

POLICY

<p>Policy Title: Community Living disABILITY Services – Day Services: Workers Compensation Board Claims Policy and Procedure</p> <p>Branch/Division: Disability and Specialized Services Community Service Delivery</p> <p>Responsible Authority: Department of Families</p> <p>Policy Owner: Executive Director Disability and Specialized Services</p>	<p>Date Approved: September 1, 2022</p> <p>Applicable to: Community Living disABILITY Services</p> <p>Next Review: TBD</p> <p>Date Reviewed:</p> <p>Date Revised: August 30, 2022</p>
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1.0 Policy Statement

This policy offers guidance on how Community Service Workers may support Community Living disABILITY Services (CLDS) participants, substitute decision makers and staff members at day programs (including supervisors) in terms of filing claims with The Workers Compensation Board of Manitoba (WCB) in accordance with The Workers Compensation Act.

2.0 Background

Regulation 545/88 R subsection 10(1) of The Workers Compensation Act provides that participants of Day Services as described in the Regulation shall be declared employees of the government for the purposes of compensation.

3.0 Purpose

The purpose of this policy is to provide guidance in accordance with The Workers Compensation Act for reporting CLDS Day Services participant claims.

4.0 Definitions

Committeeship means the issuance of an Order of Committeeship on persons who are believed to be “mentally incompetent to manage their property or personal care” by the Director of Psychiatric Services who is authorized to issue such orders under The Mental Health Act.

Community Living disABILITY Services (CLDS) means the Community Living disABILITY Services program of the Government of Manitoba.

Community Service Worker (CSW) means a case manager who is responsible for connecting supported individuals and their support networks with supports and services, and for assisting with the enforcement of the Department of Families’ protection mandate.

Substitute Decision Maker (SDM) means individuals appointed by the Vulnerable Persons' Commissioner to make decisions for vulnerable persons who are unable to make certain decisions for themselves.

Support Network (SN) means a person or persons well-known and trusted by an individual with an intellectual disability and may include family, friends, advocates and service providers employed by the individual, community residence, institution or government.

5.0 Policy

CSWs shall provide support as needed to CLDS program participants attending Day Services, service providers, families and support networks in the management of injury claims submitted to The Workers Compensation Board of Manitoba.

6.0 Core Supporting Standards, Procedures and Guidelines

6.1 Standards

The following standards apply to the execution of this policy:

1. The cost of any benefits payable to a person under Regulation 545/88 R shall be reimbursed to The Workers Compensation Board by The Department of Families through the Manitoba Civil Service Commission.
2. If the accident/incident results in the death of a participant, the CLDS program's Death and Serious Injury Protocol is to be followed as per CLDS Circular #2010-07.

Recurring Disability

Should there be a recurrence of a disability related to the original injury sustained by the CLDS Day Services participant, the CSW will ensure that the following standards are fulfilled:

1. Where a disability recurs, the initial claim filing process shall be repeated.
2. The doctor's or chiropractor's first report should indicate that the disability is related to the original injury or condition and should bear the same Claim Number.
3. The Worker Incident Report Form should clearly state that the claim is in relation to a recurring illness, which is related to the original injury or condition and should bear the original Claim Number.

6.2 Procedures

Workers Compensation Claims occur when CLDS participants, who are declared employees of the government under Regulation 545/88 R and incur personal injury or death while participating in a government funded program described in the regulation, are entitled to make claims, or have claims made on their behalf, for compensation payable under The Workers Compensation Act. The procedures are outlined below according to the responsibility of each individual involved in reporting, filing and adjudicating claims to the WCB.

Reporting and Filing a Claim

Day Program/Workplace Supervisor

In the event of an accident and injury involving a CLDS participant at a Day Service, the Supervisor notifies the individual's CSW. The supervisor also ensures that a Worker Incident Report is completed and provided to the CSW.

In cases where work time has been missed by the participant, or where off-site medical treatment is required, the supervisor completes the Employer Incident Report and forwards it to the CSW.

Community Service Worker

Upon receiving notice of the injury/incident, the CSW determines whether the individual has a an SDM or committeeship appointed by the Vulnerable Persons Commissioner's Office.

The CSW notifies the participant's family, support network, SDM or committee where applicable and establishes plans with them to assist the individual in making a claim under The Workers Compensation Act.

The CSW will assist a participant where required in completing Worker Incident Report Forms where work time has been missed due to the accident and/or medical treatment was required.

The CSW receives the employer's Incident Report Form and ensures that the Claim number, if available, and the Firm Number 50153 RG are entered in the appropriate field on the form. The CSW records the participant's nine digit Personal Health Identification Number (PHIN) on the report form.

The CSW checks the records to ensure that the claimant is a participant in an eligible program as described in Manitoba Regulation 545/88 R.

The CSW enters "Reg. 545/88 R" in the field entitled "OCCUPATION". The CSW ensures the form has been fully completed, including the Regional Responsibility Centre Code entered and then forwards the original copy to the Finance Department at:

400-326 Broadway
Winnipeg MB R3C 0S5

Adjudicating a Claim

The Workers Compensation Board Claims Department

The WCB's Claims Department adjudicates the claim and authorizes payments.

Where a claim is approved, the WCB will notify the Manitoba Civil Service Commission (CSC).

Where the claim is rejected, the Department advises the Benefit Clerk and sends a copy of the notification to the claimant.

Manitoba Civil Service Commission

The WCB submits an inquiry to the Manitoba Civil Service Commission (CSC) regarding an injury claim. Representatives from the CSC will contact the Department of Families personnel (either CLDS or Administration and Finance) to confirm that the individual is a participant in a day service.

If confirmed, the CSW for the participant and the relevant Program Manager are notified and complete the WCB online report.

Administration and Finance will process any required payments to the WCB as a result of the claim.

Rejection of Claim

In the event a WCB claim is rejected, the following procedures are followed:

Manitoba Civil Service Commission

The CSC receives the letter from the WCB advising of the rejection of the claim and forwards a copy to the CSW at the appropriate regional office.

Community Service Worker

The CSW receives the WCB letter advising of the rejection of the claim and attaches it to the Employer's Incident Report form.

The CSW contacts the claimant or their support network, SDM or committee to advise them of the rejection and to ensure that they understand the appeal process, outlined in the letter from the WCB.

The CSW also assists the claimant, support network, SDM or committee should they choose to appeal the claim rejection.

6.3 Guidelines

Claim and report forms for workers may be accessed online at the Workers Compensation Board's website at the following locations:

<https://www.wcb.mb.ca/resources/worker-form#en>

French versions are also available at:

<https://www.wcb.mb.ca/resources/worker-form#fr>.

English and French versions of Employer Injury and Request for Review forms may also be accessed online at:

<https://www.wcb.mb.ca/forms-employer>

CSWs who receive inquiries from service providers in regard to obtaining forms may direct them to the above-noted website(s) in order to obtain the appropriate form. The forms are available as fillable Portable Document Files (PDFs) and are printable from the website.

NOTE: The WCB is responsible for the payment of emergency ambulance services on behalf of a government employee or a person declared to be a government employee for the purposes of compensation under The Workers Compensation Act.

7.0 Policy Documents

- [Community Living disABILITY Services - Day Services: Incident Reporting](#)
- CLDS Circular #2010-07 Death and Serious Injury Protocol
- [Community Service Delivery Division – Process for Reviewing Suspicious Deaths or Incidents of Serious Injury - Supported Living Program, May 21, 2010](#)

8.0 Resource Documents

- [The Workers Compensation Act](#)
- [Declaration of Workers in Government Employment Orders MR 545/88R](#)
- [Community Living disABILITY Services - Day Services: Incident Reporting - Appendix A - Incident Report](#)