

Section	Policy
20	22.70.30

Section Title: Board and Corporate Administration - *Legal*
Subject: Employers' Responsibilities for Reporting Claims
Effective Date: January 1, 2006

A. POLICY PURPOSE

As provided in section 18 of *The Workers Compensation Act* (the Act), whenever a worker suffers a work related injury giving rise to a claim for compensation, the employer must report the accident and resulting injury to the WCB. The report must be made in writing within five business days from the date the employer first became aware of the injury.

This policy provides guidance to employers on when they should be reporting worker injuries to the WCB. It also outlines the potential consequences of failure to report.

B. POLICY

Employer Responsibilities

Injured workers are required to report their work related injuries to their employer within 30 days of the occurrence. When a worker reports a work related injury to their employer, the employer must report the accident and resulting injury to the WCB within five business days.

Employers may become aware of work related injuries to a worker through other means, prior to the worker reporting the injury. When employers become aware that one of their workers may have sustained an injury related to their employment, employers should report the event and resulting injury to the WCB.

An employer who is uncertain whether the worker is entitled to compensation under the Act should still report the injury to the WCB. If the employer does not believe that there was an injury, or that the injury was work related, they may explain this in a written statement when reporting the injury. The WCB will examine all evidence before making a decision regarding the claim.

The obligation of the employer to report an injury begins when any representative of the employer (supervisor, first aid attendant, management, local office, or head office of the employer) first becomes aware that one of their workers may have sustained an injury related to their employment.

The employer's report must be made in writing to the WCB within five business days from the date the employer becomes aware of the injury. Business days are Monday to Friday with the exception of statutory holidays.

Administrative Penalties

Prompt adjudication of the worker's claim depends on the employer's report. For this reason, it is an offence under the Act, punishable by fine, to fail to report an accident giving rise to a claim for compensation within the prescribed time frame. Failure to report is also a contravention for which the WCB may impose an administrative penalty.

The WCB may impose administrative penalties for late reporting when:

- it determines that an employer was aware that there was an accident resulting in personal injury to the worker related to their employment; and

- the employer did not report it within the prescribed time frame.

The following list provides examples of when it would be reasonable for an employer to believe that there was an accident resulting in injury related to a worker's employment. This list is not exhaustive. Employers should report any event and resulting injury that may be work-related, in order to safeguard against the potential consequences of late reporting.

Examples:

1. The worker loses consciousness at work.
2. The worker is transported from work to a hospital or other place of medical treatment.
3. A representative of the employer recommends that an employee seek medical treatment following an event at work.
4. The injury obviously requires medical treatment or the worker receives or intends to receive medical treatment for the injury.
5. The worker appears unable or claims to be unable to perform their job because of a work-related injury, immediately following the injury or on any subsequent day.
6. A work-related event appears to have resulted (or the worker claims that it resulted) in damage to an artificial limb, eye glasses, contact lenses, dentures, hearing aids, or any other prosthetic device.
7. The worker has filed or intends to file a claim with the WCB.
8. The WCB has requested that an employer submit a report.

If the WCB determines that there has been a contravention, it may waive or reduce the administrative penalty if there is a reasonable explanation for the contravention, or if the delay in reporting had no impact on the adjudicative process.

When the WCB determines that the failure to report was deliberate this may trigger an investigation into whether the employer's failure to report constitutes claim suppression, contrary to section 19.1 of the Act.

In particularly egregious cases, the WCB may refer a failure to report to Manitoba Justice for prosecution as an offence.

C. REFERENCES

The Workers Compensation Act, sections 18 and section 19.1, and subsections 109.6(1) and 109.7(1) *Administrative Penalty Regulation*, MR 71/2021.

History:

1. Policy 22.70.30 established by Board Order 7/92 on January 27, 1992, effective January 1, 1992.
2. Policy amended by Board Order 11/01 on April 27, 2001, effective for accidents reported to the WCB on or after May 1, 2001. Board Order 7/92 rescinded effective May 1, 2001. Former policy re-issued as 22.70.30.01.
3. Policy 22.70.30 amended according to revisions to *The Workers Compensation Act* and established by Board Order 21/05 on June 29, 2005, to be effective January 1, 2006. Current policy 22.70.30 re-issued as 22.70.30.01. Policy 22.70.30.01 re-issued as 22.70.30.02.
4. December 1, 2006, Policy 22.70.30 updated to reflect new Manitoba Regulation.
5. Policy updated to reflect changes in department name, June 2008.
6. Minor formatting and grammatical changes were made to the policy and the title was clarified, June 27, 2012.
7. Reference section revised to reflect Manitoba Regulation 204/2015, August 24, 2016.
8. Administrative guidelines were outdated and removed from the policy on February 25, 2020.

9. Minor formatting changes were made to the policy, October 2020.
10. Reference section updated to refer to Manitoba Regulation 71/2021, *Administrative Penalty Regulation*, on December 2, 2021.
11. In March 2022, the reference section was updated. Manitoba Regulation 15/2015, *Interest, Penalties and Financial Matters*, was repealed on January 1, 2022.
12. Policy 22.70.30 amended by Board Order 28/24 on June 20, 2024 to clarify the responsibility of the employer as opposed to the process used to determine if an administrative penalty or fine should be applied. This amendment is effective July 1, 2024.