

Section Title: Benefits Administration - Adjudication and Compensation
Subject: Definition of "Accident" under the Government Employees Compensation Act
Effective Date: August 3, 1993

POLICY PURPOSE

The *Government Employees Compensation Act* (GECA) determines eligibility for compensation benefits for employees falling within its jurisdiction. Under an agreement with the Government of Canada, the GECA is administered in Manitoba by the Manitoba Workers Compensation Board.

The definition of accident included in GECA requires clarification. This policy sets forth the principles upon which the definition of accident will be interpreted.

The Appeal Commission will apply this interpretation to all appeals heard on or after August 3, 1993.

A. POLICY

The following principles will apply when interpreting GECA.

The definition of "accident" in GECA will be given a broad interpretation. Therefore:

1. The phrases "personal injury by an accident" will be interpreted to mean "personal injury by accident".
2. The interpretation of "accident" will encompass both accidental cause and accidental result. That is, the injury itself may be considered the "accident".
3. The gradual onset of a personal injury, including an injury resulting from a gradual process or repetitive injurious motion will be considered an "accident".

B. REFERENCES

Government Employees Compensation Act, sections 4(1) to 4(4)

The Workers Compensation Act, section 50(2)

History:

1. Existing practice affirmed by the Board of Directors as interim policy 44.05.10 by Board Order 26/93 on August 3, 1993.
2. Minor title changes made to the policy – November 2002.
3. Minor formatting and wording changes were made to the policy, June 27, 2012.

C. ADMINISTRATIVE GUIDELINES

This interim policy affirms current WCB adjudicative practice as follows:

1. Non-specific injuries are subject to adjudication under the G.E.C.A.
2. The adjudication process remains the same as it was prior to the interim policy being affirmed. That is, a claim for a non-specific injury under the G.E.C.A. may be considered as either a traumatic accident or an occupational disease depending on the medical diagnosis.