

Injured workers and employers are responsible for fulfilling their obligations under The Workers Compensation Act (the Act). When they do not fulfill their obligations, they may be subject to compliance measures including the imposition of administrative penalties.

What are some examples of situations where an administrative penalty may be imposed?

The Act prohibits employers from preventing or discouraging workers from making a WCB claim or punishing a worker for making a claim. This conduct may be subject to a fine or an administrative penalty.

The Act requires employers to pay workers for a full day on the day the worker is injured if the WCB accepts the worker's claim. Employers who fail to pay injured workers for the day of the injury may be subject to an administrative penalty.

The Act prohibits a person from making a false statement affecting the person's or any worker's entitlement to compensation. A person that makes a false statement may be subject to an administrative penalty.

A complete listing of administrative penalties and their amount can be found in the Administrative Penalties Regulation (M.R. 71/2021) which can be found online at:

https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=71/2021.

Can an administrative penalty be reconsidered or appealed?

You can ask the WCB to review the imposition of an administrative penalty. The first step is to ask the original decision maker to review their decision to impose a penalty and explain in writing why you disagree with it.

If you still disagree with their decision, except in the case of administrative penalties imposed for false statements, claim suppression, discriminatory action and breach of the re-employment obligation, you may submit a request for reconsideration to the Review Office. Your request for reconsideration will be decided by a panel of three senior WCB staff. Administrative penalties imposed for false statements, claim suppression, discriminatory action and breach of the re-employment obligation may be appealed directly to the Appeal Commission.

The independent Appeal Commission is the final level of appeal for all disputes regarding administrative penalties.

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

Call the WCB's Compliance Services Department at 204-888-8081, toll free 1-844-888-8081 or email Compliance@wcb.mb.ca.

This publication is provided for general information. It is not intended to be legal advice, and should not be relied on as such. For more specific information, see The Workers Compensation Act and Regulations and WCB Policies. These documents are available on the WCB website at wcb.mb.ca.

