

Stop Claim Suppression:

Understand Your Rights
and Responsibilities



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hurt at work,
we're
here to help.

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The Workers Compensation Board of Manitoba (WCB) is committed to protecting the integrity of the workers compensation system. Understanding your rights and responsibilities ensures a strong and responsive compensation system is here for those who need it.

- Workers have a duty to report workplace injuries to their employers and a right to claim benefits.
- Employers are required by law to report workplace injuries to the WCB within five (5) business days of the incident.

Claim suppression is against the law and an employer may be penalized or even fined through the Manitoba Courts. The WCB will publish the name of an employer who receives a penalty or fine in the hope that some may learn from the experience of others.

wcb.mb.ca

What is claim suppression?

Claim suppression is when an employer (can include a supervisor or manager) tells or encourages a worker not to make a WCB claim.

How can claim suppression happen?

If an employer tells a worker:*

- they will lose their job if they make a WCB claim
- not to make a claim or stop a claim so the company doesn't get into trouble
- the injury is not covered by the WCB
- they must use their sick time while they are away from work rather than file a WCB claim.

It also includes actions or activities such as:*

- an injured worker who made a claim and returned to work is singled out by a supervisor for ruining the company's days without time loss incident record, and tells co-workers they lost the bonus because of the claim
- an employer tells workers at a meeting that every time a co-worker makes a claim each of them loses \$40 from their profit sharing plan.

There can be various incentive programs in workplaces. A workplace incentive program that encourages leading safety and health practices such as identifying hazards, eliminating risks, safety training, etc. is the preferred type of incentive program and is not claim suppression. For example:

- annual workplace safety targets that, when met, provide workers with a reward
- all workers in a department who receive safety training within a certain time period are treated to free coffee and muffins.

* This is not a complete list of actions that may result in penalties. If you are unsure and before you take any action, contact the WCB's Compliance Services department with your questions or visit wcb.mb.ca/compliance.

Claim Suppression Penalties

The WCB investigates every allegation of claim suppression. If claim suppression has taken place, the WCB may impose an administrative penalty (see table below).

Depending on the severity, the WCB may refer the case to the Manitoba Courts to determine if a fine of a greater value is appropriate.

WCB Claim Suppression Penalties

WCB Imposed Penalty	Court Imposed Fine
Penalty up to \$6,000	Fine up to \$50,000

Can I receive a penalty for any other reason?

Yes. *Discriminatory Action* is an offence and may result in a WCB penalty up to \$6,000 or a court imposed fine up to \$50,000. It is illegal for an employer to punish a worker for reporting or continuing a claim. It is also illegal to punish anyone for representing the injured worker (e.g., shop steward), or any other person for providing information to the WCB. Actions that would be considered punishment include:*

- layoff or termination
- transfer
- demotion

after the worker or representative has made a claim or exercised, or tried to exercise a right under *The Workers Compensation Act*.

An employer can rebut the presumption of discriminatory action by showing that the action was taken for reasons unrelated to the person exercising a right under *The Act*.

Administrative penalties may also be given when you:*

- do not report an injury to the WCB within five (5) business days
- fail to report a worker's return to work
- disregard your re-employment obligations
- deduct premiums from a worker's wages.

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Appeals

Employers have a right to appeal WCB imposed claim suppression and discriminatory action penalties directly to The Appeal Commission within 30 days of notice of the penalty. Court imposed fines can only be appealed through the Manitoba Courts.

Tip Line

If you suspect that someone has committed an offence or is abusing the workers compensation system, including trying to stop WCB claims, please call 204-888-8081 in Winnipeg or toll free in Canada 1-844-888-8081.



Compliance Services

The WCB's Compliance Services department is available to assist employers in learning more about their responsibilities and to help educate and provide advice on how to ensure unfair practices, like claim suppression, do not take place. Please call 204-888-8081 in Winnipeg, toll free in Canada 1-844-888-8081 or email Compliance@wcb.mb.ca.

Rights and Responsibilities

The workers compensation system is based on self-reporting, which means we rely on people to know and understand their duty to report injuries. Help ensure fairness and learn your rights and responsibilities.



Report a workplace injury to the WCB for:

- Coverage for lost wages
- Access to a full range of healthcare services
- Faster return to safe and suitable work
- Improved safety
- Protection in case of later complications.

Workers

1. Tell your supervisor
2. Seek healthcare if you need it
3. Report your injury directly to the WCB. To report your injury, call 204-954-4321 in Winnipeg or toll free 1-855-954-4321. You can also report your injury online, by fax or mail. To learn more, visit wcb.mb.ca.

Employers

If you've been notified of a workplace injury:

1. Pay the worker for the full shift he or she was scheduled to work on the day the injury occurred, not just up to the time of the injury.
2. Notify the WCB within five (5) business days of learning of the injury:

Online: wcb.mb.ca/incident-reporting.

Telephone: 204-954-4321 in Winnipeg or toll free 1-855-954-4321

In print: complete an Employer's Incident Form (found online or request one at 204-954-4321) and send by:

- Fax: 204-954-4999 or toll free 1-877-872-3804
- Mail: The Workers Compensation Board of Manitoba
333 Broadway, Winnipeg MB R3C 4W3

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How to Reach Us

The Workers Compensation Board of Manitoba
333 Broadway, Winnipeg, MB R3C 4W3

Email us at
wcb@wcb.mb.ca

For more information, visit
wcb.mb.ca

or call us at
204-954-4321

or toll free
1-855-954-4321

Report fraud and non-compliance

Call 204-888-8081 or toll free 1-844-888-8081
Email **Compliance@wcb.mb.ca**

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Preventing injuries is good for employers and
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or call 204-957-SAFE (7233) in Winnipeg
or 1-855-957-SAFE (7233) outside Winnipeg

