations (including out-of-province operations), as estimated by the respondent.

Figure No. 5
Industry in which Respondent was Employed at Time of Their Injury
Survey of Injured Workers (General Population)
 (n=200)

Est. No. of Employees of Employer (All Operations)	Number	Percent
Less than 10	21	10.5%
10 to 24	19	9.5%
25 to 99	32	16.0%
100 to 499	40	20.0%
500 or more	79	39.5%
Unsure	9	4.5%
Total	200	100.0%

Figure No. 6 shows that 80% of the survey respondents were full-time, permanent employees.

Figure No. 6
Employment Status of Respondents at Time of Their Injury
Survey of Injured Workers (General Population)
 (n=200)

	Permanent	Temporary	Other	Total
Full time (30 hours or more per week)	80.0%	4.5%	1.0%	85.5%
Part time (less than 30 hours per week)	7.5%	6.0%	1.0%	14.5%
Total	87.5%	10.5%	2.0%	100.0%

Average weekly earnings of the survey respondents at the time of their injury was around \$800 per week. Figure No. 7 shows the self-reported weekly earnings of the respondents at the time of their injury.

Figure No. 7
Estimated Weekly Earning of Respondents at Time of Their Injury
Survey of Injured Workers (General Population)
 (n=200)

Est. Weekly Earning	Number	Percent
Less than \$200 per week	9	4.5%
\$201 to \$400 per week	23	11.5%
\$401 to \$600 per week	31	15.5%
\$601 to \$800 per week	37	18.5%
\$801 to \$1000 per week	42	21.0%
\$1001 to \$1200 per week	25	12.5%
More than \$1200 per week	28	14.0%
Unsure	5	2.5%
Total	200	100.0%

3.3 Nature and Consequences of Injuries

Figure No. 8 summarizes the respondent's description of the most serious aspect of their injury. Multiple answers were permitted. For respondents who had more than one work-related injury, the response pertained to the first injury.

Figure No. 8
Most Serious Aspect of First or Only Injury
Survey of Injured Workers (General Population)
 (n=200)
 (Multiple Answers Permitted)

Most Serious Aspect of Injury	Number	% of n
Muscle or tendon sprains, strains or tears	142	71.0%
Surface wounds or bruises	26	13.0%
Open wounds	19	9.5%
Other traumatic injuries	15	7.5%
Fractures or dislocations	18	9.0%
Burns	4	2.0%
Other occupational illnesses or diseases	11	5.5%
Unsure	4	2.0%

The medical attention these injuries required is summarized in Figure No. 9. One hundred and forty-three (143: 71.5%) reported visiting a hospital emergency department and/or family doctor or clinic.

Figure No. 9
Medical Attention Required for First or Only Injury
Survey of Injured Workers (General Population)
 (n=200)
 (Multiple Answers Permitted)

Medical Attention Required	Number	% of n
Visit to a hospital emergency department	44	22.0%
Visit to a family doctor or clinic	113	56.5%
Visit to a chiropractor	44	22.0%
Visit to a physiotherapist	62	31.0%
Prescription drugs	54	27.0%
Medical device (e.g. crutches, brace, hearing aid)	27	13.5%
None of the above	25	12.5%
Unsure	0	0.0%

Seventy percent (70.0%) of the injuries reported in the survey required at least one day of lost working time beyond the day of the injury. Figure No. 10 summarises the reported amount of lost working time.

Figure No. 10
Incidence of Lost Working Time Beyond Date of Injury
Survey of Injured Workers (General Population)
 (n=200)

Lost Working Time Beyond Date of Injury	Number	Percent
No lost time	59	29.5%
1 day or part of a day	28	14.0%
2 to 5 days	39	19.5%
6 to 10 days	16	8.0%
11 to 15 days	19	9.5%
More than 15 days	38	19.0%
Sub-Total: Lost Time	140	70.0%
Unsure	1	0.5%
Total	200	100.0%

Figure No. 11 shows that the majority of survey respondents did not return to their regular duties immediately following their injury.

Figure No. 11
Return to Work following First or Only Injury
Survey of Injured Workers (General Population)
 (n=200)

Return to Work Status	Number	Percent
On the same day	42	21.0%
On the day after my injury	40	20.0%
After taking some time off	72	36.0%
After performing modified duties for a period of time	31	15.5%
Never	9	4.5%
Unsure	6	3.0%
Total	200	100.0%

3.4 Accessing WCB Benefits

Figure No. 12 summarizes the benefit application and benefit receipt status of the survey respondents.

Figure No. 12
Incidence of WCB Lost Earnings Benefits (LEB) and Medical Benefits
Survey of Injured Workers (General Population)
(n=200)

Benefit Status	Number	Percent
Applied for WCB Benefits		
Yes	83	41.5%
No	114	57.0%
Unsure	3	1.5%
Total	200	100.0%
Received WCB Benefits		
Lost Earnings Benefits (LEB) only	27	13.5%
Lost Earnings Benefits (LEB) and Medical Benefits	41	20.5%
Sub-Total: Received Wage Loss Benefits	68	34.0%
Medical Benefits Only	7	3.5%
Sub-Total: Received Any WCB Benefits	75	37.5%
No WCB Benefits	124	62.0%
Unsure	1	0.5%
Total	200	100.0%

The responses summarized in Figure No. 12 are based on the respondents' recollection. This recollection has not been verified. With this important caution on interpreting the results, the data indicate that 57.0% of survey participants did not apply for WCB benefits.

Figure No. 13 examines in more detail respondents who indicated lost working time and whether they reported receiving Wage Loss Benefits.

Figure No. 13
Survey Respondents Who Reported that They Experienced Lost Working Time
and Applied for and/or Received WCB Lost Earnings Benefits (LEB)
Survey of Injured Workers (General Population)
(n=140)

	Experienced Lost Working Time (n=140)	Applied for WCB LEB	% Applied for WCB LEB	Received WCB LEB	% of Received LEB
1 day or part of a day	28	9	32.1%	7	25.0%
2 to 5 days	39	16	41.0%	15	38.5%
Sub-Total (1-5 Days)	67	25	37.3%	22	32.8%
6 to 10 days	16	12	75.0%	10	62.5%
11 to 15 days	19	12	63.2%	11	57.9%
More than 15 days	38	27	71.1%	25	65.8%
Sub-Total (>5 Days)	73	51	69.9%	46	63.0%
Sub-Total (Any Lost Time)	140	76	54.3%	68	48.6%

Figure No. 13 suggests that around half (48.6%) of the workers who reported experiencing lost working time beyond the date of their injury, received WCB Lost Earnings Benefits. As would be expected, the compensation rate was low for injuries that involved only 1 day (or part of a day) of lost working time. Only 25.0% of survey participants reported receiving compensation for these types of injuries. For injuries involving more than 5 days of lost working time, the compensation rate was 63.0%. These estimates of the compensation rate are approximate since the 140 respondents who experienced a lost-time injury included a few self-employed workers who may not have been eligible for coverage.

Figure No. 14 compares compensation rates for lost time across industries. In most cases the sample sizes are too small to draw conclusions about particular industries. However, it may be relevant that only a third of workers in manufacturing industries (12 observations) who experienced lost-time injuries reported that they had received WCB Lost Earnings Benefits. The compensation rate in the private sector (80 observations) was virtually the same as in the public sector (60 observations). It can be inferred from these data that there are important factors operating which discourage utilization of WCB benefits to compensate for lost-time injuries and that these factors operate to somewhat different degrees across industries.

Figure No. 14
Survey Respondents Who Reported that They Experienced Lost Working Time
and Who Received WCB Lost Earnings Benefits (LEB):
Comparison by Industry
Survey of Injured Workers (General Population)
(n=140, 68)

	Experienced Lost Working Time (n=140)	Received WCB LEB (n=68)	% Received WCB LEB
Agriculture, fishing, forestry or logging	2	1	50.0%
Mining, quarrying or oil and gas extraction	0	0	n/a
Utilities	2	1	50.0%
Construction	9	5	55.6%
Manufacturing	12	4	33.3%
Wholesale or retail trade	13	8	69.2%
Transportation	5	3	60.0%
Broadcasting, cultural and information industries	1	1	100.0%
Finance and insurance	3	0	0.0%
Accommodation and food service	3	2	66.7%
Other private sector services	10	5	50.0%
Government: municipal, provincial or federal	25	10	40.0%
Health care or social services	24	14	58.3%
Education	11	5	45.5%
Other	20	9	45.0%
Total	140	68	48.6%

Figures No. 15 and 16 compare compensation rates for lost-time injuries with various demographic and employment characteristics of employees who experienced a lost-time injury.

Figure No. 15
Survey Respondents Who Reported that They Experienced Lost Working Time
and Who Received WCB Lost Earnings Benefits (LEB):
Comparison by Demographic Characteristics
Survey of Injured Workers (General Population)
(n=140, 68)

	Experienced Lost Working Time (n=140)	Received WCB LEB (n=68)	% Received WCB LEB
Age at Time of Injury			
18 to 24	3	3	100.0%
25 to 34	16	7	43.8%
35 to 44	23	11	47.8%
45 to 54	53	25	47.2%
55 to 64	41	20	48.8%
65 or older	4	2	50.0%
Total	140	68	48.6%
Gender			
Male	77	36	46.8%
Female	63	32	50.8%
Total	140	68	48.6%
Educational Attainment			
High school or less	29	20	69.0%
Trade qualifications	11	5	45.5%
Some college/technical school or college/technical school grad	48	25	52.1%
Some university or university grad	52	18	34.6%
Total	140	68	48.6%
First Language			
English	129	61	47.3%
French	2	1	50.0%
Other	9	6	66.7%
Total	140	68	48.6%
Immigration Status			
Born in Canada	114	57	50.0%
Immigrated to Canada	26	11	42.3%
Total	140	68	48.6%

Figure No. 16
Survey Respondents Who Reported that They Experienced Lost Working Time
and Who Received WCB Lost Earnings Benefits (LEB):
Comparison by Employment Characteristics
Survey of Injured Workers (General Population)
(n=140, 68)

	Experienced Lost Working Time (n=140)	Received WCB LEB (n=68)	% Received WCB LEB
Weekly Earnings at Time of Injury			
Less than \$200 per week	8	3	37.5%
\$201 to \$400 per week	18	13	72.2%
\$401 to \$600 per week	20	9	45.0%
\$601 to \$800 per week	30	15	50.0%
\$801 to \$1000 per week	28	10	35.7%
\$1001 to \$1200 per week	13	7	53.8%
More than \$1200 per week	19	9	47.4%
Unsure	4	2	50.0%
Total	140	68	48.6%
Employer Size (No. of Employees)			
Fewer than 10	15	3	20.0%
10 to 24	15	7	46.7%
25 to 99	23	11	47.8%
100 to 499	25	15	60.0%
500 or more	57	27	47.4%
Unsure	5	5	100.0%
Total	140	68	48.6%
Union / Non-Union Status			
Union	72	41	56.9%
Non-Union	68	27	39.7%
Total	140	68	48.6%
Employment Status			
A permanent employee	122	58	47.5%
A temporary, term or casual employee	14	10	71.4%
Other	4	0	0.0%
Total	140	68	48.6%
Full Time / Part-Time			
Full time (30 hours or more per week)	119	58	48.7%
Part time (less than 30 hours per week)	21	10	47.6%
Total	140	68	48.6%

For some demographic or employment characteristics, the sample sizes are quite small and do not support strong conclusions. With that caveat, Figures No. 15 and 16 suggest the following:

- Neither age nor gender appear to have affected compensation rates for lost-time injuries.
- Compensation rates for lost-time injuries were significantly *inverse* to educational attainment. Sixty-nine percent (69%) of workers with high school or less received LEB compared to only about a third (34.6%) of workers with some or completed university education.
- Samples sizes for respondents whose first language is other than English or French are too small to support conclusions. However, the survey data do *not* suggest lower compensation rates for these persons.
- Workers who were born in Canada have somewhat higher compensation rates, although the difference is not especially significant. The survey, it should be noted, does not allow for separating recent immigrants from long-standing immigrants. It is possible that recent immigrants have a different experience than long-standing immigrants.
- Lower paid workers are somewhat more likely to receive compensation than are higher paid workers. For workers with earnings under \$800 per week, the compensation rate was 54.4%. For workers earning above \$800 per week, the compensation rate was 43.3%. This may indicate that workers with higher weekly earnings are more likely to rely on sick leave plans and employer-sponsored benefit plans.
- Workers in small workplaces (fewer than 10 employees) had noticeably low compensation rates: 20%. Workers in organizations that employed between 100 and 499 employees had markedly higher compensation rates: 60.0%.
- Union membership had a noticeable correlation with increased compensation rates: 56.9% vs. 39.7%.
- Non-permanent employees were far more likely to obtain WCB LEB than permanent employees. This may reflect the fact that most non-permanent employees are not covered by employer-sponsored sick leave or benefit plans. It could also indicate that non-permanent employees are more likely to feel that they have ‘nothing to lose’ by applying for WCB benefits.
- There was no appreciable difference in the compensation rates for full-time and part-time employees.

There are too few observations (7) involving persons who received Medical Benefits, but not Wage Loss Benefits to support any conclusions.

3.5 Reporting the Injury

Of the 140 employees in the survey who had a lost-time injury, 133 (95.0%) indicated that they reported this injury to their employer, while 122 (87.1%) indicated that they told their doctor or other health care worker that their injury was work-related. Of the 41 workers with lost-time injuries who were union members, 38 (92.7%) reported the injury to their union.

Eighty-four (84) of the 140 employees in the survey who had a lost-time injury indicated that they had submitted a report to the WCB. This is a 60% submission rate. Fifty-three (53) of these employees reported that their employer assisted them. This was 63.1% of all workers who submitted a claim. Nine (9) respondents indicated that their union assisted them. This was 22.0% of respondents who experienced a lost-time injury and were members of a union at the time of the injury.

3.6 Motivations for Not Accessing WCB Benefits

Wage Continuation:

Figure No. 17 shows data for those respondents who experienced lost time from work as a result of their injury and whether their wages were continued either by their employer or by a sick leave plan.

Figure No. 17
Survey Respondents Who Reported that They Experienced Lost Working Time
and Whose Employer or Sick Leave Plan Maintained Their Wages
Survey of Injured Workers (General Population)
 (n=140)

Lost Working Time	Did your employer or sick leave plan maintain your wages while you were off work?					Total	Percent whose Wages were Maintained
	Yes	No	Unsure	N/A	No Information		
1 day or part of a day	17	1	0	3	7	28	60.7%
2 to 5 days	16	7	0	1	15	39	41.0%
6 to 10 days	4	2	0	0	10	16	25.0%
11 to 15 days	6	0	1	1	11	19	31.6%
More than 15 days	8	4	0	1	25	38	21.1%
Total	51	14	1	6	68	140	36.4%

Of the 140 survey participants who experienced lost working time, 51 (36.4%) indicated that they received some form of wage continuation. This may under-estimate the extent of wage continuation since only 65 of 140 respondents with lost time injuries answered this survey question. It is also noteworthy that the proportion of respondents who received wage continuation falls off for longer periods of absence from work. The pattern appears to be that many employers prefer to continue wages for a short-term absence and their employees may prefer this option to seeking WCB LEB.

Stated Motivations for Not Applying for WCB Benefits

Based on the data presented in Figure No. 12, there were 114 survey respondents who indicated that they did not apply for WCB Benefits and 3 who were unsure. These 117 survey respondents were asked why they did not seek WCB Benefits. Figure No. 18 summarizes the main reason provided by these 117 survey respondents.

Figure No. 18
Reasons Given for Not Applying for WCB Lost Earnings Benefits
Survey of Injured Workers (General Population)
(n=117)
(Multiple Answers Permitted)

	No	Yes	Yes %
I did not lose time from work	64	53	45.3%
Factors Unrelated to Claim Suppression			
It was not worth the trouble to apply for WCB wage loss benefits	87	30	25.6%
I did not know I was entitled to WCB wage loss benefits	104	13	11.1%
I did not know how to apply for WCB wage loss benefits	114	3	2.6%
Overt Claim Suppression Activities			
My employer told me I was not eligible for WCB wage loss benefits	114	3	2.6%
I thought I would get into trouble if I reported my injury to WCB	115	2	1.7%
My employer pressured me not to apply for WCB benefits	116	1	0.9%
Soft Claim Suppression			
My employer or my sick leave plan paid my wages while I was off work	95	22	18.8%
Other			
Other	99	18	15.4%
None of the Reasons	113	4	3.4%
Unsure	116	1	0.9%

Some of the respondents who provided ‘other’ reasons could be assigned to the reasons set out in Figure No. 18. For example, 8 respondents were unclear about their eligibility for WCB benefits or believed that they were not eligible. This would increase that explanation from 13 respondents to 21 (17.9%). Two (2) respondents provided reasons that suggested they did not think making an application was worth the trouble, raising this explanation to 32 (27.4%). One (1) respondent was told that his/her employer did not pay into WCB and that he/she was not covered, raising this explanation to 4 (3.4%).

Figure No. 18 suggests that a significant fraction of under-claiming can be attributed to factors that are unrelated to claim suppression. However, claim suppression was a factor. Seven (7) respondents (including one who provided an ‘other’ explanation) indicated some form of claim suppression as a reason for not applying for WCB LEB. This was 6.0% of survey respondents who experienced a lost-time injury but did not apply for WCB LEB.

Figure No. 19 summarizes the reasons for not applying for WCB Medical Benefits.

Figure No. 19
Reasons Given for Not Applying for WCB Medical Benefits
Survey of Injured Workers (General Population)
 (n=117)
 (Multiple Answers Permitted)

	No	Yes	Yes %
Factors Unrelated to Claim Suppression			
I did not have any medical expense	86	31	26.5%
Manitoba Health covered the costs	88	29	24.8%
It was not worth the trouble to apply for WCB medical benefits	103	14	12.0%
I did not know I was entitled to WCB medical benefits	104	13	11.1%
I did not know how to apply for WCB medical benefit	112	5	4.3%
Overt Claim Suppression Activities			
My employer told me I was not eligible for WCB medical benefit	114	3	2.6%
I thought I would get into trouble if I reported my injury to WCB	114	3	2.6%
My employer pressured me not to apply for WCB benefit	116	1	0.9%
Soft Claim Suppression			
My employer or my benefit plan covered my medical expenses	97	20	17.1%
My expenses were covered by the benefit plan of my partner, spouse or other family member	112	5	4.3%
Other			
Other	104	13	11.1%
None of these Reasons	111	6	5.1%
Unsure	114	3	2.6%

Some of the respondents who provided ‘other’ reasons could be re-assigned to the specific reasons set out in Figure No. 19. Four (4) respondents believed they were ineligible or their injury was ineligible, raising this

from 13 to 17 (14.5%). One (1) respondent indicated that he/she was unaware how to apply, raising this to 6 (5.1%). One (1) respondent was covered by a family member's plan, raising this to 6 (5.1%). One (1) respondent was told he/she was not covered, raising this to 4 (3.4%) and 1 respondent believed he/she would be terminated, raising the number of respondents who thought would 'get into trouble' to 4 (3.4%).

Figure No. 19 shows that a significant fraction of under-claiming for WCB Medical Benefits can be attributed to alternatives such as Manitoba Health, an employer health plan, or a family member's health plan (55). Readily available alternatives were cited by 47.0% of the respondents. Lack of knowledge about eligibility or not knowing how to apply were cited by 22 respondents (adjusting for 'other' responses) which represented 18.8% of the respondents.

The survey suggests that overt claim suppression was an important factor for 7.7% of those respondents who did not apply for WCB Medical Expenses Benefits. (This is nine respondents, including two 'other' responses that were re-classified).

3.7 Modified Duties

Figure No. 11 (above) showed that 31 survey respondents returned to their regular duties after performing modified duties. Figure No. 20 (below) shows how those modified duties were evaluated by the affected workers.

Figure No. 20
Evaluation of Modified Duties by Survey Respondents
Who Returned to Work Based on Modified Duties
Survey of Injured Workers (General Population)
 (n=31)

	No. of Respondents	Percent
Modified duties were consistent, or a good fit, with training and experience	21	67.7%
Modified duties consistent, or a good fit, with your recovery from injury	27	87.1%

The survey data suggest that modified duties played a role in return-to-work in around 15.5% of injuries. Most (87.1%) of these modified duties were consistent with recovery from injury. Around a third (32.3%) of these modified duty arrangements were regarded as inconsistent with the employees' training and experience.

3.8 Claim Suppression

The survey data suggest that overt claim suppression may be a problem in the Manitoba workers compensation system. Figure No. 21 shows responses to direct questions about claim suppression.

Figure No. 21
Reports of Overt Claim Suppression
Survey of Injured Workers (General Population)
(n=200)

	No. of Respondents	Percent
Employer asked survey respondent not to report the lost time	10	5.0%
Employer threatened survey respondent with repercussions if a WIR were submitted to the WCB (included in above)	4	2.0%
Aware of other employees in the workplace		
• who were asked not to report their lost time injury	9	4.5%
• who were threatened with repercussions if they submitted a WIR	3	1.5%
• who were asked not to report their lost time injury and were threatened with repercussions if they submitted a WIR	5	2.5%
Total	17	8.5%
Either asked not to report lost time or aware of other employees who were asked not to report lost or threatened with repercussions if they submitted a WIR	23	11.5%

From Figure No. 21, it can be seen that:

- 10 respondents (5.0%) were asked by their employer *not* to submit a WCB claim.
- 4 of these respondents (2.0%) were also threatened with repercussions if they submitted a claim. (Note that these respondents are included in the 10 who were asked not to submit a WCB claim).
- 17 respondents (8.5%) reported that they were aware of cases in which other employees had been asked not submit a WCB claim and/or were threatened with repercussions if they did.

The overall incidence of overt claim suppression, as perceived by the survey respondents was 11.5%. This is higher than the 6.0% to 7.8% suggested earlier. That estimate was restricted to 117 persons who had experienced a lost-time injury and who had not applied for WCB benefits. The higher estimate (11.5%) arises from including all survey participants (n=200), regardless of whether or not they had claimed a WCB benefit and also asking if they were aware of other instances of employees being pressured not to claim WCB benefits.

The implication of the survey findings is that overt attempts at claim suppression are materially relevant: 11.5% of injured workers reported that either they or another employee were asked not to report lost time to the WCB or were threatened with repercussions if they did so. Moreover, this does not include cases where

an employer provided a worker with misinformation on eligibility for coverage or declined to assist a worker in submitting a claim.

The incidence of claim suppression was higher among workers under age 35 (20.7%). There was no appreciable difference in the incidence of claim suppression across gender, immigration status or between union and non-union workers. Across industries, there were generally too few observations to draw conclusions, although the incidence rate in manufacturing was markedly above average (4/17 = 23.5%). Figure No. 22 shows that there are differences across employer size, although the pattern of difference is not clear-cut.

Figure No. 22
Claim Suppression Activity Compared to Employer Size
Survey of Injured Workers (General Population
(n=200)

Employer Size (Estimated No. of Employees of Employer in All Operations)	Number of Employers	No. of Respondents reporting Claim Suppression Activity	Percent of Employers in Size Category for Which Claim Suppression was Reported	Percent of All Respondents reporting Claim Suppression Activity (n=23)
Less than 10	21	2	9.5%	8.7%
10 to 24	19	5	26.3%	21.7%
25 to 99	32	3	9.4%	13.0%
100 to 499	40	6	15.0%	26.1%
500 or more	79	7	8.9%	30.4%
Unsure	9	0	0.0%	n/a
Total	200	23	11.5%	100.0% (rounded)

Figure No. 22 suggests that while the incidence of claim suppression activity appears to be highest among employers with 10 to 24 employees, the phenomenon is not confined to small employers. Somewhat more than half of the respondents (56.5%) who reported claim suppression activity were employed in operations with more than 100 employees.

3.9 Conclusions:

This chapter reported on the results of a survey of 200 Manitoba injured workers who were selected from the general population. Seventy percent (70.0%) of the injuries reported in the survey required at least one day of lost working time beyond the day of the injury.

Under-Claiming Rate:

Of the 200 participants in the survey, 114 (57.0%) were certain that they had *not* applied for WCB benefits.

Compensation Rate for Lost Time Injuries:

Around half (48.6%) of the workers who reported that they had experienced lost working time beyond the date of their injury, received WCB LEB. The compensation rate was for injuries that involved only 1 day (or part of a day) of lost working time was only 25.0%. For injuries involving more than 5 days of lost working time, the compensation rate was 63.0%. In manufacturing, the overall compensation for lost-time injuries was 33.3%, although this estimate is based only 12 observations. There was no significant difference in the compensation rates for lost-time injuries between the public sector and the private sector.

Impact of Demographic Factors on Compensation Rates for Lost Time Injuries:

Neither age nor gender appear to affect compensation rates. Workers who were born in Canada had somewhat higher compensation rates, although the difference was not significant.

Impact of Employment Factors on Compensation Rates for Lost Time Injuries:

Compensation rates were moderately lower for persons with university education and for workers earning more than \$800 per week. Compensation rates were significantly lower (20.0%) for persons who worked in small organizations (fewer than 10 employees). Workers in organizations that employed between 100 and 499 employees had the highest compensation rates: 60.0%. Non-permanent employees were far more likely to obtain WCB LEB than permanent employees. There was no appreciable difference in the compensation rates for full-time and part-time employees.

Injury Reporting:

Of the 140 employees in the survey who had a lost-time injury, 133 (95.0%) indicated that they reported this injury to their employer, while 122 (87.1%) indicated that they told their doctor or other health care worker that their injury was work-related. Of the 41 workers with lost-time injuries who were union members, 38 (92.7%) reported the injury to their union.

Role of Sick Leave Plans:

70.8% of survey respondents with a lost-time injury reported that their wages had been continued by their employer during their time off. This applied to almost all single day absences. The pattern appears to be that most employers would prefer to continue wages for very short-term absences (1-2 days) and their employees would appear to prefer this option to seeking WCB LEB.

Motivation for Under-Claiming:

Of those workers who did not apply for WCB LEB, 27.4% reported that it was 'not worth the trouble', 17.9% were uncertain about their eligibility and 18.8% preferred to use sick leave benefits. Of those workers

who did not apply for WCB Medical Benefits, 47.0% preferred readily available alternatives such as Manitoba Health, an employer health plan, or a family member's health plan. Lack of knowledge about eligibility or not knowing how to apply were cited by 18.8% of the respondents.

Role of Overt Claim Suppression:

For purposes of the report, 'over claim suppression' activities comprise: (1) an employer providing misinformation as to eligibility, (2) an employer pressuring a worker not to apply for benefits, and (3) workers believing they would get into trouble with their employer if they applied for benefits. The survey suggests that overt claim suppression was an important factor for up to 6.0% of those respondents who did not apply for WCB LEB and up to 7.7% of those respondent who did not apply for WCB Medical Expenses Benefits.

A broader estimate of claim suppression is derived when all survey participants are asked about claim suppression, irrespective of whether they applied for WCB benefits and including instances of which they were aware that involved other workers. On this broader measure, the incidence of overt claim suppression was 11.5%. Younger workers were more likely to report claim suppression activity. Gender, immigration status and unionization did not affect the incidence of claim suppression. Although employers with 10 to 24 employees had the highest incidence of claim suppression, reported claim suppression activities were found across all employer sizes. More than half of the respondents who reported claim suppression activities were employed in operations with more than 100 employees.

The implication of the survey findings is that overt attempts at claim suppression are materially relevant.



4. Review of Accepted No-Lost-Time (ANLT) Claims

This chapter reports on the results of an analysis of 1,329 randomly selected accepted no-lost-time (ANLT) claims and on a survey drawn from a pool of these claims. The survey pool was based on risk flags which were intended to identify claims at greater risk of being misreported, *i.e.*, reported as no lost time claims, but actually pertaining to injuries that involved lost time. The survey was administered by Viewpoints Research.

4.1 Methodology

A sample was developed comprising accepted no-lost time claims (ANLTs) that were randomly selected from the period 2010 to 2013 with deliberate over-sampling from 2012 and 2013. Figure No. 23 summarizes the characteristics of the sample.

Figure No. 23
Universe and Sample of Accepted No-Lost-Time Claims (ANLTs)
(Based on Year of WCB Notification)

Year	Universe	Intended Sample	Actual Sample	Sample as Percent of Universe
2010	12,137	300	317	2.6%
2011	16,621	300	297	1.8%
2012	15,945	500	514	3.2%
2013 (partial)	2,896	200	201	6.9%
Total	47,599	1,300	1,329	2.8%

The sampled claims were redacted to remove information that could identify the individual who was the subject of the claim or his or her employer. The claims were then reviewed to identify anomalies that were suggestive of a risk that the injury, which was the subject of the claim, may have entailed compensable lost time. Figure No. 24 summarizes the 15 risk flags and their incidence in the sample of 1,329 claims.

Figure No. 24
Incidence of Risk Flags in Sample of ANLT Claims
(n=1,329)

Flag #	Risk Flag Description	No. of Claims	% of n (n=1,329)
Flag #1	Employer Incident Report (EIR) Missing	100	7.5%
Flag #2	Employer Incident Report (EIR) Missing, but Worker Incident Report (WIR) Present	32	2.4%
Flag #3	Employer Incident Report (EIR) Missing, but Doctor's First Report (DFR) Present	48	3.6%
Flag #4	Evidence of Emergency Room (ER) or Hospital Visit	479	36.0%
Flag #5	Evidence of Emergency Room (ER) or Hospital Visit, but no Employer Incident Report (EIR)	54	4.1%
Flag #6	EIR or WIR indicated Time Off Work (Not Necessarily Lost Working Time)	132	9.9%
Flag #7	EIR or WIR reported 3 or More Days Off Work (Not Necessarily Lost Working Time)	21	1.6%
Flag #8	Doctor described Worker as Disabled from Work beyond Date of Incident (First of Subsequent Reports)	186	14.0%
Flag #9	Doctor or Physiotherapist described Worker as Disabled from Work beyond Date of Incident (First or Subsequent Reports)	209	15.7%
Flag #10	Self-Assessed Numerical Pain Scale Rating of 7-10 (from Physiotherapist Report)	45	3.4%
Flag #11	Doctor recommended Time Off Work (in First or Subsequent Reports)	68	5.1%
Flag #12	Medical Recommendation for Time Off Work (Any Doctor's, Physiotherapist's or Chiropractor's Report)	77	5.8%
Flag #13	Worker was Paid While Off Work (based on EIR or WIR)	49	3.7%
Flag #14	Researcher assessed Injury to be Inconsistent with No Lost Time based on either WIR or EIR	152	11.4%
Flag #15	Researcher found evidence of Time Off Work or Likely Time Off Work, including Medically Recommended Time Off Work	340	25.6%

Some risk flags were considered more likely to signal misreporting. Figure No. 25 shows the application of the flags to generate the survey pool for purposes of the Injured Worker Survey (Flagged ANLT Claims).

**Figure No. 25
Determination of Survey Pool for
ANLT Survey**

Priority	Risk Flags	Incremental Addition to Survey Pool
Priority One	Flag 6 or Flag 7	194
Priority Two	Flag 9 or Flag 10	147
Priority Three	Flag 15	105
Priority Four	Flag 1	69
Priority Five	Flag 4	288
	Total Survey Pool	803

The *ANLT Survey* was administered by Viewpoints Research. Of the 803 workers in the survey pool, the survey interviewers were able to reach 121 persons.

When interpreting the *ANLT Survey*, it is important to bear in mind that the survey pool was deliberately structured to increase the likelihood of finding instances of claim misrepresentation. The incidence of claim misrepresentation found in the *ANLT Survey* cannot be extrapolated without adjustment to the universe of ANLTs.

4.2 Findings on Possible Misreporting

Figure No. 26 on the next page summarizes survey responses that indicate lost time occurred notwithstanding that the claim was submitted to the WCB and accepted by the WCB as a no-lost-time claim. The caution stated earlier applies to these findings, *i.e.*, owing to the prioritization procedure employed to generate the survey pool, it is *not* appropriate to infer that the incidence of claim misrepresentation found in the *ANLT Survey* (n=121) is commensurate with the incidence of misrepresentation in the larger universe of ANLTs (n=1,329):

- 40.5% of respondents reported that they had lost at least one day of working time.
- 12.5% of respondents reported that they had lost more than five days of working time.
- 5.0% of respondents left their employment following their accident.
- 5.0% of respondents had their pay and hours reduced.
- 45.5% of respondents were advised by a medical practitioner to take time off.

Figure No. 26
Survey Evidence Indicating Lost-Time or Likelihood of Lost Time
ANLT Survey
(n=121)

Survey Questions	Number of Responses	Percent (n=121)
Days lost due to injury		
No lost time	64	52.9%
1 day or part day	13	10.7%
2 to 5 days	21	17.4%
6 to 10 days	2	1.7%
11 to 15 days	2	1.7%
More than 15 days	11	9.1%
Sub-Total: Lost Time Reported in Survey	49	40.5%
Don't know / refused to answer	8	6.6%
Total	121	100.0%
Return to regular job after injury		
On the same day	34	28.1%
On the day after my injury	32	26.4%
After taking some time off	22	18.2%
After performing modified duties	22*	18.2%
Never	6	5.0%
Don't know / refused to answer	5	4.1%
Total	121	100.0%
Were your pay and hours reduced?		
Yes	6	5.0%
Did your doctor or other health care provider recommend that you take time off from work after your injury?		
Yes	55	45.5%

*Of 22 respondents who returned to work 'after performing modified duties', 13 indicated that they also had 2 or more days off work.

The results from the *ANLT Survey* can be compared to the corresponding WCB claims. Of the 49 survey respondents who reported lost time as a result of their injury, only 6 of the corresponding EIRs indicated lost time. Therefore, in more than 80% of the survey cases where the respondent reported lost time, there appears to be an inconsistency with the EIR.

4.3 Findings on Possible Claim Suppression

Claim suppression occurs when a worker is induced not to submit a claim for LEB for an injury which would likely have been compensable. There are five ways in which a worker could be induced not to submit a claim:

- First: a worker could be asked or encouraged not to submit a claim or, if a claim is submitted, asked to withdraw the claim,
- Second: a worker could be threatened with a sanction for submitting a claim or believe that he or she would likely be sanctioned if a claim were submitted,
- Third: a worker could be given misinformation as to eligibility,
- Fourth: a worker could be offered wage continuation and medical expenses coverage in lieu of WCB benefits, and /or
- Fifth: a worker and/or his or her work group could lose eligibility for a bonus if a claim were submitted.

Figure No. 27 summarizes survey evidence that is suggestive of claim suppression.

Figure No. 27
Survey Evidence Suggestive of Claim Suppression Activity
ANLT Survey
(n=121)

Claim Suppression Activity	No. of Respondents (n=121)	
	No.	%
If you submitted a claim, did your employer ask you to withdraw it? (Yes)	0	0.0%
Did your employer or a sick plan cover your wages while off work? (Yes)	28	23.1%
Did your employer tell you or suggest to you that you were not entitled to WCB benefits? (Yes)	6	5.0%
Did your employer encourage you not to apply for WCB benefits? (Yes)	7	5.8%
Would you have lost a bonus or your and your fellow employees have lost a group bonus if you had applied for WCB benefits? (Yes)	9	7.4%
Did you feel that your job opportunities with your employer would be threatened if you had applied for WCB lost earnings? (yes)	14	11.6%
Did your employer ask you not to report the lost time? (Yes)	5	4.1%
Are you aware of any other employees in you workplace who were asked to not to report their claim or threatened with repercussions if they submitted a claim? (Yes)	7	5.8%

Figure No. 28 reports the number of suppression indicators that pertain to individual cases.

Figure No. 28
No. of Suppression Activities Reported by Individual Respondents
ANLT Survey
(n=121)

No. of Suppression Activities Pertaining to an Individual Case	Number of Responses	Percent (n=121)
One Claim Suppression Activity	20	16.5%
Wage Continuation Only	11	9.1%
Other than Wage Continuation		
Two Claim Suppression Activities	5	4.1%
Three Claim Suppression Activities	5	4.1%
Four Claim Suppression Activities	3	2.5%
Five or More Claim Suppression Activities	0	0.0%
Any Claim Suppression Activities	44	36.3%
Any Claim Suppression Activities (excluding Wage Continuation)	24	19.8%

Most (65.3%) claim suppression activities correlated with an injury that involved lost working time. Just under half (45.5%) of claim suppression involved only wage continuation and no other type of claim suppression activity. If wage continuation is set aside, the incidence of claim suppression fell from 36.3% to

19.8%. Approximately 60% of all claim suppression activity reported by respondents pertained to injuries that involved five or fewer days of lost time.

4.4 Findings on Role of Third Party Administrators

In the *ANLT Survey*, there were 15 respondents who indicated that they had lost more than 5 days of work, notwithstanding that their WCB claim had been submitted (and accepted) as a no lost time claim. Of these 15 claims, 1 respondent indicated that his or her employer a WIR while 3 respondents indicated ‘someone else’ had submitted the WIR. It cannot be inferred from the survey whether the ‘someone else’ was a third-party claims administrator. However, comparing survey responses to administrative records does suggest the possible role of third-party administrators in misreporting of claims. Figure No. 29 summarizes this comparison.

Figure No. 29
Use of Third-Party Claims Administrators
ANLT Survey
(n=121)

Amount of Lost Time Reported by Survey Respondent	File Evidence of Third-Party Claims Administrator	
	No	Yes
No Lost Time	39	25
<5 Days	22	12
>5 Days	11	4
Don't know / refused to answer	7	1
Total	79	42

Figure No. 29 shows that third-party claims administrators were involved in 16 of the claims that were submitted to the WCB as no lost time claims but which the worker indicated were lost-time injuries. In four of these claims the amount of lost-time exceeded five days. Overall, of 49 misreported claims, 16 (approximately one-third) involved third-party administrators.

4.5 Findings on Other Factors Influencing Under-Claiming

The ANLT Survey explored under-claiming through two groups of questions. The first group of questions explored factors that might reveal motivations for under-claiming, such as lack of knowledge, perceived difficulty of the application process, or the availability of sick leave benefits as an alternative to WCB LEB. The second group of questions asked survey participants explicitly about their reasons for not claiming WCB LEB.

Figure No. 30 summarizes data on factors that may reveal motivation for under-claiming..

Figure No. 30
Survey Evidence Suggestive of Possible Factors for Not Claiming
Lost Earnings Benefits (LEB)
ANLT Survey
(n=121)

Survey Questions	Number of Responses: Total Sample (n=121)	Number of Responses: Respondents Reporting Lost Time (n=49)
Did you know how to apply for WCB lost earnings benefits?		
No	68	29
Yes	52	20
Don't know / refused to answer	1	0
Total	121	49
Did you find the process of submitting a claim for lost earnings benefits to be difficult?		
Yes	11	5
No	46	21
Did not submit claim myself	59	21
Don't know/ refused	5	2
Total	121	49
Did your employer or a sick leave plan cover your wages while off work?		
Employer	17	17
Sick leave	11	8
Neither	25	21
Don't know / refused to answer / not applicable	68	3
Total	121	49
Did you receive any benefits as a result of a motor vehicle or other insurance claim?		
Yes	3	2
No	117	46
Don't know / refused to answer	1	1
Total	121	49

Figure No. 30 shows that approximately half (25/49) of the survey respondents who reported lost time, but did not claim WCB LEB, were covered either by *ad hoc* wage continuation or by a sick leave plan. *A majority of survey respondents, including a majority of those with lost time, reported that they did not know how to apply for LEB.* Some respondents reported that they found the process of submitting an LEB claim to be difficult. This may have deterred them from submitting a claim. Finally, it should be noted that two (and

possibly three) respondents who experienced lost-time injuries, but did not claim for LEB received benefits as a result of a motor vehicle or other insurance claim.

Survey participants were also asked explicitly about their reasons for not claiming LEB. Figure No. 31 summarizes these answers.

Figure No. 31
Reported Reasons for Not Claiming Lost Earnings Benefits
ANLT Survey
 (n=121)

Reported Reasons for Not Claiming LEB: Survey Questions	Number of Responses Total Sample (n=121)	Number of Responses: Respondents Who Reported Lost Time (n=49)
I did not lose time from work or equivalent answer	24	4
It was not worth my trouble to apply for WCB Benefits or equivalent answer	8	8
I did not know I was entitled to WCB benefits	10	6
I did not know how to apply for WCB benefits	2	2
I thought I would get into trouble if I reported my injury to WCB	1	1
Employer or peer pressure	2	1
Received continued pay or sick leave	3	3
Respondent thought they had applied or received WCB benefits	2	4
Other reason	15	0
No Reason	51	19
Don't know / refused to answer	3	1
Total	121	49

Among respondents who experienced lost time, only two respondents indicated employer or peer pressure or an expectation that they would get into trouble as motivation for not claiming LEB. Others may have been reluctant to provide this information. (Twenty respondents who experienced lost time declined to provide any reason to the surveyor.) More respondents indicated that applying for Earnings Loss Benefits was ‘not worth my trouble’ (8) or appear to have received wage continuation (three plus four who said they did not lose time in response to this question.)

The conclusion that the data appear to support is that, in the main, employers who misrepresent a lost-time injury as a no-lost-time claim take advantage of the fact that some employees prefer the simplicity of using sick leave or *ad hoc* wage continuation, may regard their injuries as minor, or, more generally, do not think that applying for WCB benefits is worth their time. Only a minority of cases of misrepresentation appear to be associated with direct inducement or threat of sanction.

4.6 Risk Flags

As noted earlier, the 1,329 randomly selected ANLT claims were subjected to a flag analysis where it was hypothesized that the flags would indicate a material risk that the claim may have involved lost time and therefore was misreported to the WCB. A total of 15 flags were defined. Figure No. 32 on the next page summarizes the incidence of these flags.

The flags served two purposes. First, the flags were used to prioritize the 1,329 randomly selected files to determine which files should enter the survey pool. This procedure increased the likelihood of identifying through the survey instances where the claim had been misreported. In this way there would be a sufficient number of confirmed cases of lost time to determine if there were any relevant patterns (e.g., industry, employer size, demographic characteristics of claimant, *etc.*). Had this prioritizing procedure not been employed, it would have been necessary to start with an initial pool of randomly selected files that was two to three times greater than the 1,329 files used in this study. Furthermore, the subsequent Claimant Survey would also have had to be two to three times larger in scope. Resource limitations made it appropriate to use a prioritizing procedure. The second purpose of the flags is to identify potential control procedures that the WCB might wish to consider as a means of curtailing misreporting and claim suppression.

The conclusion from the risk flags analysis is that a combination of the following two flags provides the greatest predictive efficiency. These flags are:

- (a) Flag #9: Doctor or Physiotherapist described Worker as Disabled from Work beyond Date of Incident (First or Subsequent Reports, and
- (b) Flag #15: Researcher found evidence of Time Off Work or Likely Time Off Work, including Medically Recommended Time Off Work

In the survey, these two flags applied to 78 of the 121 surveyed cases and predicted 36 of the 49 cases in which the survey respondent confirmed that there was lost time associated with the claim, contrary to the claim's status as an ANLT. These flags therefore predicted almost three-quarters (73.5%) of the cases confirmed by the survey. In combination, Flags #9 and #15 constituted 31.1% of the 1,329 ANLT claims. As risk flags, therefore, these two flags are efficient.

The risk flags and their incidence are summarized in Figure No. 32.

Figure No. 32
Comparison Incidence of Risk Flags in Sample of 1,329 AMLT Claims
and ANLT Survey

		No. of Flagged Files in:			Flagged Files as Percentage:			Flagged Claims per Confirmed Case in Survey
		Total Sample of Claims	Surveyed Claims	Lost Time Confirmed by Survey	Total Sample of Claims	Surveyed Claims	Lost Time Confirmed by Survey	
	n=	1,329	121	49				
Flag #1	EIR Missing	100	13	2	7.5%	10.7%	4.1%	6.5
Flag #2	EIR Missing, but WIR Present	32	8	1	2.4%	6.6%	2.0%	8.0
Flag #3	EIF Missing, but Doctor's First Report Present	48	6	0	3.6%	5.0%	0.0%	n/a
Flag #4	Evidence of Emergency Room or Hospital Visit	479	39	14	36.0%	32.2%	28.6%	2.8
Flag #5	Evidence of Emergency Room or Hospital Visit, but no EIR	54	7	1	4.1%	5.8%	2.0%	7.0
Flag #6	EIR or WIR indicated Time Off Work (Not Necessarily Lost Working Time)	132	26	13	9.9%	21.5%	26.5%	2.0
Flag #7	EIR or WIR reported 3 or More Days Off Work (Not Necessarily Lost Working Time)	21	3	3	1.6%	2.5%	6.1%	1.0
Flag #8	Doctor described Worker as Disabled from Work beyond Date of Incident (First of Subsequent Reports)	186	35	13	14.0%	28.9%	26.5%	2.7
Flag #9	Doctor or Physiotherapist described Worker as Disabled from Work beyond Date of Incident (First or Subsequent Reports)	209	40	16	15.7%	33.1%	32.7%	2.5
Flag #10	Self-Assessed Numerical Pain Scale Rating of 7-10 (from Physiotherapist Report)	45	8	3	3.4%	6.6%	6.1%	2.7
Flag #11	Doctor recommended Time Off Work (in First or Subsequent Reports)	68	7	4	5.1%	5.8%	8.2%	1.8
Flag #12	Medical Recommendation for Time Off Work (Any Doctor's, Physiotherapist's or Chiropractor's Report)	77	10	6	5.8%	8.3%	12.2%	1.7
Flag #13	Worker was Paid While Off Work (based on EIR or WIR)	49	6	0	3.7%	5.0%	0.0%	n/a
Flag #14	Researcher assessed Injury to be Inconsistent with No Lost Time based on either WIR or EIR	152	28	14	11.4%	23.1%	28.6%	2.0
Flag #15	Researcher found evidence of Time Off Work or Likely Time Off Work, including Medically Recommended Time Off Work	340	61	31	25.6%	50.4%	63.3%	2.0

4.7 Estimating the Overall Incidence of Misreporting and Claim Suppression

Misreporting:

The survey results can be used to support a lower and upper boundary estimate for misreporting. In the survey, there were 78 respondents whose claims were tagged with Flag #9 or #15. In the survey, 36 (46.1%) of these respondents reported that their injury involved lost-time. In the sample of 1,329 ANLT claims, there were 413 claims that were tagged with Flag #9 or #15. If it is assumed that misrepresentation was confined to claims tagged with Flag #9 or #15, then it would be expected that 190 claims (46.1% x 413) were misrepresented. *This is 14.3% of the total sample of 1,329 ANLT claims and constitutes the lower boundary estimate for misrepresentation.*

The upper boundary estimate takes account of the fact that the claims of some of the survey respondents who reported lost-time were not tagged with Flag #9 or #15. In the survey, there were 43 respondents whose claims were not tagged with Flag #9 or #15. Of these, 13 (30.2%) reported lost-time. In the sample of 1,329 ANLT claims, there were 916 claims that were not tagged with Flag #9 or #15. The survey suggests that 277 (30.2% x 916) of these claims may have been misrepresented. Adding this to the lower boundary estimate results in an upper boundary estimate of 467 misrepresented ANLT claims or 35.1% of the total sample of 1,329 ANLT claims. Thus, *the lower bound estimate for misrepresentation is 14.3% while the upper boundary estimate is 35.1%.*

To put these estimates in context, approximately a third of the estimated misreporting pertains to absences of one day or less. Approximately two-thirds of the estimated misreporting pertains to absences of five days or less.

Claim Suppression:

It was reported earlier that the overall rate of claim suppression activity reported in *ANLT Survey* was 36.3% if wage continuation was included. This compares to the upper boundary estimate for misreporting of 35.1%. There appears therefore to be a close correspondence between misreporting a claim and taking other measures (including wage continuation) to suppress a claim.

4.8 Profile of Affected Workers

There were no significant, demographic differences between the workers in the total sample of 1,329 files and the workers in the *ANLT Survey* who reported that their injury involved lost time. However, workers who were the subject of a misrepresented claim were somewhat more likely to have been employed by an employer with a payroll of less than \$500,000. Employers in construction and in manufacturing were somewhat disproportionately represented among employers that may have misrepresented an ANLT claim. However, these were not statistically strong tendencies and could reflect sampling biases.

Of those participants in the *ANLT Survey* who experienced a lost-time injury, only about a quarter provided information on the financial nature of that loss. About half of these respondents report financial losses of

more than \$500 and about a third reported losses more than \$1,000. However, the sparseness of the survey data counsel against drawing any strong conclusions about the amount of the financial loss.

4.9 Conclusions

This chapter reported on the results of a review of 1,329 accepted no lost time claims and a subsequent follow-up survey of 121 of these claimants. The objectives of the file review and follow-up survey were to estimate the approximate incidence of misreporting of lost-time incidents as no lost time claims and the possible role of claim suppression in this misreporting, if it occurred.

Review of 1,329 ANLT Claims:

Among the findings from the review of the 1,329 accepted lost time claims were the following:

- In 7.5% of the files, the EIR was missing. However, in about half of the files that were missing an EIR, there was documentary evidence of an Emergency Room visit or a visit to a hospital. In these circumstances, it should be considered unlikely that the employer was unaware of the incident.
- In 15.7% of the files there was a medical report from a physician or a physiotherapist indicating that the worker had been disabled from work beyond the date of the injury. In 5.8% of the files there was a medical recommendation that the worker take time off from work.
- The researchers found evidence in 25.6% of the files that the worker had taken time off work or that a medical practitioner had recommended time off work.
- Overall, the researchers judged 11.4% of the reported injuries to be inconsistent with no-lost-time status, based on evidence in the files.

ANLT Survey:

The survey found that roughly four respondents in every ten (49/121) indicated that they had lost at least one day of work beyond the date of their injury. More significantly, roughly one respondent in eight (15/121) reported losing more than five days of working time. Five percent (5.0%) of the respondents reported that their pay and/or hours were reduced. Approximately half (25/49) of the survey respondents who reported lost time were covered either by *ad hoc* wage continuation or by a sick leave plan.

Third-party administrators were involved in 16 of the 49 claims for which the respondent reported lost time, but did not claim WCB LEB.

There is evidence in the survey that claim suppression likely occurred in a significant number of cases. Overall, 44 survey respondents (36.3%) reported at least one claim suppression activity, although 20 (19.8%) of these cases involved only wage continuation. There appears to be a significant correlation between claim

suppression activity and lost-time injuries for which LEB was not claimed. Approximately a third of claim suppression activity pertained to injuries that involved more than 5 days of lost time.

While the survey shows that misreporting and claim suppression are relevant factors in explaining under-claiming by workers, the survey also shows that lack of knowledge about entitlement or how to apply for benefits are as important or more important. A majority of survey respondents, including a majority of those who experienced lost working time, reported that they did not know how to apply for LEB.

Risk Flags:

Based on the NLT Claimant Survey, the most efficient predictors of misreporting were evidence in the file of lost time (including a medical recommendation for lost time) and a medical practitioner's assessment that the worker was disabled from work beyond the date of the injury.

Generalized Estimates of Misreporting and Claim Suppression:

The lower boundary estimate for misreporting of ANLT claims is 14.3% while the upper boundary estimate is 35.1%. There appears to be a close correspondence between misreporting and overt claim suppression. That is to say: there is a strong likelihood that a claim that shows evidence of misreporting will also show evidence of overt claim suppression, although in about half of the cases the claim suppression activity will be limited to wage continuation.



5. Review of Disallowed Lost-Time (DLT) Claims

This chapter reports on a review of 922 randomly selected, disallowed claims and a follow-up survey with 47 workers who were the subject of these disallowed claims. The survey was administered by Viewpoints Research.

5.1 Methodology

The study reviewed 922 disallowed lost-time claims. Of these, 220 were disallowed because the WCB could not establish that a work-related injury had occurred, while 702 were disallowed because of insufficient information. Figure No. 33 summarizes the sample.

Figure No. 33
Universe and Sample of Disallowed Lost-Time Claims (DLTs)

Year	Disallowed: Work-Related Injury Not Established			Disallowed: Insufficient Information		
	Universe	Sample	Sample %	Universe	Sample	Sample %
2010	851	46	5.4%	2,882	111	3.9%
2011	940	59	6.3%	3,941	112	2.8%
2012	907	74	8.2%	3,980	392	9.8%
2013 (partial)	87	41	47.1%	492	87	17.7%
Total	2,785	220	7.9%	11,295	702	6.2%

The sample of disallowed claims was reviewed to identify anomalies that were suggestive of a claim that may have been compensable and for which it is therefore puzzling that the claimant did not proceed with the claim. There are, of course, many potential reasons why a claimant might not proceed with a claim that have nothing to do with claim suppression. Identification of a risk that the claim may have been valid does not imply that claim suppression occurred. Certain DLT files were prioritized based on risk flags for purposes of generating a survey pool for the *DLT Survey*.

As would be expected, especially for claims that were disallowed owing to insufficient information, the documentation in the claims was often more limited than was the case with the ANLT claims. This limits the information that can be derived from the files. As well, the workers who were the subject of these disallowed claims were often more difficult to reach. Consequently the survey sample (47) was a lower proportion of the sampled files (922) than was the case with the *DLT Survey*.

5.2 Review of Sampled Files (n=922)

Reporting Patterns:

Figure No. 34 shows the reporting pattern in the sampled files. A puzzling anomaly is that in 80.9% of the cases that were disallowed because a work-related injury was not established, a doctor had assessed the injury as work-related and filed a Doctor's First Report with the WCB.

Figure No. 34
Reporting Pattern: Disallowed Lost-Time Claims (DLTs)
(n=220,702)

	Disallowed: Work-Related Injury Not Established (n=220)		Disallowed: Insufficient Information (n=702)	
	No.	%	No.	%
EIR present	205	93.2%	572	81.5%
WIR present	204	92.7%	273	38.9%
Doctor's First Report present	178	80.9%	379	54.0%
Evidence of Emergency Room or Hospital Visit	66	30.0%	176	25.1%
Evidence of Third Party Claims Administrator	69	31.4%	239	34.0%

Thirty-four percent (34.0%) of the claims that were disallowed because there was insufficient information also were handled by third-party claims administrators.

Evidence of Lost Time or Likely Lost Time:

Lost time was reported in both the EIR and the WIR. As well, many of the files contained a medical practitioner's report indicating that the worker was disabled from work beyond the date of the injury. As can be seen in Figure No. 35, three quarters of the files contained evidence of lost time in either the EIR or the WIR or both.

Figure No. 35
Evidence in Claims of Lost Time or Likely Lost Time
In Disallowed Lost-Time Claims (DLTs)
(n=922)

	No. of Claims	
	No.	%
Lost Time indicated in WIR	403	43.7%
Lost Time indicated in EIR	530	57.5%
Lost Time indicated in WIR or EIR	689	74.7%

The researchers estimated the potential amount of lost time based on the span of time between the date of the reported injury and the date of the reported return to work. Deductions were made for weekends and

holidays. This is only an approximate estimate since it does not reflect irregular shifts. As can be seen from Figure No. 36, between one fifth and one quarter of the files suggest potential lost working time of more than 5 days.

Figure No. 36
Potential Lost Working Time based on
Date of Injury and Return to Work
Reported in Employer’s Incident Report and Worker’s Incident Reports
(n=922)

Potential Lost Working Time	Based on EIRs		Based on WIRs	
	No.	%	No.	%
1 Day	80	29.9%	49	25.5%
2 to 5 Days	133	49.6%	93	48.4%
6 to 10 Days	34	12.7%	27	14.1%
More than 10 Days	21	7.8%	23	12.0%
Total	268	100.0%	192	100.0%
Continued Absence (No Information in Claim of Return-to-Work)			243	

There is also evidence from medical reports that many of the files pertained to injuries that would likely have involved time off work. In 450 of the files there was a medical report indicating that the worker was disabled from work beyond the date of the injury.

Wage Continuation:

Data on wage continuation in the sampled files may be unreliable owing to the lack of completeness of many of these files. Figure No. 37 shows that less than a fifth of the Disallowed Claims Files contained an indication of pay continuation. As will be noted later in this chapter, the Disallowed Claimant Survey suggests that a higher proportion of workers would likely have received wage continuation.

Figure No. 37
Evidence of Wage Continuation
compared to Potential Lost Working Time
(n=922)

Potential Lost Working Time	Based on EIRs			Based on WIRs		
	No. of Claims	Wage Continuation	Wage Continuation Percent	No. of Claims	Wage Continuation	Wage Continuation Percent
1 Day	80	15	18.8%	49	9	18.4%
2 to 5 Days	133	22	16.5%	93	13	14.0%
6 to 10 Days	34	3	8.8%	27	8	29.6%
More than 10 Days	21	3	14.3%	23	5	21.7%
Total	268	43	16.0%	192	35	18.2%

Risk Flags:

The following flags were used to prioritize files for surveying purposes.

Figure No. 38
Incidence of Risk Flags in Sample of
Disallowed Lost-Time Claims (DLTs
(n=220, 702)

		Disallowed: Work-Related Injury Not Established (n=220)		Disallowed: Insufficient Information (n=702)	
		No.	%	No.	%
Flag #1	WIR Reported Lost Time / EIR Missing	14	6.4%	47	6.7%
Flag #2	WIR Reported Lost Time / EIR did not	44	20.0%	49	7.0%
Flag #3	EIR or WIR indicates Potential Lost Working Time > 5 Days	23	10.5%	44	6.3%
Flag #4	Doctor, Physiotherapist or Chiropractor assessed Workers as Disabled Beyond Date of Injury	153	69.5%	297	42.3%

The risk flags identified 547 claims which constituted the pool for the Disallowed Claimant Survey. The survey pool was therefore 59.3% of the originally selected claims.

5.3 DLT Survey

Although the sample was small, the results of the survey suggest that a material percentage of claims that were disallowed may have been eligible for benefits if the required information had been obtained. Figure No. 39 summarizes survey data on the consequences of the injuries that were the cause of these claims.

Figure No. 39
Consequences of Injuries
DLT Survey
(n=22, 25)

	Disallowed: Work-Related Injury Not Established (n=22)		Disallowed: Insufficient Information (n=25)	
	No.	%	No.	%
Emergency Department or Hospital Visit	8	36.4%	5	22.7%
Visit to Family Doctor	19	86.4%	22	100.0%
Visit to Physiotherapist	14	63.6%	15	68.2%
Visit to Chiropractor	7	31.8%	12	54.5%
Prescription Drugs	15	68.2%	12	54.5%
Medical Device (e.g. crutch)	6	27.3%	4	18.2%
Doctor Recommended Time Off Work	14	63.6%	19	86.4%
Lost Time after Day of Injury				
No Lost Time	4	18.2%	2	9.1%
1 Day or Part of a Day	0	0.0%	2	9.1%
2-5 Days	3	13.6%	1	4.5%
6-10 Days	2	9.1%	3	13.6%
11-15 Days	1	4.5%	1	4.5%
>15 Days	11	50.0%	11	50.0%
Don't Know / Refused to Answer	2	9.1%	5	22.7%
Return to Work				
Same Day or Day after Injury	5	22.7%	5	22.7%
After Taking Some Time Off	6	27.3%	12	54.5%
After Performing Modified Duties	8	36.4%	6	27.3%
Never	2	9.1%	1	4.5%
Don't Know / Refused to Answer	1	4.5%	1	4.5%
Wage Continuation				
Employer	1	4.5%	4	18.2%
Sick Leave Plan	5	22.7%	4	18.2%
Neither	11	50.0%	14	63.6%
Don't Know / Refused to Answer	1	4.5%	1	4.5%

It is not role of this report to second guess the rationale for disallowing the claims that were reviewed. However, it is striking that the injuries and the response of the workers to those injuries are similar to what would be expected in claim. For example, virtually all survey respondents (45/47) visited their family doctor or the emergency department of a hospital following their injury. More than half (27/47) were on prescribed medications as a result of their injury. In almost three quarters of the cases (33/47), a doctor recommended time off work. In a clear majority of the cases (29/47), the survey respondents reported more than 5 days of lost time. Of the 29 respondents who reported more than 5 days of lost time, 18 reported that they did *not* receive wage continuation either from their employer or through a sick leave plan. Twenty-eight (28) respondents reported that their injury had caused them a financial loss that was *not* covered by either Manitoba Health or their employer. The median loss (based on 25 respondents) was \$1,500. These data pose a puzzle: why did these workers not proceed with their claims (where there was insufficient information) or appeal the disallowance (where a work-related accident had not been established)?

Fifteen of the survey respondents (31.9%) indicated that they did not know how to go about submitting a WCB claim. Fourteen respondents (29.8%) reported that they found the process of submitting a claim difficult.

Twenty-three (23) respondents (48.9%) reported that they either submitted a claim or phoned in the information to the WCB. A check of the administrative records indicates that for all of these cases, there is a WIR on file. Some respondents reported that their claim had been rejected. As noted earlier, it is not the purpose of this report to ‘second guess’ the WCB’s claim’s adjudication process.

Eleven respondents (23.4%) reported that their employer submitted the claim. A check against WCB records indicates that in 3 of the 11 cases where the employee believed that the employer submitted the WIR, there was no WIR on file. In 4 cases, the survey respondent indicated ‘someone else’ submitted the WIR; in 2 of these cases, no form was submitted.

Four (4) respondents indicated that they did not apply for WCB benefits because it was not worth their time or they did not consider the injury to have been serious.

Two-thirds of the respondents to the survey were male. Half had attained only high school completion or a lesser level of formal education. The vast majority (>85%) were permanent employees. Fifteen percent (15%) to 20% reported that their first language was other than English. A similar proportion reported that they had immigrated to Canada. Virtually half (49%) were members of a union.

5.4 Possible Claim Suppression

There is evidence in the *DLT Survey* that is suggestive of claim suppression. Figure No. 40 summarizes these survey findings.

Figure No. 40
Claim Suppression Activity
DLT Survey
(n=47)

Claim Suppression Activity	No.	%
If you submitted a claim, did your employer ask you to withdraw it? (Yes)	6	12.8%
Did your employer or a sick plan cover your wages while off work? (Yes)	14	29.8%
Did your employer tell you or suggest to you that you were not entitled to WCB benefits? (Yes)	5	10.6%
Did your employer encourage you not to apply for WCB benefits? (Yes)	7	14.9%
Would you have lost a bonus or would you and your fellow employees have lost a group bonus if you had applied for WCB benefits? (Yes)	3	6.4%
Did you feel that your job opportunities with your employer would be threatened if you had applied for WCB lost earnings? (yes)	9	19.1%
Did your employer ask you not to report the lost time? (Yes)	1	2.1%
Are you aware of any other employees in you workplace who were asked to not to report their claim or threatened with repercussions if they submitted a claim? (Yes)	4	8.5%

Figure No. 41 reports the number of suppression indicators that pertained to individual cases.

Figure No. 41
No. of Suppression Activities Reported in Individual Cases
DLT Survey
(n=47)

No. of Suppression Activities Pertaining to an Individual Case	Number of Responses	Percent (n=47)
One Claim Suppression Activity		
Wage Continuation Only	11	23.4%
Other than Wage Continuation	4	8.5%
Two Claim Suppression Activities	2	4.3%
Three Claim Suppression Activities	5	10.6%
Four Claims Suppression Activities	1	2.1%
Five or More Claim Suppression Activities	2	4.3%
Any Claim Suppression Activities	25	53.2%
Any Claim Suppression Activities (excluding Wage Continuation)	14	29.8%

As can be seen from Figure No. 41, 25 of the 47 survey respondents reported claim suppression activity. However, in 11 of the 25 cases, claim suppression was confined to wage continuation. Most of this claim suppression (15/25) pertained to cases in which the respondent indicated more than 15 days of lost working time.

5.5 Estimate of Claim Suppression in Disallowed Claims

Extrapolating the survey findings on claim suppression is difficult. The sample (47) is not large and it was drawn from a pool that was prioritized by the risk flag analysis. Nevertheless, the survey data do suggest that claim suppression may be a factor of importance. A conservative extrapolation can be developed by assuming that none of the non-prioritized claims files was associated with claim suppression. Using this assumption, the expected incidence of claim suppression in the overall sample of 922 randomly selected DLT claims would be around 32%. If one were to set aside cases in which the only type of claim suppression was wage continuation, the expected incidence of claim suppression would be 18%. Based on the survey, it would be expected that most of this claim suppression would be focused on injuries that resulted in 15 days or more of lost time. These estimates, however, should be treated with considerable caution owing to the small size of the survey sample.

5.6 Conclusions

This chapter reported on the results of a review of 922 DLT claims and a subsequent follow-up survey of 47 of these claimants. The DLT claims were selected at random from two categories: claims that were disallowed because the WCB had not established a work-related injury (220) and claims that were disallowed because there was insufficient information (702). From the 922 DLT claims, 547 were flagged as containing evidence that was suggestive of a risk of claim suppression. These 547 files constituted the pool from which the participants were drawn for the *DLT Survey*.

Review of 922 DLT Claims:

A large proportion of the disallowed claims appeared to pertain to injuries that would normally be compensable if the individual was covered by the WCB and the injury was work-related. It is puzzling, therefore, that these claims were not pursued or that their disallowance was not appealed.

- In 80.9% of the 220 claims that were disallowed because a work-related injury was not established, a doctor had assessed the injury as work-related and filed a Doctor's First Report with the WCB.
- Almost three-quarters of the claims (74.7%) contained evidence of lost time in either the EIR or the WIR.
- Between one fifth and one quarter of the files suggested potential lost working time of more than 5 days. The majority of this lost time was not covered by either a sick leave plan or wage continuation.
- In almost half of the files (48.8%) there was a medical practitioner's report indicating that the worker was disabled beyond the date of the injury.

In light of these findings, it is perplexing that so many of the workers do not appear to have pursued their claim or appealed its disallowance.

DLT Survey:

The *DLT Survey* also raises questions about why the workers did not pursue their claims or appeal their disallowance.

- Virtually all survey respondents (45/47) visited their family doctor or the emergency department of a hospital. This is presumptive evidence that the workers took the injuries seriously.
- More than half (27/47) of the respondents in the survey were on prescribed medications as a result of their injury. This is confirmatory that the injury was at least moderately serious.
- In almost three quarters of the cases (33/47), a doctor recommended time off work.
- In a clear majority of the cases (29/47), the survey respondents reported more than 5 days of lost time.
- Of the 29 respondents who reported more than 5 days of lost time, 18 reported that they did *not* receive wage continuation either from their employer or through a sick leave plan.
- Twenty-eight (28) respondents reported that their injury had caused them a financial loss that was not covered by either Manitoba Health or their employer. The median loss (based on 25 respondents) was \$1,500.

The survey data pose the same question that arose from the analysis of DLT claims: why did the workers not pursue a WCB claim or appeal the disallowance?

The survey suggests that some workers did not consider a WCB claim worth their while. It is also noteworthy that 15 of the survey respondents (31.9%) indicated that they did not know how to go about submitting a WCB claim, while 14 respondents (29.8%) reported that they found the process of submitting a claim difficult.

The survey also suggests a role for possible claim suppression. More than half (25/47) of the survey respondents reported at least one type of claim suppression activity. In 11 of the 25 cases of reported claim suppression, the only claim suppression activity was wage continuation. However, even if these cases are set aside the incidence of claim suppression was still high: 14/47 or 29.8%. Most of this claim suppression pertained to cases that involved more than 15 days of lost working time. It should be noted, however, that

General Estimate of Claim Suppression in Disallowed Claims

The *DLT Survey* suggests a conservative estimate of 32% for the expected incidence of claim suppression across DLT claims. If cases involving only wage continuation are set aside, the expected incidence rate would be reduced to 18%.



6. Employer and Worker Perspectives

This chapter summarizes the results of three focus groups. The first of these focus groups was with employers. The other two focus groups were organized and hosted by the Manitoba Federation of Labour (MFL). The first of these MFL-hosted focus groups involved primarily workplace representatives of MFL affiliates. The second involved mainly union staff and others who were specialists in the field of occupational health and safety and workers' compensation. The focus groups were conducted by Viewpoints Research. Viewpoints Research also recruited the participants for the employer focus group, based on a list of employers with recent WCB claims.

This chapter seeks to faithfully reflect the views that were expressed by the focus group participants, without either endorsing or disputing those views. Participants were assured that neither they, nor their organization, would be identified.

6.1 Employer Perspectives

Four employer representatives participated in a two-hour focus group that was convened on June 20, 2013. Six persons who had agreed to participate were unable to attend at the scheduled time. The employers represented by the four participants were all comparatively large organizations. Their organizations were drawn from manufacturing, health care, food services and construction.

Comprehensive Policies and Procedures:

All four employers described comprehensive policies and procedures for collecting information on work-related injuries, reporting injuries to the WCB, and tracking trends over time. The employers collected information on all incidents, including 'near misses' and injuries that are not reportable under the *Workers Compensation Act*. For most incidents, the organizations collected more information than is required by the EIR. All four employers described 'by the book' procedures for reporting incidents to the WCB. In all four organizations, employees received orientation training on their responsibility to report a work-related injury.

In all four organizations, incident monitoring is integrated with their prevention strategy. All four employers have experienced, professional staff responsible for health and safety, WCB reporting and disability management. None of the four organizations used a third-party claims administrator or disability manager, although one had done so in the past.

The four employer representatives viewed their organizations' comprehensive policies and procedures as broadly representative of the practice of the vast majority of large employers.

Failure to Report Injuries (Highly Infrequent):

All four employers acknowledged that some of their employees may not report injuries to their supervisors, notwithstanding policies and procedures that make such reporting mandatory.

In construction, where it is common for employees to work four 10-hour days, an injury could occur on the fourth day, but not appear serious at the time of the incident. The employee might decide not to report the incident on the day of its occurrence, but subsequently seek medical attention of the condition worsened. As a result, the WCB could receive a medical practitioner's first report or a WIR before the employer has been made aware of the incident. Organizations with a large workforce of casual or part-time employees also may find that some employees delay reporting an injury until after the condition has worsened and they have received medical attention. In the health care sector, self-diagnosis and self-treatment are common. Sometimes employees do not report injuries that they consider minor. In all cases, the employers stressed that this non-reporting was contrary to their organization's policies and procedures and that they encourage reporting of *all* incidents. Even with these exceptions, non-reporting was considered a highly infrequent occurrence.

Reasons Why Some Employees may not Report an Injury:

The most commonly cited reasons for employees not reporting injuries were that the injury was considered too minor at the time of its occurrence or the employee did want the 'hassle' of having to deal with the WCB. For injuries that involve only a brief absence from work (1-2 days), many employees prefer the simplicity of using the employer's benefit plan and the sick leave plan. Many employees live pay cheque to pay cheque. The possible interruption of pay, pending approval of a WCB lost-time claim and receipt of LEB, is a deterrent to filing a claim. It was the employers' view that the WCB is reasonably efficient in processing claims quickly, as long as there are no irregularities or anomalies. However, even the normal processing time poses financial hardship for employees who have limited savings on which to draw.

Although the four employers regarded the WCB as efficient in processing the vast majority of lost-time claims, they suggested that employees more often tend to recount to their co-workers their problems with the minority of claims that cannot be adjudicated as quickly. Employees whose claims were rejected are particularly likely to be vocal. As a result, many employees with no experience in dealing with the WCB may have formed an impression based on how these exceptional cases are described by fellow employees.

It should be stressed, that in the main, the experience of the focus group participants, is that the vast majority of employees do report work-related injuries, as their employers' policies and procedures require and that these injuries, in turn, are reported to the WCB if they require medical attention beyond first aid and/or time off from work. Non-reporting was considered to be an infrequent occurrence.

The focus group participants were asked to assess the likelihood on a 1-5 scale of various reasons that have been suggested as to why a worker might not report an injury to their employer or to the WCB. Figure No. 42 summarizes these responses.

Figure No. 42
Employer Focus Group Participants' Assessment of the Likelihood
of Various Explanations of Why a Worker
Might Not Report an Injury to His/Her Employer or to the WCB
(n=4)

Suggested Reason	1 Never Happens	2	3	4	5 Happens All the Time	Not Aware
	No. of Responses (n=4)					
1. Some workers do not report a workplace injury because they are afraid that they will be thought of as careless or even incompetent.		4				
2. Some workers do not report a workplace injury because they fear such a report would result in their being transferred to a less favourable assignment or job.	2	2				
3. Some workers do not submit a WIR because they consider the workers' compensation system too bureaucratic and complex.		1	3			
4. Some workers do not submit a WIR because they believe this would harm their employer and they want to be loyal to their employer.	1	2	1			
5. Some workers do not submit a WIR because there is no apparent reason to do so: their employer covers the lost time (through wage continuation or a sick leave plan) and the medical costs through a benefit plan.	3			1		
6. Some workers do not submit a WIR because they underestimate the severity of the injury or the risk of recurrence of the symptoms.		1		3		
7. Some workers do not submit a WIR because they are unaware of their rights and unaware of employer obligations.	2	1	1			
8. Some workers do not submit a WIR because they carry with them attitudes acquired in their country of origin where submitting such a report might be seen as disloyal or causing jeopardy.	1	1	1	1		

During subsequent discussion, focus groups participants commented as follows:

- a small number of workers might be motivated by a fear that that they would be thought of as careless or incompetent;
- fear of being transferred to a less favourable job was considered to be a factor in even fewer situations, if any;
- a view on the part of some workers that the WCB is too bureaucratic and complex was seen as a more relevant factor, though only moderately important;
- a small number of workers might be motivated by a desire to avoid harming their employer by reporting an injury to the WCB;

- while three participants entirely discounted the possibility that a worker would refrain from making a report to the WCB because they were covered by a sick leave plan and a benefit plan, one participant viewed this as a possible explanation in some cases;
- under-estimating the severity of an injury or the risk of a recurrence was considered to be the most common explanation for failing to report an injury and often the focus of employer training;
- lack of awareness of rights and obligations was discounted, except in a small minority of cases;
- some focus group members agreed that recent immigrants might be motivated not report by attitudes acquired in their country of origin where submitting a report could be seen as disloyal or causing jeopardy.

The focus group participants stress the importance of company culture in shaping workers' understanding of the importance of reporting injuries. They emphasized the importance of company culture that was non-punitive.

Introducing a Waiting Period for WCB Benefits:

The employer focus group participants were asked to comment on the possibility of introducing a waiting period of perhaps five days for WCB LEB. It would be the employer's responsibility to maintain wages during this waiting period. In one option the employer could be reimbursed for this expense. In another option, the cost would be borne directly by the employer. A number of U.S. states have instituted such waiting periods.

The focus group participants considered the suggestion of a waiting period to be a complex issue and not one that should be introduced without extensive consultation and investigation of potential implications. A waiting period might facilitate the reporting and handling of short-term claims by eliminating the pay interruption that can be associated with such claims. On the other hand, concern was expressed about the risk of abuse, *i.e.*, injured employees mistakenly believing that an injury automatically entitled them to five days of paid time off.

Employee Incentive Plans:

The focus group participants were critical of employee incentive plans that linked bonuses or 'perks' to maintaining a no lost time record. These incentives, it was felt, can have the unintended effect of discouraging employees to report an injury. It was acknowledged, however, that incentive plans that link bonuses or 'perks' to maintaining a no lost time record do operate in some companies. It was felt, however, that it is better to design incentive plans that are linked to safety performance rather than to avoiding a record of a lost-time injury. One focus group participant described a plan whereby employees were awarded 'points' for performing tasks safely and lost 'points' for performing tasks in an unsafe manner.

Evaluating and Incenting Supervisors:

Some employers include safety performance in their evaluation of supervisors. In one case, lost-time injuries were an evaluation factor. The focus group participants considered the incorporation of safety performance into the evaluation of supervisors to be complex. On the one hand, safe performance of tasks is an important organizational goal and thus should be reflected in evaluation criteria. On the other hand, it is important to avoid creating unintended incentives to suppress information on injuries that ought to have been reported both to the organization and to the WCB.

Non-Reporting by Employers:

Based on their experience, the focus group participants were clear that they do not see employer non-reporting as a widespread phenomenon. The focus group participants believed that employer non-reporting was an infrequent occurrence and likely confined to a small number of organizations. Among large employers, especially those that are unionized, employer non-reporting occurs rarely, if ever. It was also noted that large employers account for the lion’s share of the work force covered by the WCB.

The focus group participants were concerned about an increase in the regulatory burden that might be imposed on all employers to address what they perceived as an infrequent non-reporting problem that is confined to a small minority of employers.

Reasons Why Some Employers may not Report an Injury:

Figure No. 43 summarizes the focus group participants’ assessment of various reasons suggested for employers not reporting an injury to the WCB.

Figure No. 43
Employer Focus Group Participants’ Assessment of the Likelihood
of Various Explanations of Why an Employer
Might Not Report an Injury to the WCB
(n=4)

Suggested Reason	1 Never Happens	2	3	4	5 Happens All the Time	Not Aware
	No. of Responses (n=4)					
1. Some employers are motivated not to file an EIR by fear of triggering a health and safety inspection.	2		1			1
2. Some employers lack knowledge of their legal obligation to file an EIR.	2			1		1
3. Some employers do not file an EIR because they do not want to become involved with the WCB. They think it is bureaucratic and complex.	2					2
4. Some employers do not file an EIR or misrepresent a lost-time claim as a no-lost-time claim to avoid an adverse impact on their experience rating.	2			1		1

The focus group participants had differing views as to why some employers may not report. None of the focus group participants had had direct experience with an employer that had deliberately not reported an injury covered by the *Act*. One participant thought that a few employers might be motivated by fear of a health and safety inspection. Lack of knowledge of reporting obligations might also be relevant, chiefly among small employers.

Worker Incident Report:

The focus group participants did not consider the current WIR to be overly complex or a deterrent to workers reporting their injuries. It was noted that workers have the option of phoning the WCB in lieu of completing the paper form. One focus group participant commented that the WIR is no more complex than a typical job application. It was suggested that it might be desirable to provide the WIR in Filipino. There also may be other language groups in the work place that have become more prominent in recent years. It was also noted that the information provided in a WIR is sometimes relied upon in an appeal hearing. In this case, the WCB would need to provide a suitable translation of the information provided. The focus group participants had differing views on whether a WIR should ask for information on relevant prior medical conditions. It was suggested that, like employers, workers should also be able to submit a report on-line.

Modified Duties / Return to Work:

The focus group participants all reported that their organizations make considerable effort to accommodate safe and early return to work under conditions of modified duties. It can sometimes require a day or two to identify how this can be accomplished.

The focus group participants commented that many doctors' reports were unhelpful. Family practice physicians, in particular, tend to view themselves as their patients' advocates and formalize in their report whatever the patient has told them about work capabilities. Doctors' reports can sometimes under-estimate a worker's capability to perform modified duties. One focus group participant referenced a case in which a family practice doctor had recommended several days off work but the worker himself did not agree with this advice. Some family practice and ER physicians, it was suggested, may be unfamiliar with the recent medical evidence that supports safe and early return to work as the most effective strategy to ensure recovery. It was also suggested that some doctors may be unaware of the degree to which employers can accommodate safe and early return to work through modified duties. Physiotherapists' assessments of capabilities were often considered more informative and more accurate than the assessments of many doctors.

It was stressed by one focus group participant that WCB policy on safe and early return to work should continue to be evidence based. The current medical research concludes that 'you do not recover from an injury before returning to work, rather you return to work in order to accelerate recovery.'

Third Party Claims Administrators:

As noted earlier, none of the organizations currently utilized the services of third party claims administrators,

although one organization had previously done so. It was felt that to properly perform an injury and disability management role and a claims reporting role, it was necessary to be fully integrated into an organization. One participant noted a significant improvement in safety performance and disability management after their organization changed from using a third party claims and disability manager to a permanent staff appointment. That being said, the focus group participants recognized that smaller organizations might lack the scale to employ a permanent staff person in these roles. They can be assisted by a third party claims administrator who can supply expertise that would otherwise not be available to the organization. It was also noted that smaller organizations sometimes can benefit from the advice of an experienced third party claims administrator, for example, when a prior medical condition is exacerbating or prolonging the effects of a work-related injury.

Experience Rating:

Some focus group participants agreed that some employers could be motivated by a desire to avoid a detrimental impact on their experience-rated contributions to the WCB. They believed that this would apply mainly to small employers for whom a single lost-time injury can have a punitive impact on WCB contributions. It was suggested that the experience rating system is asymmetrical: contributions can increase quickly and steeply as a result of a lost-time injury, but the road back to a normal industry contribution rate is much slower.

Improving the System:

The focus group participants were asked to make suggestions that they felt would reduce the incidence of claim suppression and the misrepresentation of lost-time injuries as no lost time injuries. The suggestions offered were:

1. Ensure that claim suppression is actually a significant issue before putting more processes in place for all employers to deal with the few who may suppress claims, i.e., develop quantitative estimates of the incidence and importance of claim suppression, rather than relying on anecdotes. Move to the Manitoba Public Insurance system: for the first seven days of lost time, the worker uses sick time with WCB benefits commencing after seven days.
2. Look at the rate structure and ensure that lower dollar claims do not affect an employer's contribution rate as much as they now do. This is being done to some degree, but it could be re-visited. Also, the rate structure should be adjusted not just by industry, but by the size of the employer. It is more difficult to manage 300 employees in a company than 30 that fall under the same rate code.
3. Introduce a system that rewards employers for reporting injuries through a points system. For example, if, in a quarter, an employer has no lost time injuries or injuries that required medical attention, perhaps reward that employer with a decrease in contributions.

4. To continue to improve education of employees about their responsibility to report injuries to their employer and, as needed, to WCB and also the rationale for reporting injuries.

6.2 Worker Perspectives

Two focus groups were convened on July 3, 2013 and July 4, 2013. Invitations to both focus groups were managed by the Manitoba Federation of Labour which hosted the focus groups. Ten persons participated in the first focus group; 7 persons participated in the second focus group. There was representation across all of the larger unions in Manitoba and all economic sectors.

General Observations:

Participants in both focus groups were of the view that it is common for employees not to report injuries to employers and that many injuries that are reported to employers are not reported to the WCB. The participants in the focus groups saw aggressive claims management practices and incentive systems tied to no time loss injuries as the major deterrents to reporting injuries and claiming WCB LEB. Participants in both focus groups also viewed the system of workers compensation as highly adversarial, which they attributed to the widespread use of third party claims managers. Participants saw what they considered the inherent incentives in the experience rating system as the foundation for aggressive claims management, incentive systems tied to no time loss injuries and the use of third party claims administrators.

Under-Reporting by Workers:

A pattern said to be common in some larger organizations is for an injured worker to use sick leave and the employer benefits plan in lieu of WCB benefits. If the worker files a WCB claim, wages are interrupted. The claim is often appealed. The appeal process may delay adjudication and the receipt of LEB. This imposes financial hardship during the waiting period for LEBs. The path of least resistance is to use the organization's sick leave and benefit plan in lieu of WCB benefits. No claim is submitted to the WCB and, it was suggested, no EIR is submitted. Some focus group members described the difficulties they encounter attempting to persuade workers to submit a WCB claim so as to protect themselves if the condition worsens or recurs. Many workers, it was said, do not want the conflict with their employer and their fellow employees that they associate with filing a WCB claim.

One focus group participant cited, as an example, a large organization which it was said had a *de facto* policy of appealing virtually all WCB claims. The practice of aggressive appealing of many or most claims conveys to workers the message that claiming WCB benefits is regarded as a hostile act by the employer. Several focus group participants believed that the practice of aggressive appealing is a significant deterrent to claiming benefits.

Three focus group participants described examples of incentive programs that linked small ‘perks’ or financial rewards to the avoidance of lost-time injuries. Participants believed that these incentive programs discouraged reporting injuries to employers because reporting an injury would jeopardize the perk or financial reward for the whole work group.

It was also noted by some focus group participants that non-reporting is not a problem in their workplace and their employers encourage full reporting or at least do not discourage reporting through aggressive appealing or incentive plans tied to the avoidance of lost-time injuries. In the unionized construction industry, it was suggested that non-reporting of injuries is uncommon, unless the worker does not regard the injury as serious. In the non-union construction industry, however, it was suggested that non-reporting is more common and that employers discourage employees from submitting WCB claims.

Young workers were said by some focus group participants to be more likely to underestimate severity of an injury and also less likely to report the injury or to claim WCB benefits. It was also suggested that recent immigrants, who had not yet acquired Canadian citizenship were less likely to risk a negative reaction from their employer by applying for WCB benefits.

Some focus group participants said that there is a perception that the WCB is overly bureaucratic and that there are long delays in the processing of benefits. The focus group participants did not endorse this perception, but said that it is common. They attributed the perception to delays that can arise when an employer appeals a claim. Some employers, it was suggested, encourage their employees to believe that the WCB is slow in processing benefits.

Focus group participants were asked to assess the likelihood on a 1-5 scale of various reasons that have been suggested as to why a worker might not report an injury to their employer or to the WCB. This was the same exercise as in the employer focus group. Figure No. 44 on the following page summarizes these responses. It will be noted that the assessments in the worker focus group differ significantly from the assessments in the employer focus group.

Figure No. 44
Worker Focus Group Participants' Assessment of the Likelihood
of Various Explanations of Why a Worker
Might Not Report an Injury to His/Her Employer or to the WCB
(n=16)

Suggested Reason	1 Never Happens	2	3	4	5 Happens All the Time	Not Aware
No. of Responses (n=4)						
1. Some workers do not report a workplace injury because they are afraid that they will be thought of as careless or even incompetent.		1	4	5	6	
2. Some workers do not report a workplace injury because they fear such a report would result in their being transferred to a less favourable assignment or job.		3	6	3	3	
3. Some workers do not submit a WIR because they consider the workers' compensation system too bureaucratic and complex.		1	7	6	2	
4. Some workers do not submit a WIR because they believe this would harm their employer and they want to be loyal to their employer.	1	7	4	3		1
5. Some workers do not submit a WIR because there is no apparent reason to do so: their employer covers the lost time (through wage continuation or a sick leave plan) and the medical costs through a benefit plan.	2	3	4	5	1	1
6. Some workers do not submit a WIR because they underestimate the severity of the injury or the risk of recurrence of the symptoms.			2	8	6	
7. Some workers do not submit a WIR because they are unaware of their rights and unaware of employer obligations.		2	3	5	6	
8. Some workers do not submit a WIR because they carry with them attitudes acquired in their country of origin where submitting such a report might be seen as disloyal or causing jeopardy.		1	5	2	8	

Handling Claims:

Focus group participants described the procedures at various workplaces for reporting work-related injuries. In some smaller workplaces, there are no written policies and the handling of a work-related injury is *ad hoc*. In larger workplaces, there are stated policies and procedures for reporting injuries. Many large organizations have an on-site clinic.

It was the view of many focus group participants that the triggering event for a claim is a medical report. If an employer is aware that a medical report has been filed, or is likely to be filed, the employer will almost always file an EIR. Neither the union, nor the worker, it was said, see the EIR. Some employers, it was suggested, will contact the WCB adjudicator in an attempt to influence the initial handling of the claim, if

one is submitted. One focus group member said that some employers only file an EIR if they know that the worker has or will submit a claim.

One participant said that health clinic staff at an employer will sometimes contact a worker's family doctor in an attempt to influence how the doctor describes the injury.

Third Party Claims Administrators:

One focus group participant said that prior to the early 1990s, there were very few employers that utilized third party claims administrators. The use of these services increased rapidly following the introduction of experience rating which, it was claimed, created incentives to deter claims or to reduce their cost. It was said that the prevalence of third party claims administrators has made the workers compensation system much more adversarial and significantly more litigious. Focus group participants repeated the view that many third party claims administrators appeal claims as a matter of course. The first reason is to get access to the file. The second is to deter claims from being submitted. In one workplace, it was said that supervisors would warn injured workers that if they filed a WCB claim, their employer would oppose it.

Information Provided to Unions:

Focus group participants offered quite different perspectives on the information that employers provide to the union when there is a work-related injury. In some workplaces, the employer has a full disclosure policy and encourages the health and safety committee to investigate the causes of the injury. It was suggested that the key is the quality and diligence of the health and safety committee. If that committee fulfills the role expected of it, then information is usually not a problem. If the committee is poorly trained or weakly motivated, then it may not ask for information. One participant described an example where the information provided to a health and safety committee was 'sanitized' to remove suspicion that the injury was caused by repetitive strain.

In many cases the union is informed about a worker returning to work under modified duties. It was suggested that health and safety committee are usually not informed about return to work arrangements.

Return to Work:

Focus group participants also offered different perspectives on return to work and modified duties. Some focus group participants endorsed the general philosophy of early and safe return to work. They indicated that in their work place, return to work with modified duties was common and was successful in 60-80% of cases. One focus group participant commented that 'there are lots of good return to work programs'. Other focus group participants described instances in which the modified duties were not 'real jobs'. One participant said that some modified duties do not allow the injured joints or tissue to rest properly and have been known to cause symptoms to spread to other parts of the body. This can lead to a dispute over the nature and consequences of the original injury and whether the worsened conditions were attributable to the modified duties or to other activities.

It was suggested that workers who were being treated with opiates should not be returning to work.

Some focus groups participants believed that the WCB should apply proactive scrutiny to return to work arrangements, rather than rely on complaints to trigger a review. It was suggested that the WCB should track re-injury rates among workers who returned to work under modified duties.

Incentive Plans:

Focus group participants were strongly critical of incentive plans that linked perks or financial rewards to maintaining a no lost time injury record. Group perks and financial rewards were singled out for particular criticism. It was said that some workers would refrain from reporting an injury or submitting a WCB claim so as not to jeopardize a group perk or reward. It was also said that, in some cases, peer pressure might be applied to a worker by group members concerned about losing the perk or financial reward.

Worker Incident Report (WIR):

Focus group participants believed that most workers phone their information to the WCB, rather than submit a WIR. They said they were quite satisfied with the way that the WCB handles the vast majority of workers. Most submit information on an injury by phone. It was noted that the WCB has made arrangements to handle calls in multiple languages other than English or French.

It was suggested that the WIR should be available in other languages in addition to English, French and Spanish. Italian, Filipino and Portuguese were suggested, in particular.

One participant suggested that the WIR needs more instruction on how to describe the injury. This may be particularly important in the context of increased appeal activity by employers.

It was also recommended that the WCB remove the section of the WIR that asks a worker to identify witnesses to the injury. The concern is that an employer will appeal the claim to get access to the file and will then know the identity of the witness. That person may be subjected to pressure to alter their account of the injury so as to contradict or weaken the worker's description.

Reasons Why Some Employers May not Report an Injury:

Focus group participants were strongly of the view that experience rating creates incentives to discourage and suppress claims. Figure No. 45 summarizes how focus group participants assesses the likelihood of various explanations why an employer might not report an injury to the WCB. There are notable differences between these assessments and those of the participants in the employer focus group.

Figure No. 45
Worker Focus Group Participants' Assessment of the Likelihood
of Various Explanations of Why an Employer
Might Not Report an Injury to the WCB
(n=16)

Suggested Reason	1 Never Happens	2	3	4	5 Happens All the Time	Not Aware
No. of Responses (n=4)						
1. Some employers are motivated not to file an EIR by fear of triggering a health and safety inspection.	1	5	3	3	3	1
2. Some employers lack knowledge of their legal obligation to file an EIR	5	3	5	1	2	
3. Some employers do not file an EIR because they do not want to become involved with the WCB. They think it is bureaucratic and complex.	1	5	6	3		1
4. Some employers do not file an EIR or misrepresent a lost-time claim as a no-lost-time claim to avoid an adverse impact on their experience rating.		1	1	3	9	2

Improving the System:

The focus group participants were asked to make suggestions that they felt would reduce the incidence of claim suppression and the misrepresentation of lost-time injuries as no lost time injuries. The following list abbreviates and consolidates the suggestions that were offered on how to improve the compensation system:

1. Eliminate experience rating.
2. Introduce more severe penalties for incidents of claim suppression or claim misrepresentation.
3. Remove third-party claims administrators from the process.
4. Abolish workplace incentive programs.
5. Prohibit interference with a claim until the adjudicator has assessed the claims.
6. Take steps to counter the practice of appealing all or a large majority of claims.
7. Promote prevention and training, not behaviour based safety programs.
8. Focus education resources on new Canadians and workers not represented by unions.
9. A brief fact sheet should accompany the WIR that would describe a worker's rights and an employer's obligations.

10. Provide WCB benefits quickly and at least on par with benefits available through a sick leave or health benefit program.
11. Reduce the stigma associated with making a claim.



7. Conclusions

The purpose of this study was to examine evidence on the incidence of claim suppression and factors that may be associated with claim suppression.

‘Claim suppression’ was defined as the intentional inducement of a worker by an employer not to claim WCB benefits to which the worker would likely have been entitled. Inducement includes incentives not to claim WCB benefits, threats or perceived threats if benefits are claimed and the deliberate provision of misinformation as to entitlement to benefits. Claim suppression should be distinguished from two broader phenomena: under-reporting by employers (which includes both non-reporting and misreporting) and under-claiming by workers. All claim suppression involves employer under-reporting and worker under-claiming. However, both employer under-reporting and worker under-claiming can occur without an employer inducing a worker to under-claim.

7.1 Research:

This study drew on the following research to support its conclusions:

8) Literature Review

9) *Survey of Injured Workers (General Population):*

- Telephone survey of 200 workers drawn randomly from the Manitoba population who reported that they had experienced a work-related injury while they were resident in Manitoba and were 18 or older at the time of injury.

10) ANLT Claims Analysis

- A sample of 1,329 ANLT claims randomly drawn from the period 2010 to 2013, with over-sampling from 2012 and 2013.

11) *ANLT Survey:*

- Survey pool drawn from a sub-set of 803 ANLT claims that were judged to be at greater risk of pertaining to a lost-time injury notwithstanding that the claims had been reported and accepted as no lost-time claims.
- Survey sample: 121 persons

12) DLT Claims Analysis:

- A sample of 922 disallowed lost-time claims drawn from the period 2010 to 2013.
- Two sub-sets:

- (c) 220 claims that were disallowed because the WCB could not establish that a work-related injury had occurred.
- (d) 702 claims that were disallowed because of insufficient information

13) *DLT Survey*:

- Survey pool drawn from a sub-set of 547 files that were judged to exhibit stronger or more numerous anomalies that raised questions as to why the worker had not pursued the claim or appealed the disallowance.
- Survey sample: 47 persons comprising 22 persons whose claims had been disallowed because the WCB could not establish that a work-related injury had occurred and 25 persons whose claims had been disallowed because of insufficient information.

14) Employer and Worker Focus Groups:

- One focus group was conducted with employer representatives (4 participants).
- Two focus groups were conducted with worker representatives (17 participants).

7.2 Under-Claiming WCB Benefits:

There appears to be significant under-claiming of WCB benefits in the Manitoba. The *Survey of Injured Workers (General Population)* suggests that under-claiming could apply to 45.7% of lost-time injuries. The proportion of non-claimers declines as the duration of lost-time increases, although the proportion of non-claimers for absences from work of more than five days was still high at 30.1%.

7.3 Motivations for Under-Claiming WCB Benefits:

The research for this report, as well as other research studies, finds that many workers refrain from claiming workers compensation benefits for reasons that are unrelated to overt claim suppression. Lack of knowledge of entitlement rights and many workers' preference for readily available alternatives, such as Manitoba Health, employer benefit plans and sick leave plans are clearly important factors influencing the apparently high rate of under-claiming.

The *Survey of Injured Workers (General Population)* found that, of those workers with lost-time injuries who did not apply for WCB LEB:

- 27.4% reported that it was 'not worth the trouble',
- 17.9% were uncertain about their eligibility, and

- 18.8% preferred to use sick leave benefits.

Of those workers who did not apply for WCB Medical Benefits, the survey found that 47.0% preferred readily available alternatives such as Manitoba Health, an employer health plan, or a family member's health plan.

In the *ANLT Survey*, among the 49 respondents who indicated that their injury entailed lost-time, 25 had their wages continued by their employer or by a sick leave plan and 29 reported that they did not know how to apply for WCB LEB. (These responses cannot be summed as survey participants could answer affirmatively to both questions.) Similar results were found in the DLT Survey where 15 of 47 respondents indicated that they did not know how to go about submitting a claim.

7.4 Employer Misreporting of Lost-Time Claims as No-Lost-Time Claims:

Misreporting consists of an employer submitting an EIR in which an injury is described as involving no lost working time when, in fact, the injury required time off work. Misreporting is of concern for three reasons. First, misreporting potentially denies workers LEB to which they would otherwise be entitled. Second, misreporting potentially 'games' the experience rating system by making the incidence of lost-time injuries appear to be lower. This shifts the overall burden of costs to employers who conscientiously fulfill their reporting obligations. Third, if the prevention system relies on WCB lost-time data, misreporting potentially leads to a misallocation of prevention resources by masking situations that require more proactive prevention efforts.

As noted earlier, all of the participants in the *ANLT Survey* were selected from a sample of accepted no-lost-time claims. All of these claims, therefore, had been reported and accepted as no-lost-time claims. Answers to a number of survey questions generated responses that were inconsistent with the no-lost-time status of many of the claims:

- 40.6% of respondents reported that they had lost at least 1 day of working time,
- 45.5% of respondents were advised by a medical practitioner to take time off,
- 12.5% of respondents reported that they had lost more than 5 days of working time.
- 5.0% of respondents left their employment following their accident.
- 5.0% of respondents reported that their pay or hours were reduced.

When extrapolated to the sample of 1,329 ANLT claims, the lower boundary estimate of misrepresentation is 14.3% while the upper boundary estimate is 35.1%. The core conclusion, therefore, is that misreporting is a

material occurrence, regardless of whether the upper or lower boundary estimate is used. Misreporting should not be regarded as a statistically insignificant phenomenon.

7.5 Claim Suppression:

This report distinguishes between ‘overt claim suppression’ and ‘soft suppression’. Overt claim suppression occurs when employers (a) ask or pressure workers to withdraw claims or not to report injuries to the WCB, (b) threaten workers if they report an injury or do not withdraw a claim, (c) eliminate or reduce bonuses or ‘perks’ if lost time is reported, or (d) provide workers with misinformation as to eligibility. Soft suppression consists of wage continuation in lieu of WCB LEB and the use of benefit plans in lieu of WCB Medical Benefits. The boundary between overt suppression and soft suppression is not clear cut. An employer may be aware that a worker was injured and is using the sick plan in lieu of WCB LEB. In these circumstances, the employer would be contravening its reporting obligations under the *Manitoba Workers Compensation Act*. Alternatively, the worker may not have reported the injury to his or her employer.

All three of the survey sources suggest that claim suppression is a material and germane factor.

Injured Worker Survey (General Population):

In the Injured Worker Survey (General Population), claim suppression was explored two contexts. The first was in relation to the sub-set of respondents who reported that they had experienced a lost time injury, but did not apply for WCB LEB (n=117). The second context was the entire survey sample (n=200) where questions were explicitly asked about employer claim suppression activities.

For respondents who had experienced lost time injuries but did not apply for WCB benefits, claim suppression was suggested by answering affirmatively to any of the following:

- My employer told me I was not eligible for WCB wage loss benefits.(or equivalent)
- I thought I would get into trouble if I reported my injury to WCB (or equivalent)
- My employer pressured me not to apply for WCB benefits (or equivalent)

Taking affirmative responses to these explanations as indicating overt claim suppression suggests that overt claim suppression was relevant to 6.0% of the respondents who experienced a lost-time injury, but did not apply for WCB LEB. This does not include wage continuation as an indicator of claim suppression. Applying a similar analysis to respondents who did not apply for Medical Benefits suggests that overt claim suppression was relevant to 7.7% of those respondents.

The second context in which the survey explored claim suppression pertained to the entire survey sample (n=200). Respondents were asked whether they had been asked not to submit a claim, asked to withdraw a claim, threatened if they submitted a claim or did not withdraw a claim and also whether they were aware of other employees who had been asked not to submit a claim, asked to withdraw a claim or threatened. The survey found that 11.5% of respondents reported such incidents. Again, this does not include wage continuation as a type of claim suppression.

Younger workers were more likely to report claim suppression activity. Gender, immigration status and unionization did not affect the incidence of claim suppression. Although employers with 10 to 24 employees had the highest incidence of claim suppression, reported claim suppression activities were found across all employer sizes. More than half of the respondents who reported claim suppression activities were employed in operations with more than 100 employees.

ANLT Survey:

In the *ANLT Survey*, claim suppression activity was indicated by an affirmative answer to any of the following questions:

- If you submitted a claim, did your employer ask you to withdraw it?
- Did your employer tell you or suggest to you that you were not entitled to WCB benefits?
- Did your employer encourage you not to apply for WCB benefits?
- Would you have lost a bonus or your and your fellow employees have lost a group bonus if you had applied for WCB benefits?
- Did you feel that your job opportunities with your employer would be threatened if you had applied for WCB lost earnings?
- Did your employer ask you not to report the lost time?

The overall incidence of claim suppression activities was 19.8%. This increases to 36.3% if wage continuation is included as a form of claim suppression. Approximately 60% of all claim suppression activity pertained to injuries that involved 5 or fewer days of lost time. There appears to be a close correspondence between misreporting a lost-time injury as a no-lost-time claim and claim suppression such that misreporting is a strong indicator of the likelihood of claim suppression.

DLT Survey:

The *DLT Survey* asked the same questions on claim suppression as the *ANLT Survey*. The sample, however, was much smaller (47). Overt claim suppression was reported by 29.8% of survey respondents. This estimate increases to 53.2% if wage continuation is included. In the *DLT Survey*, claim suppression was more evident in injuries involving 15 days or more of lost working time. This is opposite to the finding in the *ANLT Survey* which found that claim suppression was more common in relation to short periods of lost working time.

Figure No. 46 summarizes the survey results on claim suppression.

Figure No. 46
Summary of Survey Findings on Claim Suppression

Source	Key Findings
<i>Survey of Injured Workers (General Population) - Sub-Set of Respondents who did not apply for WCB Benefits (n=117)</i>	<ul style="list-style-type: none"> • 6.0% reported overt claim suppression as a factor in not applying for LEB. This does not include wage continuation as a form of claim suppression. • 7.7% reported claim suppression as a factor in not applying for Medical Benefits.
<i>Survey of Injured Workers (General Population) n=200</i>	<ul style="list-style-type: none"> • 11.5% respondents reported that they had experienced or were aware of incidents of overt claim suppression, excluding wage continuation.
<i>ANLT Survey (n=121)</i>	<ul style="list-style-type: none"> • 19.8% respondents reported at least one time of over claim suppression, excluding wage continuation. • This increases to 36.3% if wage continuation is included as a form of claim suppression.
<i>DLT Survey (n=47)</i>	<ul style="list-style-type: none"> • 29.8% respondents reported at least one time of over claim suppression, excluding wage continuation. • This increases to 53.23% if wage continuation is included as a form of claim suppression.

The estimates range from 6.0% to 29.8%. The estimate in the total sample of the *Survey of Injured Workers (General Population)* is the strongest of these findings methodologically.

7.6 Third Party Claims Administrators:

The ANLT claims analysis found evidence that 31.4% of the files involved third party claims administrators. The proportion may have been higher as the claim does not necessarily include a reference to a third party claims administrator even one was involved in the claim. In the DLT claims analysis, 32.4% of the files referred to a third party claims administrator. Again, the actual proportion may have been higher.

In the *ANLT Survey*, administrative data confirmed that 34.7% of the respondents' claims files showed that a third party claims administrator was involved with the file. It is clear from these findings that third party claims administrators play an important role in Manitoba's workers compensation system.

There is insufficient data in the research for this report to draw any conclusions on the role of third party claims administrators. However, the evident importance of third party claims administrators makes it important to be cognizant of their professional standards and their approach to claims management and disability management. The findings from this report cannot speak to whether regulation of this role is needed or appropriate.

7.7 Modified Duties

Data from the Survey of Injured Workers (General Population) suggest that modified duties played a role in return to work in around 15.5% of injuries. The vast majority (87.1%) of survey respondents with experience of modified duties reported that these modified duties were consistent or a good fit with their recovery from injury. Around 32.3% of respondents with experience of modified duties felt that their modified duty arrangements were inconsistent or not a good fit with their training and experience.

7.8 Stakeholders' Perceptions:

The focus groups revealed a wide gap between the perceptions of employers and the perceptions of workers' representatives. The employers that participated in the focus groups were all drawn from large organizations with well-developed policies and procedures for collecting information on work-related injuries. The experience of these employers was that very few work-related injuries go unreported. The employers all described 'by the book' practices for reporting to the WCB. Not surprisingly, based on their experience, these employers did not see under-reporting and claim suppression as a significant problem. If claim suppression occurs, they expect that it is confined to a small minority of small employers who account for only a minor fraction of the Manitoba work force. These employers are concerned about the prospect of more demanding regulatory requirements to address what they regard as an uncommon and isolated phenomenon. They regard third party claims administrators as providing a useful service, though primarily to small employers who lack internal expertise on WCB claims management and disability management.

Workers' representatives see claim suppression as systemic. In their view, it is common for employers to encourage workers to use sick leave and benefits plans in lieu of Workers Compensation benefits. The workers' representatives see third party claims administrators playing an important role in deterring WCB claims through the practice of aggressively appealing of claims. The use of third party claims administrators is seen as quite common and not confined to small employers. Workers' representatives believe that the driver behind claim suppression is the incentive to reduce claims costs so as to enjoy benefits or avoid penalties under the experience rating system for employers' WCB contributions. Workers' representatives seek more stringent penalties for claim suppression, regulation (or prohibition) of third party claims administrators and elimination or major reform of experience rating.

7.9 Qualifications to Findings:

All of the findings reported in this study are based on the analysis of sampled files and surveys undertaken for the study. Estimates of under-claiming, and expected misreporting and overt claim suppression are based on these sources. It is important, therefore, to keep in mind the limitations of these sources:

- a) All sampling and surveying procedures are subject to sampling error. It is inevitable when dealing with a phenomenon such as time-loss injuries related to work, that the number of survey observations will be small. This increases the risk

of sampling error. An accurate calculation of the margin of error is not feasible. The reason for this, as is shown by the literature review, is that there are no wholly reliable measures of the number of workers who experienced work-related injuries.

- b) To increase the number of survey observations, respondents were asked about injuries that occurred within the past three years. The passage of time increases the risk that recollection may not be accurate.
- c) Some of the participants in surveys or some of the injuries that they reported may not have been eligible for WCB coverage.
- d) Claim suppression cannot be directly observed. The only source of information is survey respondents' reports of employer activities to which it is reasonable to impute an intention to suppress a WCB claim. Some survey respondents may be reluctant to provide this information while others may exaggerate.
- e) The research procedure used to generate a pool for follow up surveys of WCB claimants involved prioritizing subsets of files based on greater risk that those claims may have involved either misreporting or claim suppression. This procedure was adopted to maximize the efficiency of limited resources for surveying. As a result of the prioritization procedure, adjustments must be made when extrapolating these survey findings to produce overall estimates of the expected incidence rates for misreporting and claim suppression. The resulting estimates could overstate or understate the risk of misreporting and claim suppression. To avoid overstatement, the report used conservative assumptions.

For all of these reasons, it is important to exercise caution when interpreting the results of the research presented in this report.



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- A: Survey of Injured Workers (General Population)
- B: Files Review: Data Collection Template
- C: ANLT and DLT Survey Questionnaire
- D: Focus Group: Discussion Guides



Survey of Injured Workers
(General Population)

Questionnaire

VIEWPOINTS RESEARCH (N = 200)

CASE NUMBER: _____

The Workers Compensation Board of Manitoba (WCB) is interested in your opinions related to your recent work experience. The information you provide is part of a larger scale study being conducted with Manitoba employers and other workers. This survey should take you less than fifteen minutes to complete. Your responses are anonymous and will be kept strictly confidential. Please follow the directions provided and complete each question. WCB appreciates your participation in the survey and thanks you for your input.

1. Please read each question carefully.
2. Please select your answer(s) to each question according to the instructions provided.

Q1 Have you experienced one or more work-related injuries in the past 3 years? **RECORD ONE RESPONSE ONLY**

- Yes, only one injury1
- Yes, more than one injury2
- No3 **TERMINATE**
- Unsure4 **TERMINATE**

Questions in this survey refer to your first or only work related injury occurring in the past 3 years, unless stated otherwise.

Q2 At the time of your injury, were you working in Manitoba? **RECORD ONE RESPONSE ONLY**

- Yes.....1
- No2 **TERMINATE**
- Unsure3 **TERMINATE**

Q3 At the time of your injury, were you... **RECORD ONE RESPONSE ONLY**

- An employee1
- A manager2
- An owner3 **TERMINATE**
- Self employed.....4
- Unsure5 **TERMINATE**

Q4 What was your approximate age at the time of your injury? **RECORD ONE RESPONSE ONLY**

- Under 18.....1
- 18 to 24.....2
- 25 to 34.....3
- 35 to 44.....4
- 45 to 54.....5
- 55 to 64.....6
- 65 or older7
- Unsure8

Q5 What is your gender? **RECORD ONE RESPONSE ONLY**

- Male.....1
- Female2

Q6 What is the highest level of formal education you have completed? **RECORD ONE RESPONSE ONLY**

- High school or less 1
- Trade qualifications.....2
- Some college/technical school or
college/technical school grad3
- Some university or university grad4
- Unsure5

Q7 Which of the following best describes you: **RECORD ONE RESPONSE ONLY**

- I was born in Canada.....1
- I immigrated to Canada.....2
- Unsure3

Q8 My first language is: **RECORD ONE RESPONSE ONLY**

- English.....1
- French.....2
- Other.....3
- Unsure4

Q9 At the time of your injury, what was your occupation?

Unsure.....99

Q10 In what industry were you working at the time of your injury? **RECORD ONE RESPONSE ONLY**

- Agriculture, fishing, forestry or logging01
- Mining, quarrying or oil and gas extraction02
- Utilities03
- Construction04
- Manufacturing05
- Wholesale or retail trade06
- Transportation07
- Broadcasting, cultural and information industries08
- Finance and insurance09
- Accommodation and food service.....10
- Other private sector services11
- Government – municipal, provincial or federal12
- Health care or social services13
- Education.....14
- Other.....77
- Unsure99

Q11 At the time of your injury, were you a member of a union? **RECORD ONE RESPONSE ONLY**

- Yes.....1
- No.....2
- Unsure3

Q12 At the time your injury, approximately how many people worked for your employer, considering all the workplaces where your employer had operations? **RECORD ONE RESPONSE ONLY**

- Less than 10..... 1
- 10 to 24.....2
- 25 to 99.....3
- 100 to 499.....4
- 500 or more5
- Unsure6

Q13 At the time of your injury, were you... **RECORD ONE RESPONSE ONLY**

- A permanent employee..... 1
- A temporary, term or casual employee2
- Working for a temporary help agency.....3
- Other.....4
- Unsure5

Q14 At the time of your injury, were you working... **RECORD ONE RESPONSE ONLY**

- Full time (30 hours or more per week)..... 1
- Part time (less than 30 hours per week)2
- Unsure3

Q15 At the time of your injury, what was your approximate regular salary or wages per week before taxes, not including overtime? **RECORD ONE RESPONSE ONLY**

- Less than \$200 per week 1
- \$201 to \$400 per week2
- \$401 to \$600 per week3
- \$601 to \$800 per week4
- \$801 to \$1000 per week5
- \$1001 to \$1200 per week6
- More than \$1200 per week.....7
- Unsure8

Q16 Did your injury require any of the following: **RECORD ALL RESPONSES THAT APPLY**

- Visit to a hospital emergency department 1
- Visit to a family doctor or clinic2
- Visit to a chiropractor.....3
- Visit to a physiotherapist.....4
- Prescription drugs.....5
- Medical device (e.g. crutches, brace, hearing aid)6
- None of the above7
- Unsure8

Q17 Which of the following statements best describes the most serious aspect of your injury? **RECORD ALL RESPONSES THAT APPLY**

I suffered muscle or tendon sprains, strains or tears	1
I suffered surface wounds or bruises	2
I suffered open wounds	3
I suffered other traumatic injuries	4
I suffered fractures or dislocations	5
I suffered burns.....	6
I suffered other occupational illnesses or diseases	7
Unsure	8

Q18 Not counting regular days off work and not counting the day of the injury, how many work days did you lose as a result of your injury? **RECORD ONE RESPONSE ONLY**

No lost time	1
1 day or part of a day.....	2
2 to 5 days	3
6 to 10 days	4
11 to 15 days	5
More than 15 days.....	6
Unsure	7

Q19 After your injury, did you return to your regular job... **RECORD ONE RESPONSE ONLY**

On the same day	1	GOTO Q22
On the day after my injury	2	GOTO Q22
After taking some time off.....	3	GOTO Q22
After performing modified duties for a period of time	4	
Never	5	GOTO Q22
Unsure	6	GOTO Q22

Q20 Were your modified duties consistent, or a good fit, with your training and experience? **RECORD ONE RESPONSE ONLY**

Yes.....	1
No.....	2
Unsure	3

Q21 Were those modified duties consistent, or a good fit, with your recovery from your injury? **RECORD ONE RESPONSE ONLY**

Yes.....	1
No.....	2
Unsure	3

Q22 The Workers Compensation Board of Manitoba (WCB) provides two types of benefits. (1) Wage loss benefits which compensate you for earnings lost because of your injury and (2) medical expense benefits to compensate you for out of pocket expenses for prescription drugs, travel to appointments, and medical devices or services.

Did you apply for any WCB benefits as a result of your injury? **RECORD ONE RESPONSE ONLY**

Yes.....	1	
No.....	2	GOTO Q24
Unsure	3	GOTO Q24

Q23 Did you receive any WCB benefits to replace your lost wages? **RECORD ONE RESPONSE ONLY**

- Yes..... 1 **GOTO Q25**
- No.....2
- Unsure3 **GOTO Q25**

Q24 Did your employer or sick leave plan maintain your wages while you were off work? **RECORD ONE RESPONSE ONLY**

- Yes.....1
- No.....2
- Unsure3
- Not applicable4

GOTO Q26 IF Q22>1

Q25 Did you receive any WCB benefits to pay for medical expenses (e.g. prescription drugs or a medical device such as crutches, a brace or hearing aid)? **RECORD ONE RESPONSE ONLY**

- Yes.....1 **GOTO Q29**
- No.....2
- Unsure3 **GOTO Q29**

Q26 Did your employer or benefit plan cover some or all of your medical expenses? **RECORD ONE RESPONSE ONLY**

- Yes.....1
- No.....2
- Unsure3
- Not applicable4

GOTO Q29 IF Q22=1

Q27 Which of the following best describes your reasons for not applying to WCB for wage loss benefits? **RECORD ALL RESPONSES THAT APPLY**

- I did not lose time from work.....01
- It was not worth the trouble to apply for WCB wage loss benefits.....02
- I did not know I was entitled to WCB wage loss benefits.....03
- I did not know how to apply for WCB wage loss benefits.....04
- My employer told me I was not eligible for WCB wage loss benefits.....05
- My employer or my sick leave plan paid my wages while I was off work06
- I thought I would get into trouble if I reported my injury to WCB.....07
- My employer pressured me not to apply for WCB benefits.....08
- Other (specify below).....77
- None of these reasons.....88
- Unsure99

Q28 Which of the following best describes your reasons for not applying to WCB for benefits to pay for medical expenses? **RECORD ALL RESPONSES THAT APPLY**

- I did not have any medical expenses01
- Manitoba Health covered the costs02
- It was not worth the trouble to apply for WCB medical benefits.....03
- I did not know I was entitled to WCB medical benefits.....04
- I did not know how to apply for WCB medical benefits.....05
- My employer told me I was not eligible for WCB medical benefits.....05
- My employer or my benefit plan covered my medical expenses06
- My expenses were covered by the benefit plan of my partner, spouse or other family member.....07
- I thought I would get into trouble if I reported my injury to WCB.....08
- My employer pressured me not to apply for WCB benefits.....09
- Other (specify below).....77
- No of these reasons.....88
- Unsure99

Q29 As a result of your work related injury, did you experience any financial losses that were not covered by either WCB or your employer? **RECORD ONE RESPONSE ONLY**

- Yes.....1
- No.....2 **GOTO Q31**
- Unsure3 **GOTO Q31**

Q30 What was the nature and approximate amount of those losses?

Amount \$ _____

Nature of loss: _____

Unsure/can't say99

Q31 Did you report your injury to your employer? **RECORD ONE RESPONSE ONLY**

- Yes.....1 **GOTO Q33**
- No.....2
- Unsure3 **GOTO Q33**

Q32 Which of the following statements best describes your reason for not reporting your injury? **RECORD ONE RESPONSE ONLY**

I did not think the injury was sufficiently serious to justify reporting it	1
The injury was my fault	2
I thought I would get into trouble if I reported my injury	3
My fellow employees urged me not to report my injury	4
If I reported my injury I would lose my bonus.....	5
If I reported my injury my fellow employees would lose a bonus	6
If I reported my injury I might have been assigned to less favourable work.....	7
If I reported my injury I might have lost out on desirable promotions or assignments	8
Other.....	9
Don't know / Refused.....	10

Q33 Did you tell a doctor or other health care provider that your injury was the result of a work related incident?

Yes.....	1	
No.....	2	GOTO Q35
Unsure	3	GOTO Q35

Q34 Did your doctor or other health care provider recommend that you take time off work after your injury?

Yes.....	1
No.....	2
Unsure	3

Q35 **IF Q11=1 ASK** Was your union aware of your injury?

Yes.....	1
No.....	2
Unsure	3

Q36 Did you submit a Worker Incident Report to the WCB?

Yes.....	1	
No.....	2	GOTO Q39
Unsure	3	GOTO Q39

Q37 Did your employer assist you in submitting the report?

Yes.....	1
No.....	2
Unsure	3

Q38 **IF Q11=1 ASK** Did your union assist you in submitting the report?

Yes.....	1
No.....	2
Unsure	3

Q39 Did your employer submit an Employer Incident Report to WCB?

Yes.....1
 No.....2
 Unsure3

Q40 **IF Q18≠1 OR 7 ASK** Did your employer ask you not to report the lost time?

Yes.....1
 No.....2
 Unsure3

Q41 **IF Q18≠1 OR 7 ASK** Did your employer threaten you with repercussions if you submitted a Worker Incident Report to WCB?

Yes.....1
 No.....2
 Unsure3

Q42 Are you aware of other employees in your workplace who were asked not to report their lost time or threatened with repercussions if they submitted a Worker Incident Report to WCB?

Yes, asked not to report.....1
 Yes, threatened with repercussions2
 Yes, asked not to report and threatened3
 No.....4
 Unsure5

Thank-you for taking the time to participate in this survey.



Files Analysis:
Data Template

WCB

PRISM Manitoba WCB Database
ECONOMICS AND ANALYSIS

Please remember to save database to a local drive before entering data and enable all macros and content

Link Code: **File Overview**

Are the following forms present in the file (check-off each form present)?

<input type="checkbox"/> Employer's Incident Report	<input type="checkbox"/> Physiotherapist: Application for Additional Treatment
<input type="checkbox"/> Worker Incident Report	<input type="checkbox"/> Physiotherapy Progress/Discharge Assessment
<input type="checkbox"/> Doctor First Report	<input type="checkbox"/> Initial – Opioid Management Report
<input type="checkbox"/> Doctor Progress Report	<input type="checkbox"/> Progress – Opioid Management Report
<input type="checkbox"/> Chiropractor First Report	<input type="checkbox"/> Other (Memos, Telephone Notes, Letters)
<input type="checkbox"/> Chiropractor Progress Report	<input type="checkbox"/> Is there evidence of an Emergency Room/Hospital visit immediately after the incident? <input type="text"/>
<input type="checkbox"/> Physiotherapy Initial Assessment	

Worker Information | Worker Incident Report | Employer's Incident Report | Doctor Reports | Physio Reports | Chiro Reports | Opioid Reports | Researcher's Assessment

Worker Information (from either Employer or Worker Incident Report)

Worker Job title:

Is there evidence in the file of a 3rd Party Claims Administrator?

Analyst instructions: The firm specific authorizations are entered in Emerge under Claim Participants - Employer Advocate. A number of these appear in the employer address instead. We want any listed even if no correspondence from advocate because the advocate may advise an employer without correspondence on the file.

General Entry Instructions:

You are currently in the Forms View. This View allows you to enter data. To see the data that has been entered in a tabular format, click on the Table View on the left side of the screen. To get back to the data entry form, click on the Forms View on the left side of the screen.

To enter data from the forms associated with a claims file, select the respective tab to open the corresponding window. Once you have completed entering all of the data for a record click on the new record arrow at the bottom left of the screen to create the next record. The data will automatically be stored in the WCB table. You can check to make sure that the data has been captured by going to the Tables View. You can also scroll through each record in the Forms View by clicking on the arrow at the bottom left of the screen.

Remember to save the database often by clicking on the save icon at the very top and on the left of the screen. The icon looks like a computer diskette. When you move your cursor over the icon it will show "Save (Ctrl+S)". Another way to save your work is to press Ctrl and 'S'.

From Worker Incident/Injury Report

Based on the Worker Incident/Injury Report, how would you characterize the nature of the incident/Injury?

Did the worker report lost time from work?

Did the worker report returning to work?

If Yes, date worker returned to work (dd/mm/yyyy)

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Time away from work (calendar days): Explanatory Note: As a proxy for potential lost time, use the no. of calendar days between day of incident and RTW excluding Sat, Sun and stat holidays - use calendars provided, using manual count

Number of potential working days lost?

Reported lost working time (days), if available ?

Was the worker paid by employer while off work?

Is the worker a sub-contractor or an owner-operator?
Note: if this section of the Worker Report is completed, answer Yes. If it is not completed answer No.

Notes:

From Employer Incident Report

Based on the Worker Incident/Injury Report, how would you characterize the nature of the incident/Injury?

Did the employer report that the worker lost time from work?

Did the employer report that the worker returned to work?

If Yes, date worker returned to work (dd/mm/yyyy)?

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Time away from work (calendar days): Explanatory Note: As a proxy for potential lost time, use the no. of calendar days between day of incident and RTW excluding Sat, Sun and stat holidays - use calendars provided, using manual count.

Number of potential working days lost?

Reported lost working time (days), if available.

Was the worker paid by employer while off work?

Is the employer continuing to pay the worker?

Return to Work Circumstances:

Was the employer able to accommodate the worker with alternate or modified work ?

If the worker returned to work with alternate or modified work, was there information on the modified duties or alternate work? Information can be either a job title or a short description of the modified work or alternate work.

Is the worker a sub-contractor or an owner-operator?

Note: if this section of the Employer Report is completed, answer Yes. If it is not completed answer No.

Notes:

Doctors' Report(s) (including First Reports and Progress Reports)

From Medical Reports

Examination Findings and Diagnosis:

- Sprains, strains and tears
- Surface wounds, bruises
- Open wounds
- Other traumatic injuries
- Fractures, dislocations
- Burns
- Occupational illnesses
(Psychological)

Worker Capabilities - First Report:

Disabled from work beyond date of incident? (first report)

Capable of modified work? (first report)

Physician recommended time (days) off? (first report)

Duration of restrictions/modified duties? (first report) (days calculation)

Estimated date of return (first report)(dd/mm/yyyy) Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Worker Capabilities - Subsequent Report(s):

Disabled from work beyond date of incident in any subsequent report?

Capable of modified work in any subsequent report?

Physician recommended time (days) off in any subsequent report?

Total duration of restrictions/modified duties from all subsequent reports? (days calculation)

Latest estimated date of return from all reports? Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Notes:

From Physiotherapy Report(s)

Examination Findings and Diagnosis:

- Sprains, strains and tears
- Surface wounds, bruises
- Open wounds
- Other traumatic injuries
- Fractures, dislocations
- Burns
- Occupational Illnesses (Psychological)

From Physiotherapy Initial Assessment:

Self Assessment Score:

Numeric Pain Rating Scale:	
Roland Morris Back Pain Questionnaire:	
Neck Disability Index	
Lower Extremity	
Disabilities of the Arm, Shoulder and Hand (DASH)	
Health Status Disability:	

Worker Capabilities - First Report:

Disabled from work beyond date of incident? (first report)

Capable of modified work? (first report)

Duration of modified duties, days (first report) (day calculation)

Physiotherapist recommended time (days) off in first report?

Estimated date of Return (first report) Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Worker Capabilities - Subsequent Report(s):

Disabled from work beyond date of incident in any subsequent report?

Capable of modified work in any subsequent report?

Physiotherapist recommended time (days) off in any subsequent report?

Total duration of restrictions/modified duties from all subsequent reports? (days calculation)

Latest estimated date of return from all reports? Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Notes:

Chiropractor's Report (s)

Examination Findings and Diagnosis:

- Sprains, strains and tears
- Surface wounds, bruises
- Open wounds
- Other traumatic injuries
- Fractures, dislocations
- Bums
- Occupational Illnesses (Psychological)

Worker Capabilities - First Report:

Disabled from work beyond date of incident? (first report)

Capable of modified work? (first report)

Chiropractor recommended time off (first report)?

Duration of restrictions/modified duties? (first report) (days calculation)

Estimated date of return? (first report) Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Worker Capabilities - Subsequent Report(s):

Disabled from work beyond date of incident in any subsequent report?

Capable of modified work in any subsequent report?

Chiropractor recommended time (days) off in any subsequent report?

Duration of restrictions/modified duties? (first report) (days calculation)

Estimated date of return? (first report) Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Worker Capabilities - Subsequent Report(s):

Disabled from work beyond date of incident in any subsequent report?

Capable of modified work in any subsequent report?

Chiropractor recommended time (days) off in any subsequent report?

Total duration of restrictions/modified duties from all subsequent reports? (days calculation)

Latest estimated date of return from all reports? Not stated or Unknown at Time of Examination

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Notes:

From Initial Opioid Management Report:

Pain Scale: 1-10

Function at work: 1-10 scale:

Worker Capabilities:

Disabled from work beyond date of incident (any report)?

Capable of modified work? (any report)

Duration of modified duties? (any report) (days calculation)

Estimated date of Return (any report)? not stated

Note: To enter dates in numeric format, use 2 digits for the day and month and 4 digits for the year. For example (dd/mm/yyyy)

Can worker return to regular duties?

Other Opioid Evidence on File:

Is there evidence in the file of an opioid prescription (see Opioid list)

Researcher's Initial Assessment Report

1. Was there evidence of use of sick leave/holiday pay?
2. Was there evidence of pay continuity by employer?
3. Was there evidence of lost time in the Worker Incident Report?
4. Was the evidence of lost time in the Employer Incident/Injury Report?
5. Was there evidence of lost time in any of the Medical Reports?
6. Was there any other evidence in the file of lost time?
7. Based on your review of the file, was the claim consistent with no lost time?
8. If the worker returned to work with modified duties, were the modified duties appropriate?

Notes:

Once you have completed entering data for this record click on 'new blank record' arrow at the bottom left of the screen to create the next record. The data will be stored in the WCB table. To check, scroll through previously entered record to make sure the data has been recorded. Remember to save the database often by clicking on the save icon on the top left of the screen.



ANLT and DLT Survey
Questionnaire

VIEWPOINTS RESEARCH (N = 200)

CASE NUMBER: _____

PHONE: (204) _____ - _____

GENDER: Male..... 1 Female.....2

CLAIM: Accepted No Loss Time..... 1 Disallowed.....2

FORM: A (Disallowed claims)..... 1 B (Accepted No loss time claims)..... 2

Could I please speak with _____ . **IF THE INDIVIDUAL IS NOT AT HOME, ARRANGE A TIME TO CALL BACK.**

Hello, my name is _____ and I'm calling from Viewpoints Research on behalf of the Workers Compensation Board. Your name was provided to us as someone who had a work-related injury in <year>.

The purpose of the survey is to determine if you received all of the Workers Compensation benefits to which you were entitled as a result of your work-related injury.

None of the answers you provide in this survey will affect benefits that you received. However, if there are benefits that possibly you should have received but did not, we will provide you with the necessary contact information at the end of the survey.

I'd like to assure you that any information you provide is strictly confidential and no one's answers will be singled out, nor will any record of your individual responses be retained by the Workers Compensation Board or shared with your current or previous employers. Your participation in this survey is voluntary and confidential.

IF RESPONDENT HAS ANY QUESTIONS OR CONCERNS ABOUT THE RESEARCH OR THEIR INDIVIDUAL CLAIM THEY MAY CONTACT BRUCE CIELEN OF THE WCB AT (204) 954-4650.

Do you have a few minutes now to complete the survey? **IF YES CONTINUE, IF NO ARRANGE A TIME TO CALL BACK OR THANK AND TERMINATE.**

Q43 Do you recall experiencing a work related injury in YEAR?
Yes 1
No 2 **TERMINATE**
Don't know/Refused 3 **TERMINATE**

Throughout this survey, the injury from YEAR is the only injury we will be discussing, even though you may have had other injuries. When we refer to your employer, we mean your employer at the time of that injury.

Q44 What is the highest level of formal education you have completed?

	High school or less	1
	Trade qualifications.....	2
	Some college/technical school or college/technical school grad	3
	Some university or university grad	4
	Don't know/Refused	5
Q45	Were you born in Canada, or did you immigrate to Canada?	
	Born in Canada.....	1
	Immigrated to Canada	2
	Don't know/Refused	3
Q46	What is your first language?	
	English.....	01
	French.....	02
	Spanish	03
	Tagalog.....	04
	Other (Specify below)	77
	Don't know / Refused	99
<hr/>		
Q47	At the time of your injury, were you a member of a union?	
	Yes.....	1
	No.....	2
	Don't know / Refused	3
Q48	At the time of your injury, were you... READ LIST	
	A permanent employee.....	1
	A temporary, term or casual employee	2
	Working for a temporary help agency.....	3
	Other.....	4
	Don't know / Refused	5
Q49	At the time of your injury, were you working... READ LIST	
	Full time or the equivalent of 30 hours or more per week	1
	Part time or the equivalent of less than 30 hours per week	2
	Don't know / Refused	3
Q50	At the time of your injury, what was your approximate regular salary or wages per week before taxes, not including overtime? READ LIST	

Less than \$200 per week	1
\$201 to \$400 per week	2
\$401 to \$600 per week	3
\$601 to \$800 per week	4
\$801 to \$1000 per week	5
\$1001 to \$1200 per week	6
More than \$1200 per week.....	7
Don't know / Refused	8

Q51 Did your injury require any of the following: **READ LIST AND RECORD ALL RESPONSES**

Visit to a hospital emergency department	1
Visit to a family doctor or clinic	2
Visit to a chiropractor.....	3
Visit to a physiotherapist.....	4
Prescription drugs.....	5
Medical device (e.g. crutches, brace, hearing aid)	6
None of the above	7
Don't know / Refused	8

Q52 Which of the following statements best describes the most serious aspect of your injury? **READ LIST AND RECORD ALL RESPONSES**

I suffered muscle or tendon sprains, strains or tears	1
I suffered surface wounds or bruises.....	2
I suffered open wounds	3
I suffered other traumatic injuries	4
I suffered fractures or dislocations	5
I suffered burns.....	6
I suffered other occupational illnesses or diseases	7
Don't know / Refused	8

Q53 Not counting regular days off work and not counting the day of the injury, how many work days did you lose as a result of your injury?

No lost time	1
1 day or part of a day.....	2
2 to 5 days	3
6 to 10 days	4
11 to 15 days	5
More than 15 days.....	6
Don't know / Refused	7

Q54 After your injury, did you return to your regular job... **READ LIST**

On the same day	1	GOTO 22
On the day after my injury	2	GOTO 22
After taking some time off	3	GOTO 22
After performing modified duties for a period of time	4	
Never	5	GOTO 22
Don't know / Refused	6	GOTO 22

Q55 Were your modified duties consistent, or a good fit, with your training and experience?

	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
Q56	Were your modified duties consistent, or a good fit, with your recovery from your injury?	
	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
Q57	Were your pay or hours reduced?	
	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
Q58	Did you receive any benefits as a result of a motor vehicle or other insurance claim?	
	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
Q59	IF Q18=1 GOTO A60/B61 Did your employer or a sick leave plan cover your wages while you were off work?	
	Employer.....	1
	Sick leave.....	2
	Neither.....	3
	Don't know / Refused.....	4
A60	Did your benefits plan or Manitoba Health cover your medical costs?	
	Benefits plan.....	1
	Manitoba Health.....	2
	Both.....	3
	Neither.....	4
	Don't know / Refused.....	5
A61	Did you know how to apply for WCB benefits?	
	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
B61	Did you know how to apply for WCB lost earnings benefits?	
	Yes.....	1
	No.....	2
	Don't know / Refused.....	3
A62	If you submitted a claim, did your employer ask you to withdraw it?	
	Yes.....	1
	No.....	2
	Did not submit a claim myself.....	3
	Don't know / Refused.....	4

- A63 Did you find the process of submitting a claim or starting the claim process to be difficult?
 Yes..... 1
 No.....2
 Did not submit a claim myself3
 Don't know / Refused.....4
- B63 Did you find the process of submitting a claim for lost earnings benefits to be difficult?
 Yes..... 1
 No.....2
 Did not submit a claim myself3
 Don't know / Refused.....4
- A64 Did your employer tell you or suggest to you that you were not entitled to WCB benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- B64 Did your employer tell you or suggest to you that you were not entitled to WCB lost earnings benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- A65 Did your employer encourage you not to apply for WCB benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- B65 Did your employer encourage you not to apply for WCB lost earnings benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- A66 Would you have lost a bonus or a reward if you had applied for WCB benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- B66 Would you have lost a bonus or a reward if you had applied for WCB lost earnings benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3
- A67 Would your fellow employees have lost a group bonus or reward if you had applied for WCB benefits?
 Yes..... 1
 No.....2
 Don't know / Refused.....3

B67 Would your fellow employees have lost a group bonus or reward if you had applied for WCB lost earnings benefits?

- Yes..... 1
- No.....2
- Don't know / Refused.....3

A68 Did you feel that your job opportunities with your employer would be threatened if you had applied for WCB benefits?

- Yes..... 1
- No.....2
- Don't know / Refused.....3

B68 Did you feel that your job opportunities with your employer would be threatened if you had applied for WCB lost earnings benefits?

- Yes..... 1
- No.....2
- Don't know / Refused.....3

A69 Was there some other reason that you did not apply for WCB benefits? **PROBE DO NOT READ**

- I did not lose time from work.....01
- It was not worth the trouble to apply for WCB benefits02
- I did not know I was entitled to WCB benefits03
- I did not know how to apply for WCB benefits04
- My employer or my sick leave plan paid my wages while I was off work.....05
- I thought I would get into trouble if I reported my injury to WCB06
- I could make more money without WCB benefits07
- Other (specify below).....77
- No reason88
- Don't know / Refused.....99

B69 Was there some other reason that you did not apply for WCB lost earnings benefits? **PROBE DO NOT READ**

I did not lose time from work	01
It was not worth the trouble to apply for WCB lost earnings benefits	02
I did not know I was entitled to WCB lost earnings benefits	03
I did not know how to apply for WCB lost earnings benefits.....	04
My employer or my sick leave plan paid my wages while I was off work	05
I thought I would get into trouble if I reported my injury to WCB.....	06
I could make more money without WCB lost earnings benefits	07
Other (specify below)	77
No reason	88
Don't know / Refused.....	99

Q70 As a result of your work related injury, did you experience any financial losses that were not covered by either your employer, your benefits plan or Manitoba Health?

Yes.....	1	
No.....	2	GOTO Q72
Don't know / Refused.....	3	GOTO Q72

Q71 What was the nature and approximate amount of those losses?

Amount \$ _____

Nature of loss: _____

Don't know/Refused.....99

Q72 Did you tell a doctor or other health care provider that your injury was the result of a work related incident?

Yes.....	1	
No.....	2	GOTO Q35
Don't know / Refused.....	3	GOTO Q35

Q73 Did your doctor or other health care provider recommend that you take time off work after your injury?

Yes.....	1
No.....	2
Don't know / Refused.....	3

Q74 **IF Q47=1 ASK** Was your union aware of your injury?

Yes.....	1
No.....	2
Don't know / Refused.....	3

Q75 The WCB has a form called a “Worker Incident Report”. Some people just call that form a “claim form”. Who submitted your Worker Incident Report to the WCB? If you submitted your information over the phone, just say so. If you did not submit a form at all, just say so. **READ LIST.**

- I submitted the form 1
- My employer 2
- My union 3
- Someone else..... 4
- DO NOT READ**
- Called in the claim/submitted by phone 5
- Did not submit a form 6
- Don't know / Refused 7

Q76 Did anyone help you fill out your Worker Incident Report?

- Yes..... 1
- No..... 2
- Don't know / Refused 3

GOTO Q78
GOTO Q78

Q77 Who helped you fill out the Incident Report?

Don't know / Refused 99

Q78 **IF Q18<=>1 ASK** Did your employer ask you not to report the lost time?

- Yes..... 1
- No..... 2
- Don't know / Refused 3

A79 Are you aware of other employees in your workplace who were asked not to submit a WCB claim or who were threatened with repercussions if they submitted a claim?

- Yes..... 1
- No..... 2
- Don't know / Refused 3

B79 Are you aware of other employees in your workplace who were asked not to report their lost time or threatened with repercussions if they claimed lost time from WCB?

- Yes..... 1
- No..... 2
- Don't know / Refused 3

Q80 Is there anything else you would like to tell us about how workplace injuries are generally reported or dealt with at your work? **PROBE DO NOT READ**

Every injury is submitted at my work	01
Do things by the book	02
Lots of new Canadians who fear reprisals.....	03
Did not know every injury should be reported.....	04
Report to employer but not to WCB	05
Employer challenges all claims	06
Other (specify below).....	77
No.....	88
Don't know / Refused	99

Thank-you for taking the time to participate in this survey.



Focus Groups:
Discussion Guides

CLAIM SUPPRESSION EMPLOYER DISCUSSION GUIDE

Introduction (Approx. 5 minutes)

Thanks for attending this discussion group. I am Elana and I'm with Viewpoints Research, a public opinion research company. I'll be the **moderator** of this group discussion. As we told you on the phone, we are conducting focus groups with Manitoba employers who are customers of the Workers Compensation Board. The main purpose of this research is to formulate a better estimate of the incidence of claim suppression or claim misrepresentation, risk factors, and motivations.

By claim suppression, we mean an employer withholding from WCB *all* information concerning an occupational injury. Claim suppression by an employer may or may not be an **intentional** contravention of the *Workers Compensation Act*. Claim suppression may or may not be associated with sanctions or threats against a worker or positive inducements for that worker to abstain from filing a Worker Incident Report. Inducements could include, for example, continuation of wages and the provision of benefits through a benefit plan in lieu of WCB lost-time and medical benefits.

By claim misrepresentation, I mean an employer reporting a claim as involving no lost-time when, in fact, there was lost time or less lost time than was actually the case. Claim misrepresentation can also involve a return to work under modified conditions that are clearly inappropriate (*e.g.*, a 'non-job' that is of no real economic value to the employer).

Claim suppression and claim misrepresentation have four effects that are of concern.

1. the possible economic loss to a worker
2. the possibility that symptoms could recur and there would be no WCB record of the original injury.
3. Through their impact on experience rating, claim suppression and claim misrepresentation might distort the distribution of WCB costs across employers.
4. Claim suppression and claim misrepresentation can lead to a misallocation of prevention and inspection resources.

As well as this focus group, we are planning to conduct one with worker representatives. In addition to the focus groups, the study includes an analysis of a random sample of files to identify files where there is a risk of claim suppression or claim misrepresentation, a follow-up survey with affected workers, and a general survey of the covered work force. The study is being supported by Workers Compensation Board. It is being carried out by Prism Economics and Analysis which also

undertook a similar study for the Ontario Workplace Safety and Insurance Board. Viewpoints Research is managing both the focus groups and the survey components of the research.

Most of you are familiar with public opinion research in the form of **telephone surveys**. Well a focus group, which is what market researchers call the form of research we're undertaking today, is an **alternative way of gathering information**. Through a wide ranging group discussion we use focus groups to examine things that are difficult to deal with fully over the telephone. Through focus groups we try to delve more deeply into people's opinions on certain issues.

In a focus group, we're interested in your opinion on a variety of topics. There are **no right or wrong answers** - no experts - everyone's opinion is equal. Remember, we're **not looking for consensus** here. If you don't agree, or have a different point of view say so.

My role as moderator is to make sure the group runs smoothly, to keep the discussion on topic, to ensure we cover all of the topics I've been asked to cover, and to ensure everyone has a chance to participate. At times I may call on you, or I may ask you to wait while someone else has a chance to speak.

This session is being tape recorded and recorded on video. This is so I don't have to take notes while we're having our discussion. I can just listen to the tapes, or watch the DVD to remind myself of what was said when it comes time to putting a report together. **I want to assure everyone that what you say is confidential** - your names aren't used in any reports. There will be times when I'll remind you not to all speak at once because when that happens I can't make out anyone's comments when I'm listening to the tapes later on. And I don't want to miss anything you have to say.

Before we begin, I'd like to draw your attention to the glass behind us. It's a one way mirror and there are observers watching the group proceedings. They are people who are working in association with me on this project.

In Depth Discussion

0:05

Go around table and have everyone introduce themselves:

- first names only
- one or two things about themselves, about their work, how long they have been doing it, unionized or not...

0:10 How are Injuries Handled in the Workplace

I want to start off by finding out how your workplace or workplaces you are familiar with handle workplace injuries. Let's say a worker is injured on the job and the injury requires a visit that day to either the emergency room of a hospital or to a medical practitioner. *Go around the table.*

- To whom does the worker report the incident? Does that person report 'up the line'?

- Is the union made aware of the incident?
- How does the Worker Incident Report get filled out and submitted to the WCB?
- How does the Employer Incident Report get filled out and submitted to the WCB? Does anyone check it over to make sure it is accurate?
- Would there be circumstances in which you are unaware as to whether a Worker Incident Report has been submitted?
- Are these matters handled internally? Do specialized staff handle WCB reporting and WCB claims?
- Does your company use a third party claims manager? If so, what is their role?
- Is there a follow-up investigation of the incident and, if so, who performs the follow-up investigation?
- How is wage loss covered if there is lost time?

0:25 Under-Reporting

- At your workplace, or in other workplaces with which you are familiar, how often do workers experience an occupational injury but do not report the incident to the employer, as they are presumably supposed to do? *Go around the table*
- And how often do you think workers experience an occupational incident that they report to their employer, but do not submit a Worker Incident Report and thereby initiate a claim? *Go around the table*

0:35 Policy, Incentives and Evaluations

- The current policy is that if a worker is injured and there is time lost from work as a result of the injury, the Employer continues wages only for the day of the injury. Thereafter the worker receives WCB lost-earnings benefits. What is your view of suggestions that a waiting period for benefits be introduced (perhaps a week) and that during this waiting time, the Employer would be required to continue regular wages? Should the Employer be eligible for reimbursement from the WCB for the wages paid during the waiting time?
- In your workplace or in workplaces with which you are familiar, are there any incentive plans to remain injury free? **IF YES** What is the nature of these incentives? Are the

incentives monetary or non-monetary? Are they provided to workers, supervisors or both?
Go around the table

- Are supervisors evaluated, in part, on health and safety performance? Do the number and nature of WCB claims figure into this evaluation? *Go around the table. (Supervisors would be persons responsible for assigning work, evaluating performance, recommending bonuses or promotions, and imposing or recommending discipline where circumstances warranted)*
- Some have criticized group-based incentives to remain uninjured on the grounds that they may lead co-workers to discourage an injured worker from reporting an injury or from filing a WCB claim (*i.e.*, submitting a Worker Incident Report). What is your view?

0:50 Explanations for Under-Reporting among Workers

- We are going to do a short exercise. I am handing out a sheet of paper with a number of potential explanations why some workers may not report workplace injuries to their employer or to WCB. Take a couple of minutes and rank each example from 1 to 5 where 1 means this never happens and 5 means this happens all the time. You can think about these in terms of your own workplace or what you know about other workplaces. When you are done, we will talk about them. If you are not aware of a particular example, just indicate that on the page.
- *Go through examples one by one and ask if anyone ranked it a 1 or 2. Why do you think this is not happening? Then ask if anyone ranked it a 4 or 5. Why do you think this is happening?*

1:10 Worker Incident Report

- I am handing out a current copy of the Worker Incident Report. This form can be found on the WCB website and filled out online. It is available in English, French and Spanish. Are there other languages in which you think the form should be available?
- Do you think any parts of this form would be difficult for a worker to understand or complete?
- Is there any important information missing from the form? Something that should be included but is not?
- Is there information on this form that you think WCB does not need to ask or collect?

1:15 Return to Work

- I want to talk a bit about return to work and modified duties. How does your workplace handle this? Who is responsible for arranging modified duties?
- What poses the biggest challenge for arranging modified duties? *Probe for limited job types available, small organization, all work is physical, injury does not allow for modified duties*
- In the unionized workplaces, is the union notified when a worker has returned to work and is assigned modified duties?
- What about the health and safety committee? Are they notified that modified duties have been arranged for a worker?

1:25 Explanations for Under-Reporting among Employers

- We are going to do another short exercise, similar to the first one. This time I will be showing you some examples of why employers may not report workplace injuries to WCB. Take a couple of minutes and rank each example from 1 to 5 where 1 means this never happens and 5 means this happens all the time. You can think about these in terms of your own workplace or what you know about other workplaces. When you are done, we will talk about them. If you are not aware of a particular example, just indicate that on the page.
- *Go through examples one by one and ask if anyone ranked it a 1 or 2. Why do you think this is not happening? Then ask if anyone ranked it a 4 or 5. Why do you think this is happening?*
- Are there any other reasons you think employers might not be reporting workplace injuries?

1:35 Third Party Claims Manager

- Does your organization use the services of a third party claims manager? **IF YES** What is the advantage to your organization of using a third party?
- In what way can a third party claims manager assist you in keeping your WCB premium costs down? *Probe for any way they might try to improve experience ratings or reduce injury reporting in a given period.*

1:40 Final Thoughts

- Do you have any thoughts or educated guesses on the prevalence of under-reporting or misreporting of occupational injuries involving lost-time?
- Are there any points we have not already covered that you would like to raise?
- Do you have any final comments or observations on the issue of claim suppression? *Go around the table*

- I want to leave you with one final exercise. Take a couple minutes and write down one thing you think might minimize the prevalence of claim suppression or claim misrepresentation of workplace injuries. Try and think of something for the employer and the worker. If there is time we will talk about your suggestions, otherwise I will just collect the sheets.

Collect sheets, thank everyone for their time and remind them about parking and signing out.

Manitoba WCB Claim Suppression Study Discussion Guide MFL Consultation

Introduction:

- Explain purpose of study: to formulate a better estimate of the incidence of claim suppression or claim misrepresentation, risk factors, and motivations.
- By claim suppression, we mean an employer withholding from the Manitoba WCB *all* information concerning an occupational injury. Claim suppression by an employer may or may not be an intentional contravention of the *Workers Compensation Act*. And claim suppression may or may not be associated with sanctions or threats against a worker or positive inducements for that worker to abstain from filing a Worker Incident Report. These inducements could include, for example, continuation of wages and the provision of benefits through a benefit plan in lieu of WCB lost-time and medical benefits.
- By claim misrepresentation, we mean an employer reporting a claim as involving no lost-time when, in fact, there was lost time or less lost time than was actually the case.
- Claim misrepresentation can also involve a return to work under modified conditions that are clearly inappropriate (e.g., a ‘non-job’ that is of no real economic value to the employer).
- In addition to this consultation group, we also did a focus group with employers. In addition to these consultations and the employer focus group, the study includes:
 - an analysis of a random sample of files to identify files where there is a risk of claim suppression or claim misrepresentation,
 - a follow-up survey with affected workers, and
 - a general survey of the covered work force.
- The study is being supported by the Manitoba Workers Compensation Board. It is being carried out by Prism Economics and Analysis which also undertook a similar study for the Ontario Workplace Safety and Insurance Board. Viewpoints Research is managing both the focus groups and the survey components of the research.
- While it is our intention to use comments from the consultation and the focus group in the Final Report and possibly to quote some comments, nothing that is said in this consultation or in the employer focus group will be attributed to any individual or organization. The Final Report, which will be published by the Manitoba WCB, will report that the consultation was convened and will describe in general terms the participation, e.g., local union leaders, health and safety co-chairs, etc. However, the names of participants and their specific organizations will not be identified.
- Ask the participants to introduce themselves.

- We have a number of questions that we want to pose to you. Although we have some time guidelines, please feel free to continue discussing a question or to return to it, if something subsequently occurs to you.
- As convener of this discussion, my role is to be impartial and non-judgemental. So do not look to me for agreement or disagreement with any statements that are made. Please share your view even if it has been expressed by someone else. And please do not refrain from commenting because you think you may be in the minority. All views are equally valuable to us. Examples from experience are especially valuable.

Discussion Questions:

1. In your workplace, or in other workplaces with which you are familiar, how often (if at all) do workers experience an occupational accident which they report to the employer, but which they do *not* report to the Manitoba WCB, i.e., they do not file a Worker Incident Report? What proportion of these incidents (if any) would involve lost time of more than the day of the injury? [Go around the table to elicit comment from all participants.]
2. In your experience, what motivates a worker who reports a *lost-time* injury to his or her employer not to file a Worker Incident Report with the Manitoba WCB? [Open discussion].
3. Consider the hypothetical example of a worker who is injured on the job and whose injury requires a visit that day to either the emergency room or a hospital or to a medical practitioner. Describe for us how this is handled in your workplace or in workplaces with which you are familiar.
 - To whom does the worker report the incident?
 - If there is a union, how does it become aware of the incident? Does the employer submit an Employer Incident Report to the WCB? (How do you know?)
 - How does the Worker Incident Report get filled out and submitted to the WCB? (How do you know?)
 - Are these matters handled internally by your employer or does your employer use a third party agency to assist it?
 - Is there a follow-up investigation of the incident and, if so, who performs the follow-up investigation?
 - How is wage loss covered if there is lost time?
4. Are there any incentive plans in your workplace or in workplaces with which you are familiar to remain accident free? If so, what is the nature of these incentives? What is the effect of these incentives? Do they encourage workers not to report injuries to their employer? Do they encourage workers not to report injuries to the Manitoba WCB? [Open discussion.]
5. Are you familiar either directly or indirectly with any instances in which workers were either threatened or feared that they would be sanctioned in some way if they submitted a Worker Incident Report to the

Manitoba WCB? What was the nature of the threat or the feared sanction? If the sanction was feared (but no threat was actually uttered), what was the basis for the fear? [Open discussion.]

6. Studies of under-reporting of workplace injuries offer a number of potential explanations as to why some workers do not report workplace injuries to their employer or to the WCB. I would like your opinion on these and examples, if you are aware of any:
 - It has been suggested that some workers do not report a workplace injury because they are afraid that they will be thought of as careless or even incompetent. [Open discussion.]
 - It has been suggested that some workers do not report a workplace injury because they fear such a report would result in their being transferred to a less favourable assignment or job. [Open discussion.]
 - It has been suggested that some workers do not submit a Worker Incident Report because they consider the workers' compensation system too bureaucratic and complex. [Open discussion.]
 - It has been suggested that some workers do not submit a Worker Incident Report because they believe this would harm their employer and they want to be loyal to their employer. [Open discussion.]
 - It has been suggested some workers do not submit a Worker Incident Report because there is no apparent reason to do so: their employer covers the lost time (through wage continuation or a sick leave plan) and the medical costs through a benefit plan. [Open discussion.]
 - It has been suggested that some workers do not submit a Worker Incident Report because they under-estimate the severity of the injury or the risk of recurrence of the symptoms. [Open discussion.]
 - It has been suggested that some workers do not submit a Worker Incident Report because they are unaware of their rights and unaware of employer obligations. [Open discussion.]
 - It has been suggested that some workers do not submit a Worker Incident Report because they carry with them attitudes acquired in their country of origin where submitting such a report might be seen as disloyal or causing jeopardy. [Open discussion.]

7. I want to show you now a copy of the current Worker Incident Report. This form can also be filled out on the web. The form is available in English, French and Spanish.
 - First of all, are there any other languages in which the form should be available? [Open discussion.]
 - Looking through the form, are there parts of the form which, in your view, would be challenging for some workers to understand or challenging for them to complete? [Open discussion.]
 - Is there important information that the form should ask for, but does not? [Open discussion.]
 - Is there information that you think the WCB does not need to ask for? [Open discussion.]

8. Are you familiar with any incidents in which an employer has refused to submit an Employer Incident Report, claiming that the injury was not work-related, even though you know or believe that the injury was work-related? Was a Worker Incident Report submitted? [Open Discussion.]
9. When workers are injured, they sometimes return to modified duties. Their return to work can be either full-time or part-time. Their duties can be modified to accommodate their injury. The WCB's policy requires that modified duties be appropriate, in light of the injury and also that the duties be of economic value to the employer. In other words, the return to work cannot make the underlying condition worse or delay recovery. Nor can the modified duties amount to being a 'non-job', for example, being a watchperson where no watchperson has ever been assigned and is not needed.

Can you describe examples of return to work that involved modified duties in your workplace or in workplaces with which you are familiar? In your opinion, was the return to work consistent with the WCB's policy? [Go around the table to elicit comment from all participants.]

10. To what degree are local unions made aware of the modified duties? Would the health and safety committee (or co-chairs) be aware of the modified duties? [Open discussion.]
11. How prevalent, in your experience, is the use third party claims managers? What do you see as the main reason for companies to use third party claims managers? [Open discussion.]
12. Studies of under-reporting of workplace injuries offer a number of potential explanations as to why some employers do not report workplace injuries to the WCB. I would like you opinion on these and examples, if you are aware of any:
 - It has been suggested that some employers are motivated not to file an Employer Incident Report by fear of triggering a health and safety inspection. [Open discussion.]
 - It has been suggested that some employers lack knowledge of their legal obligation to file an Employer Incident Report. [Open discussion.]
 - It has been suggested that some employers do not file a Worker Incident Report because they do not want to become involved with the WCB. They think it is bureaucratic and complex. [Open discussion.]
 - It has been suggested that some employers do not file a Worker Incident Report or misrepresent a lost-time claim as a no-lost-time claim to avoid an adverse impact on their experience rating. [Open discussion.]
13. Are there any points which we did not cover in this discussion that you would like to raise?
14. Do you have any final comments or observations on the issue of claim suppression? [Go around the table to elicit comment from all participants.]

