

PRESIDENT'S DELEGATION OF AUTHORITY PART 3 (Pursuant to Section 84.1(5) of the Act)

Background

1. The Act

82(3)(c) of the Act:

- (3) The board of directors may
 - (c) delegate in writing a power or duty of the board of directors to the president of the Board, or another officer of the Board, and may impose limitations or conditions on the delegate's exercise of a power or performance of a duty.

84.1(5) of the Act:

- (5) The president may delegate in writing any of the president's powers and duties to another officer of the Board or another person and may impose limitations or conditions on the delegate's exercise of a power or performance of a duty.

86(1) of the Act:

- (1) The Board may appoint the officers and other employees it considers necessary to carry out the business and operations of the Board and may establish their duties and determine their remuneration.

88(1) and 88(2) of the Act:

- (1) The Board may act on the report of any of its officers, and any inquiry which it is considered necessary to make may be made by an officer of the Board or some other person appointed to make the inquiry, and the Board may act on his or her report as to the result of the inquiry.
- (2) The officer and every other person appointed to make an inquiry has for the purposes of an inquiry under subsection (1) all the powers conferred on the Board by section 87.

188(4) of the Act:

- (4) An officer of the Board may exercise the authority of the Board to make orders under [Part 3], subject to any restrictions or conditions established by the Board.

2. Prevention Policy

Policy D2-111-1 of the *Prevention Manual* states that the Board of Directors will exercise the following powers and responsibilities in Part 3 of the *Workers Compensation Act* (the “Act”):

- make recommendations to the minister under section 111(2)(l);
- make inquiries into matters referred by the minister under section 111(2)(m);
- comply with directions of the Lieutenant Governor in Council under section 111(2)(o);
- enter into formal agreements and arrangements with other agencies and governments covered by section 114(2);
- make and amend Board regulations;
- grant exemptions from the application of Part 3 under section 106; and
- approve policies under Part 3 (section 82).

The policy then delegates the remaining powers and responsibilities under Part 3 as follows:

The President/Chief Executive Officer (CEO) has the authority to exercise the remaining powers and responsibilities described in Part 3 and authority over claims cost levies (section 73(1)). [...]

The authority to approve prosecutions under section 214(2) is assigned by the Board of Directors directly to the President/CEO and may not be delegated by the President/CEO without approval of the Board of Directors.

Purpose of this Document

Policy D2-111-1 sets out the powers and responsibilities in Part 3 of the Act to be retained by the Board of Directors and then, pursuant to section 82(3)(c), delegates the remaining power and responsibility to the President/CEO.

Section 84.1(5) of the Act, in turn, allows the President/CEO to delegate in writing any of the president's powers and duties to another officer of the Board or another person and to impose limitations or conditions on the delegate's exercise of a power or performance of a duty. This document contains that delegation.

President/CEO Authority

The following powers and responsibilities delegated by the Board of Directors to the President/CEO are retained by the President:

- (a) to charge a class or subclass with the cost of investigations, inspections and other services pursuant to section 113(5), apart from decisions made in accordance with existing Board policy and practice, as revised from time to time;
- (b) to establish fees under sections 159, 163, and 195;
- (c) to issue credentials to officers under section 180;
- (d) to approve any decision to apply for an injunction under section 198; and
- (e) to approve the laying of an information in respect of an offence under section 214(2) of the Act.

President/CEO Delegations

1. Definitions

“Officer” means, as stated under section 106 of the *Act*, “a person appointed as an Officer under section 86(1) or a person authorized to act under section 114”.

- Persons appointed as Officers under section 86(1) of the *Act* for the purpose of this document means Worker and Employer Services Division (“WESD”) staff whose functions primarily involve conducting inquiries, investigations or inspections, making decisions or exercising powers under Part 3 of the *Act*.

- The following persons are also Officers for the purpose of this document:
 - WESD Vice-Presidents,
 - WESD Directors,
 - WESD Assistant Directors, and
 - WESD Managers.

2. Disclosure in the public interest - Section 156(3)

The discretion to disclose or publish information referred to in subsection 156(2), or authorize it to be disclosed or published, if considered to be advisable in the public interest, is delegated to:

- the Senior Vice-President, Operations, and
- the Senior Vice-President, Human Resources and Corporate Services.

Either of them may exercise this power individually.

3. Certificate for amount owed – Section 223(1)(b) of the Act

The authority in 223(1)(b) to issue a certificate for an amount owed to the Board by a person and to file that certificate in the Supreme Court is delegated to:

- the Senior Vice-President and Chief Financial Officer, and
- the General Counsel and Secretary to the Board

Either of them may exercise this power individually.

4. Varying or cancelling decisions or orders - Sections 113(2)-(2.3)

The discretion to make a new decision or order varying or cancelling a previous decision or order under Part 3 or to set aside any decision or order under Part 3 resulting from fraud or misrepresentation is delegated to the person who made the decision or order, or by a person authorized to make that type of decision or order.

5. General delegation of Part 3 authority and related items

Apart from those powers and responsibilities retained by the President/CEO or otherwise delegated above, the President/CEO delegates the powers and responsibilities set out in Part 3 of the Act to the Senior Vice-President, Operations.

Without limiting the above, the Senior Vice-President, Operations is delegated the authority to:

- (a) decide on agreements made under section 114(1);
- (b) decide whether discriminatory action has occurred and whether a remedy should be granted under section 153, as well as any other matters associated with complaints under section 152 and the inquiry process under section 153;
- (c) determine the content of occupational health and safety summaries pursuant to section 155 and to prepare and distribute the summaries;
- (d) decide on variance requests and associated procedural matters pursuant to sections 164 to 170;
- (e) place restrictions or conditions on the authority of Officers to issue orders pursuant to section 188(4);
- (f) confirm a closure order pursuant to section 191(4);
- (g) impose
 - i. a special rate of assessment pursuant to section 160(b),
 - ii. an administrative penalty pursuant to section 196, and
 - iii. a levy pursuant to section 73 (commonly referred to as a claims cost levy);
- (h) complete reviews of orders commenced prior to March 3, 2003, under section 37 of the Transitional Provisions of the *Workers Compensation Amendment Act (No. 2), 2002*;
- (i) make decisions under sections 159 and 163 other than those establishing fees;
- (j) confirm or make a decision under section 195; and

(k) direct that an amount owed to the Board may be levied on an employer by way of assessment under section 223(1)(a).

The Senior Vice-President, Operations may further delegate these powers and responsibilities to Officers of the Workers' Compensation Board (operating as WorkSafeBC) and may provide direction and supervision to the Officers in fulfilling their duties and responsibilities under Part 3.

Original Signed December 20, 2011 Effective Date: January 1, 2012

David Anderson
President and Chief Executive Officer Date: _____

Copies to: Senior Vice-President, Operations
Senior Vice-President, Human Resources and Corporate Services
Senior Vice-President and Chief Financial Officer
General Counsel and Secretary to WorkSafeBC
Vice-President, Prevention Services
Vice-President, Industry Services and Sustainability