

## Decision of the Governors

**Number:** 8  
**Date:** January 6, 1992  
**Subject:** Reopening and Reconsideration of Past Commissioners' Decisions (An Amendment to Decision of the Governors No. 1)

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The Governors were asked to determine who within the Board is to exercise the statutory discretion under Section 96(2) of the *Workers Compensation Act* to reopen, rehear and redetermine the previous commissioners' decisions. Under Section 17(5) of the *Workers Compensation Amendment Act, 1989* the Appeal Division is given authority to review past commissioners' decisions "... on the same grounds and in the same manner as set out in section 96.1 ..." The Executive Committee proposed an assignment of this additional authority, with certain limitations, to the Appeal Division.

The Governors unanimously adopted the following resolution:

RESOLVED THAT the Appeal Division of the Workers' Compensation Board of British Columbia shall exercise the authority of the Workers' Compensation Board of British Columbia under section 96(2) of the *Workers Compensation Act* to reopen, rehear and redetermine any decision made by the former Commissioners prior to June 3, 1991, where the Chief Appeal Commissioner finds that the decision was based upon an error of law or involved or involves an issue under the *Canadian Charter of Rights and Freedoms*; and that the appropriate amendments be made to the *Rehabilitation Services and Claims Manual, Assessment Policy Manual and Occupational Safety & Health Division Policy and Procedure Manual*.

Decision 1, (1991)

THIS POLICY IS EFFECTIVE JANUARY 6, 1992.

*This Decision amends the last paragraph of Section 6.0 in Decision 1, (1991) 7 W.C.R. 7 at 10. Although the resolution was passed on January 6, 1992 it has been included in the December 1991 edition because of its impact on Decision 1 appearing earlier in this volume.*