

Injured workers and employers have a variety of obligations under *The Workers Compensation Act*. To ensure the compensation system works smoothly and efficiently it's important that workers and employers fulfill these obligations. To respond to cases where an individual or employer fails to comply with their responsibilities, *the Act* includes provisions for both fines and penalties.

## What is the difference between a fine and a penalty?

Fines are amounts of money that the court can order a worker or employer to pay for an offence following a successful prosecution.

Penalties do not require court proceedings. The WCB may, but is not required to, levy an administrative penalty for failing to comply with some provisions of *the Act*.

## How much can an employer be fined?

The court can fine an employer as much as \$50,000. For certain offences, the court may also order imprisonment for a term of up to six months.

## How much can a worker be fined?

The court can fine a worker as much as \$5,000. For certain offences, the court may also order imprisonment for a term of up to six months.

## How is it decided whether a fine or a penalty should apply?

The WCB will decide if the matter should be referred to the court system or if a penalty will be imposed by the WCB. Very serious or egregious cases may be referred to the courts.

## What are some examples of situations where a penalty may be imposed?

If an employer prevents or discourages a worker from making a WCB claim or punishes a worker for making a claim, the employer may be penalized.

If a worker is unable to complete the shift because of a workplace injury and the claim is accepted by the WCB, the employer must still pay the injured worker for the full day. Employers who fail to pay injured workers for the day of the injury may be penalized.

If an injured worker fails to advise the WCB when he or she returns to work, he or she may be penalized.



Employers who fail to comply with the re-employment obligation may be penalized.

A summary of administrative penalties is attached, including penalty amounts.

## Can a penalty be appealed?

Yes, there are two levels of appeal available if you have received a penalty and believe it is unfair. The first step is to submit, in writing, to the original decision maker, information about the circumstances of the penalty and the reason you feel the penalty is unfair. If you are not satisfied with their decision, you may submit a request for review to the first level of appeal which may be the Review Office, Assessment Committee or the Vice President of Compliance and Corporate Services, depending on the type of penalty. The penalty letter will state who will review the penalty decision.

If you are not satisfied with the response from the first level of appeal, you can submit your information to the independent Appeal Commission. This is the final level of appeal.

## If I have questions about fines and penalties who can I call?

Call WCB's Compliance Services at 204-888-8081, toll free 1-844-888-8081 or email [Compliance@wcb.mb.ca](mailto:Compliance@wcb.mb.ca).

## Workers Compensation Board of Manitoba Summary of Administrative Penalties

Obligation Under <i>The Workers Compensation Act</i>	Penalty per Occurrence for Failure to Meet Obligation
Employers are required to report a workplace injury within five business days of becoming aware of the injury.	\$500
Employers may not discourage a worker from filing an injury claim with the WCB.	\$4000 first offence in a five-year period. \$5000 second offence in a five-year period. \$6000 third and subsequent offences in a five-year period.
Employers may not take or threaten to take discriminatory action against a worker.	\$4000 first offence in a five-year period. \$5000 second offence in a five-year period. \$6000 third and subsequent offences in a five-year period.
If a worker is unable to complete the shift because of a workplace injury and if the claim is accepted by the WCB, the employer must still pay the injured worker for the full day.	\$225
Employers are required to advise the WCB when injured workers return to work following an absence due to a workplace injury.	\$225 or 10% of the overpayment of wage loss benefits to the injured worker, whichever is greater.
Workers are required to advise the WCB when they return to work following an absence due to a workplace injury.	\$225 or 10% of the overpayment of wage loss benefits to the injured worker, whichever is greater.
Employers are required to post a notice in a conspicuous place.	\$500 first offence in a five-year period. \$2500 second offence in a five-year period. \$5000 third and subsequent offences in a five-year period.
Employers may not deduct any amount from the wages of their workers to cover the cost of their WCB premiums.	\$225
Employers and workers are obligated to follow the provisions of all WCB regulations.	\$225 if no other amount is specified.

## Obligation Under *The Workers Compensation Act*

Employers are obligated to provide information to the WCB from time to time on workers' payroll estimates, records of wages, nature of work statements, etc.

Employers are obligated to provide accurate payroll information to the WCB for the purpose of assessment and from time to time, the data provided may be audited by the WCB.

Employers are obligated to produce documents or books in response to a notice served on them by the WCB.

If a principal sub-contracts work to another business or individual, it is the principal's obligation to ensure that the sub-contracted business or individual has provided all information required by the WCB and paid all premiums owing to the WCB.

**Note: The WCB's online Clearance System is an easy way to check if sub-contractors have filed the required information and paid premiums to the WCB. To access the Clearance System go to [www.wcb.mb.ca](http://www.wcb.mb.ca) and click on Clearance System under Online Services.**

Employers who have 25 or more full-time or regular part-time workers are required to re-employ injured workers who were in their employ for a least 12 continuous months prior to their injuries.

## Penalty per Occurrence for Failure to Meet Obligation

5% or 10% of their WCB assessment to a maximum of \$5,000 depending on the infraction.

15% of the difference in WCB assessment to a maximum of \$5,000 where the audit determines the employer under-reported their workers' payroll.

\$500 first offence in a five-year period.  
\$2500 second offence in a five-year period.  
\$5000 third and subsequent offences in a five-year period.

**\$225**

**First offence:** Greater of \$5,000 or worker's net average earnings with that employer for the three months before the injury.

**Second offence within five years:** Greater of \$10,000 or worker's net average earnings with that employer for the six months before the injury.

**Third and any subsequent offences within five years:** Worker's net average earnings with that employer for the year before the injury. A penalty amount cannot exceed the worker's net average earnings with that employer for the year before the injury.

