

Decision of the Governors' Committee for Regulation Review

Number: 29
Date: October 22, 1992
**Subject: Occupational Safety and Health Regulation Review:
Appointment of Members of the Equipment Safety
Subcommittee**

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the Industrial Health and Safety Regulations, the Occupational Environment Regulations, the Industrial First Aid Regulations and the Workplace Hazardous Materials Information System Regulations (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee has decided that there should be a Specialty Subcommittee, called the "Equipment Safety Subcommittee," to assist the governors in the development of regulations on equipment safety for all types of tools, machinery and equipment, including cranes, joists, rigging, mobile equipment, and powder actuated tools;

AND WHEREAS the Governors' Committee has decided to appoint three persons representative of workers and three persons representative of employers to the Equipment Safety Subcommittee and to second employees from the W.C.B. Occupational Safety and Health Division, as necessary, to the Secretariat for Regulation Review to participate on the Subcommittee:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW RESOLVES THAT the following persons shall be appointed to the Equipment Safety Subcommittee:

To be representative of workers:

Don Krompocker (C.U.P.E. Local 798)
Ed Pittman (United Steelworkers of America Local 9113)
Frank Slyman (Operating Engineers Local 115)

To be representative of employers:

Hans Sather (Crestbrook Forest Industries)
Victor J. Traynor (Construction Industry)
Mike Watson (B.C. Hydro)

AND THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW FURTHER RESOLVES THAT George Matheson of the Secretariat for Regulation Review and Kathleen Sheppard from the W.C.B. Occupational Safety and Health Division (through secondment to the Secretariat for Regulation Review) shall also be appointed to the Equipment Safety Subcommittee.

Decision of the Governors' Committee for Regulation Review

Number: 30
Date: December 16, 1992
**Subject: Occupational Safety and Health Regulation Review:
Amendment of Terms of Reference for the Fishing
Subcommittee and Appointment of Members**

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the Industrial Health and Safety Regulations, the Occupational Environment Regulations, the Industrial First Aid Regulations and the Workplace Hazardous Materials Information System Regulations (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee decided that there should be a Specialty Subcommittee, called the "Fishing Subcommittee," and, on August 12, 1992, adopted "TERMS OF REFERENCE" for that Subcommittee which contemplate that:

1. the Fishing Subcommittee would consist of three persons representative of workers, three persons representative of employers and two persons from the W.C.B. Occupational Safety and Health Division through secondment to the Secretariat for Regulation Review,
2. the responsibilities of the Fishing Subcommittee would be to assist the governors with the development of fishing regulations, but not including structural design of fishing vessels or navigation equipment, to provide recommenda-

tions to the Canadian Coast Guard with respect to ship design and navigation equipment, and to provide recommendations on participation in a national education and training program with respect to the fishing industry, and

3. the Fishing Subcommittee would work within a time frame of September 1, 1992 to December 31, 1992 to fulfill its responsibilities;

AND WHEREAS the Governors' Committee has decided to amend the "TERMS OF REFERENCE" with respect to the numbers of members, the responsibilities and the time frame and to appoint members of the Fishing Subcommittee:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW RESOLVES THAT the "TERMS OF REFERENCE" dated August 12, 1992 for the Fishing Subcommittee shall be amended as follows:

1. the Fishing Subcommittee shall consist of four persons representative of workers, four persons representative of employers and two persons appointed from the W.C.B. Occupational Safety and Health Division through secondment to the Secretariat for Regulation Review,
2. the Fishing Subcommittee's responsibilities shall include the establishment and maintenance of linkage with the various sectors and groups in the B.C. fishing industry, and
3. the Fishing Subcommittee will work within a time frame of January 1, 1993 to April 30, 1993 to fulfill its responsibilities;

AND THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW FURTHER RESOLVES THAT the following persons are appointed to the Fishing Subcommittee:

To be representative of workers:

Joe Bauer (United Fishermen & Allied Workers' Union)
Foster Husoy (Co-op Fishermen's Guild Local 80)
Davin Karjala (United Fishermen & Allied Workers' Union)
Bob Tompkins (Pacific Trollers Association)

To be representative of employers:

Byron Doyle (Canadian Fishing Co.)
Vince Fiamengo (Fishing Vessel Owners Association of B.C.)
John Haugan (Prince Rupert Fishermen's Cooperative Assn.)
Jim Trimble (Icicle Seafoods (B.C.) Incorporated)

From the W.C.B. Occupational Safety and Health Division through Secondment
to the Secretariat for Regulation Review:

Harvey Linton as chair
Keith Haigh as technical representative.



REPORTER

Decision of the Governors' Committee for Regulation Review

Number: 31
Date: December 16, 1992
**Subject: Occupational Safety and Health Regulation Review:
Ergonomics Subcommittee Rescindment of Appointment/
Appointment of New Member**

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the Industrial Health and Safety Regulations, the Occupational Environment Regulations, the Industrial First Aid Regulations and the Workplace Hazardous Materials Information System Regulations (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee decided that there should be a Specialty Subcommittee, called the "Ergonomics Subcommittee," to assist the governors in the development of regulations for the work environment and ergonomics and to address specifically the risks of cumulative trauma disorder and back strain;

AND WHEREAS on July 20, 1992 the Governors' Committee appointed three persons representative of workers and three persons representative of employers to the Ergonomics Subcommittee and seconded two employees from the W.C.B. Occupational Safety and Health Division to the Secretariat for Regulation Review to participate on the Subcommittee;

AND WHEREAS one person appointed to the Ergonomics Subcommittee on July 20, 1992, has resigned from the Committee and the governors wish to appoint another person to replace her:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION
REVIEW RESOLVES THAT, effective November 23, 1992:

1. The appointment of Alanna Lantela (United Fishermen & Allied Workers' Union) to the Ergonomics Subcommittee is rescinded.
2. Ms. Sharon Saunders (B.C. Nurses' Union) is appointed to the Ergonomics Subcommittee to be representative of workers.

Decision of the Governors

Number: 32
Date: January 11, 1993
Subject: Ratification of Medical Review Panel Fee Schedule Effective January 1, 1993

WHEREAS, at the governors' meeting on February 3, 1992, the governors of the Workers' Compensation Board resolved that:

. . . from June 3, 1991 until the Medical Review Panel registrar has completed his review of the Medical Review Panel system and his recommendations have been considered, the authority for the final approval of Medical Review Panel fees shall be exercised by the chairman of the governors, subject to fee schedules being presented to the governors for ratification at the next regular governors' meeting after being adjusted;

AND WHEREAS the chairman of the governors has given final approval to the fee schedule for Medical Review Panels held on and after January 1, 1993, and has requested ratification by the governors of the fee schedule:

NOW THEREFORE THE GOVERNORS RESOLVE THAT they ratify the following fee schedule approved by the chairman of the governors for Medical Review Panels held on or after January 1, 1993:

The hourly rate payable to chairmen of Medical Review Panels is \$135.51.

The flat fee payable to Panel members other than the chairmen is \$452.03, with an additional fee of \$99.41 per hour when the time taken on an appeal (including travelling time) exceeds 3½ hours up to a maximum of a further 4½ hours.

The steno fee for each appeal is \$67.86.



Decision of the Governors

Number: 33

Date: January 11, 1993

Subject: Continuation of Appointment — Dr. Leonard C. Jenkins

WHEREAS, on August 17, 1992, the governors received the "Medical Review Panel Report: A Review of the Administrative, Policy, and Procedural Functions of the M.R.P. Process" by Dr. Leonard C. Jenkins, which contains recommendations for improving the Medical Review Panel process for both workers and employers;

AND WHEREAS, to enable Dr. Jenkins to complete his study of the M.R.P. process and to issue his recommendations, the governors appointed Dr. Jenkins as registrar, Medical Review Panels, and gave him certain administrative responsibilities in order to provide him with first-hand experience about the process;

AND WHEREAS, while his Report has been published and distributed to the community, Dr. Jenkins has continued to perform the duties of registrar, Medical Review Panels;

AND WHEREAS the governors consider it appropriate for Dr. Jenkins to continue to perform the duties of registrar, Medical Review Panels, while the governors consider the recommendations presented in Dr. Jenkins' Report:

NOW THEREFORE THE GOVERNORS RESOLVE THAT they appoint Dr. Leonard C. Jenkins as registrar, Medical Review Panels, until December 31, 1993, while they consider the recommendations presented by Dr. Jenkins in his Report;

AND THE GOVERNORS FURTHER RESOLVE THAT the duties of registrar, Medical Review Panels, shall be those set out in the document entitled "*POSITION OF REGISTRAR, MEDICAL REVIEW PANELS,*" appended to this resolution, as they may be modified from time to time by mutual agreement between the chairman of the governors and Dr. Jenkins and that Dr. Jenkins shall perform those duties on a part-time basis to a maximum of two days per week, as agreed upon between the chairman of the governors and Dr. Jenkins.

POSITION OF REGISTRAR, MEDICAL REVIEW PANELS

I. Function

The registrar, Medical Review Panels, is responsible for generally overseeing the administration of the Medical Review Panel process, including the administration of the W.C.B. Medical Review Panel Department.

II. Responsibilities

1. Has overall responsibility for the administration of the Medical Review Panel Department, including planning, organizing and directing the work activities of subordinates and hiring, training, evaluating, disciplining and terminating assigned subordinates as circumstances dictate.

2. Provides advice and assistance to manager, Medical Review Panels in:

a) supervising the functions performed by the Medical Review Panel Department in preparation for a Medical Review Panel examination, including the determination as to whether a bona fide medical dispute has been defined, the preparation of the Statement of Foundational Non-Medical Facts and issues, the preparation of the file and the gathering of additional medical evidence

b) providing advice and assistance to the medical appeals officers in the performance of their administrative functions

c) establishing and maintaining a program of orientation, training, ongoing education and communication for the Medical Review Panel Department staff.

3. Maintains current list of factors disqualifying chairmen from serving on particular Panels.

4. Designates the specialty or specialties for each Medical Review Panel under Section 59(1) of the *Workers Compensation Act* and maintains current information on each specialist member for the provision, on request, to workers, employers and their representatives. Maintains current list of factors disqualifying specialists from serving on particular Panels.

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5. In conjunction with Medical Review Panel chairmen, develops and implements guidelines for:
 - a) the format of Medical Review Panel certificates and time limits for issuing certificates
 - b) the format of narrative reports
 - c) procedures to be followed in conducting an M.R.P. examination.
 - d) standards expected of M.R.P. chairmen and specialist members
 6. Chairs and coordinates Advisory Committee of elected M.R.P. chairmen.
 7. Provides advice to the governors with respect to matters relating to the Medical Review Panel process:
 - a) recommends guidelines for presentation to the lieutenant governor in council for the qualifications, appointment and termination of M.R.P. chairman and of members of the Joint Medical Committee
 - b) recommends guidelines for presentation to the Joint Medical Committee for the qualifications, appointment and termination of specialist members
 8. Interacts with Medical Review Panel chairmen and specialist members.
 - a) adopts a leadership role among the M.R.P. chairmen with a view to facilitating regular communication among them
 - b) establishes and maintains a program of orientation, training, ongoing education and communication for the M.R.P. chairmen and specialist members, including the organization of a chairmen M.R.P. Education Day every six months
 - c) develops and maintains informational and feedback processes for M.R.P. chairmen with regard to W.C.B. Appeal Division decisions, court decisions, W.C.B. communications, issues of the *Workers' Compensation Reporter*, implementation of M.R.P. certificates and so forth.
 - d) coordinates distribution to M.R.P. chairmen of information regarding advances in knowledge about special common medical syndromes such as chronic pain syndrome, chronic back pain, post-traumatic stress, psychogenic stress post-trauma, and repetitive stress syndrome

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9. Interacts with Joint Medical Committee on matters pertaining to the Committee's composition, the maintenance of specialists' lists and additions of new specialties, such as Occupational Health, and other areas of mutual concern
 10. Reviews all Medical Review Panel certificates received by the Board with a view to highlighting difficult areas and providing the Board with quality assurance feedback. Assists with resolutions of disputes regarding implementation of Medical Review Panel certificates.
 11. Interacts with worker and employer communities to facilitate understanding of Medical Review Panel process.
 12. Implements policies of the governors with respect to the Medical Review Panel Department and the Medical Review Panel process.
 13. Prepares annual report regarding Medical Review Panel process for inclusion in the *W.C.B. Annual Report*.
 14. Performs other related duties as required.

III. Relationships

The registrar, Medical Review Panels, is accountable to the governors of the Workers' Compensation Board for the fulfillment of the job functions. The registrar's assigned subordinate is the manager, Medical Review Panels, to whom all Medical Review Department staff report.

IV. Qualifications

Registration in good standing under the *Medical Practitioners Act* and licensed to practise medicine in British Columbia. Several years in the practice of general medicine or any specialty. Legal training or familiarity with basic legal principles an asset.

Ability to communicate effectively with M.R.P. chairmen, specialist members, W.C.B. physicians and community physicians. Good interpersonal and administrative skills. Ability to write clearly and concisely. Good relationship with all peers in the medical community. Knowledge of medical legal issues and the role and function of the M.R.P. process under the *Workers Compensation Act*.

Decision of the Governors

Number: 34
Date: December 7, 1992
Subject: Disposition of Silicosis Fund Surplus

WHEREAS on June 1, 1992, the governors of the Workers' Compensation Board resolved that:

1. the Silicosis Fund shall be abolished effective the end of 1992;
2. the liabilities of Silicosis Fund subclasses 203 and 204, together with sufficient assets to pay those liabilities, shall be merged with subclasses 430 and 411 respectively; and
3. the actuarial calculation of the sufficiency of the assets required to pay those liabilities shall err in the interest of retaining assets to protect and ensure future funding for liabilities payable to workers out of the Silicosis Fund;

AND WHEREAS, once the liabilities of Silicosis Fund subclasses 203 and 204, together with sufficient assets to pay those liabilities, are transferred to Accident Fund subclasses 430 and 411 respectively, an amount ("surplus") will remain in the Silicosis Fund;

AND WHEREAS the W.C.B. Assessment Department communicated the governors' resolution to interested parties including members of the British Columbia Legislative Assembly, pensioners and dependants receiving compensation from the Silicosis Fund, employers in Accident Fund subclasses 411 and 430, and employers in Silicosis Fund subclasses 203 and 204, AND the W.C.B. Assessment Department invited comments with respect to the Department's proposed method of allocating the Silicosis Fund Surplus;

AND WHEREAS a number of interested parties have forwarded comments ("Submissions") regarding the abolition of the Silicosis Fund and the allocation of the surplus;

AND WHEREAS, after considering the Submissions, the W.C.B. Assessment Department has modified its proposed method of allocating the Silicosis Fund surplus;

AND WHEREAS the governors have considered the Submissions and the recommended method of allocating the Silicosis Fund surplus:

NOW THEREFORE THE GOVERNORS RESOLVE THAT they approve the recommended method of allocating the Silicosis Fund surplus, as set out in more detail in Schedule "A" to this resolution;

AND THE GOVERNORS FURTHER RESOLVE THAT the W.C.B. Assessment Department shall notify as soon as possible all affected Silicosis Fund employers and other parties as to whether they will receive a refund AND THAT this notification by the W.C.B. Assessment Department in each case constitutes a "notice of an assessment under section 41" for purposes of Section 96(6) of the *Workers Compensation Act*;

AND THE GOVERNORS HEREBY DECLARE THAT this resolution, including Schedule "A", constitutes "policy of the governors" in accordance with Decision of the Governors No. 3 (*Workers' Compensation Reporter*, Vol. 7, p. 17).

Schedule "A"

1. Once the liabilities of Silicosis Fund subclasses 203 and 204, together with sufficient assets to pay those liabilities, are transferred in accordance with the governors' resolution dated June 1, 1992 to Accident Fund subclasses 430 and 411 respectively, the amount of the money remaining in the accounts for subclasses 203 and 204 will be considered surplus ("surplus").
2. Only employers with an active registration with the W.C.B. in Silicosis Fund subclass 203 (coal mining) or subclass 204 (metal mining) on December 31, 1992 will be eligible to receive a portion of the surplus for their respective subclass.
3. For Silicosis Fund subclass 203 (coal mining), the individual employer's refund will be calculated using the same ratio as the employer's combined 1984 and 1985 assessable Silicosis Fund coal mining payroll to the combined 1984 and 1985 total assessable Silicosis Fund coal mining payroll for all eligible employers in subclass 203.
4. For Silicosis Fund subclass 204 (metal mining), the individual employer's refund will be calculated using the same ratio as the employer's combined 1986 and 1987 assessable Silicosis Fund metal mining payroll to the combined 1986 and 1987 total assessable Silicosis Fund metal mining payroll for all eligible employers in subclass 204.

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5. In determining the individual employer's assessable Silicosis Fund payroll for step 3 or step 4, the Silicosis Fund assessable payroll for the particular years from a predecessor firm will be included with the assessable payroll for the successor firm, provided that there is a significant degree of common ownership between the predecessor firm and the successor firm, the predecessor firm ceased operating when the successor firm started operations and the successor firm makes application for this consideration prior to December 31, 1992.
 6. The W.C.B. Assessment Department will communicate this procedure and notify all active registrations in Silicosis Fund subclasses 203 and 204 as to whether they will receive a refund as soon as possible after the governors' decision on December 7, 1992.
 7. The amounts of the refunds will be determined in March 1993 if there are no outstanding appeals. Refunds will be made by cheque net of any outstanding amounts in the employer's account.



Decision of the Governors

Number: 35
Date: February 1, 1993
Subject: Wording Changes to the Policy Manuals to
Make the Language Gender Neutral

WHEREAS in sections of the *Assessment Policy Manual*, the *Occupational Safety and Health Division Policy and Procedure Manual* and the *Rehabilitation Services and Claims Manual* masculine forms of wording are used in situations where the intention is to refer to both men and women;

AND WHEREAS a proposal (AM006)* was presented to the governors at their February 1, 1993 meeting that wording changes be made to the *Assessment Manual* to make the language in the *Manual* gender neutral and to authorize the chairman of the governors to approve individual changes in wording on behalf of the governors and, in doing so, to ensure that the wording changes do not result in any policy changes;

AND WHEREAS it was intended that similar proposals be made to the governors in the coming months with respect to the *Occupational Safety and Health Division Policy and Procedure Manual* and the *Rehabilitation Services and Claims Manual*;

AND WHEREAS the governors consider it desirable that wording changes be made to all three *Policy Manuals* to make the language in each *Manual* gender neutral:

NOW THEREFORE THE GOVERNORS OF THE WORKERS' COMPENSATION BOARD RESOLVE THAT wording changes shall be made to the *Assessment Policy Manual*, the *Occupational Safety and Health Division Policy and Procedure Manual* and the *Rehabilitation Services and Claims Manual* to make the language in each *Manual* gender neutral, but not so as to change any policies in the *Manuals*;

AND THE GOVERNORS FURTHER RESOLVE THAT the chairman of the governors is authorized to approve the individual wording changes to each *Manual* on behalf of the governors and, in doing so, to ensure that the wording changes do not result in any policy changes.

**Editors' note: This resolution approves the 6th proposed amendments to the Assessment Manual (hence AM006). These amendments have now been distributed.*



Decision of the Governors

Number: 36
Date: March 1, 1993
Subject: Retroactivity of Policy Changes

Where a change in policy is made, a question will often arise whether, or to what extent, the change applies to cases decided before the change.

The policy change may occur as a result of an amendment to the *Workers Compensation Act*, the *Criminal Injury Compensation Act*, the *Workplace Act* or some other statute. The presumption in these cases, unless expressly or necessarily implied from the language, purpose or circumstances of the statute, is that the changed policy will not apply retroactively before the date on which the statute came into force.

The policy change may occur as a result of a reconsideration and rethinking of existing lawful policy. The presumption in these cases is that the changed policy will not apply retroactively before the date on which the new policy was approved.

The policy change may also be necessitated by a finding of the courts, the Appeal Division or another administrative tribunal that Board policy is unlawful. This recently occurred in the cases of retroactive adjudication and transfer of experience rating for assessment purposes.

If a policy of the Board is found to be unlawful, an obvious argument can be made that this state of illegality must have existed for as long as the *Workers Compensation Act*, the *Criminal Injury Compensation Act*, the *Workplace Act* or other statute has been worded in the same fashion. The further argument can then be made that the Board is obliged to change all its prior decisions made during that period in accordance with the law. This is because the Board has no authority to make decisions which are not authorized by law.

While there is merit in this argument, the Canadian legal system has recognized that it would cause serious practical problems to take the argument to its ultimate logical conclusion in every case. Therefore, a number of doctrines have evolved which place limits on the degree to which new legal rulings can be applied to past matters.

For example, Legislatures have passed *Limitation Acts* imposing time limits for bringing legal actions in certain circumstances. The courts have applied the doctrine of *res judicata* under which a matter once finally judicially decided cannot be relitigated. There is also the common law presumption against retroactivity with regard to the operation of new statutes or regulations.

It may be that many of these individual doctrines can be distinguished from the application of new policy in workers' compensation matters. However, they do indicate that the Board is not necessarily bound to undo all past transactions because the law must have been the same then as it is now.

How then shall the Board decide whether, or to what extent, a policy change necessitated by a finding by the courts, the Appeal Division or another administrative tribunal that Board policy under the *Workers Compensation Act*, the *Criminal Injury Compensation Act*, the *Workplace Act* or other statute is unlawful applies to cases decided before the change?

To aid in making this decision, the following guidelines will apply.

1. There is a presumption in cases where a policy change occurs as a result of a reconsideration and rethinking of existing lawful policy that the change will not apply retroactively before the date on which the new policy was approved.
2. There is a presumption that the retroactivity of a policy change resulting from a changed view as to the proper interpretation of the law will normally be limited.
3. In deciding the effective date of a policy change necessitated by a finding by the courts, the Appeal Division or another administrative tribunal that Board policy under the *Workers Compensation Act*, the *Criminal Injury Compensation Act*, the *Workplace Act* or other statute is unlawful, the Board will have regard to the needs of good public administration.
4. Good public administration involves a balance between fairness and the practicality of undoing prior transactions.
5. Good public administration will normally require that the new policy apply to any specific case which led to the decision to make the change, as well as to all other cases currently under adjudication or appeal. Otherwise, decision makers might be faced with having to make decisions on the basis of policy which is known to be unlawful.

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6. Good public administration may also require that the governors set a prior date for the general commencement of the changed policy. Retroactivity will then apply to cases not currently under adjudication where the issue in question arose after that date.
 7. Consideration must be given to whether the Board should have changed the policy earlier. However, the proper question here is not when in retrospect it can be seen that sufficient evidence to justify a change was available. Rather, the question is whether the Board's failure to act at some point in the past represented a marked departure from a reasonable standard of public administration.
 8. In claims matters, regard must be had to the effect on workers in terms of benefits they may have lost or excess benefits they may have received which they might now be expected to repay. Regard must also be had to the effect on employers in terms of possibly having to pay increased assessments or fund benefits which should not have been paid.
 9. In assessment or health and safety penalty matters, regard must be had to the extent to which employers have been unfairly required to pay more assessments than they should have paid or the extent to which employers should now be asked to pay increased assessments which they should have paid in the past.
 10. The decision on retroactivity must be one which the Board is capable of properly administering without unduly increasing costs or affecting its general operations. The decision must not impair the Board's ability to properly fund the system.

THIS IS A POLICY DECISION OF THE GOVERNORS OF THE WORKERS' COMPENSATION BOARD AND IS EFFECTIVE ON MARCH 1, 1993.



Decision of the Governors

Number: 37
Date: March 1, 1993
Subject: Abolition of \$15.00 Disclosure Fee for the Purpose of Appeals and Certain Other Proceedings

WHEREAS the Workers' Compensation Board currently charges a \$15.00 disclosure fee for the provision of copies of assessment files, claim files and occupational safety and health files to authorized persons for the purpose of appeals and certain other proceedings;

AND WHEREAS the governors of the Workers' Compensation Board consider that this \$15.00 disclosure fee should be terminated effective May 1, 1993:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the \$15.00 disclosure fee currently charged for the provision of copies of assessment files, claim files and occupational safety and health files for the purpose of appeals and certain other proceedings shall be terminated effective May 1, 1993;

AND THE GOVERNORS FURTHER RESOLVE THAT the *Assessment Policy Manual*, the *Rehabilitation Services and Claims Manual* and the *Occupational Safety and Health Policy and Procedure Manual* shall be amended effective May 1, 1993, to eliminate all references to this fee;

AND THE GOVERNORS FURTHER RESOLVE THAT nothing in this resolution shall be construed as creating any new fees for disclosure of assessment files, claim files or occupational safety and health files for any purposes whatsoever;

AND THE GOVERNORS FURTHER RESOLVE THAT this resolution constitutes a policy decision of the governors.



Decision of the Governors

Number: 38

Date: March 23, 1993

Subject: Occupational Safety and Health Regulation Review:
Appointment of Members of the Electrical Safety Subcommittee

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the *Industrial Health and Safety Regulations*, the *Occupational Environment Regulations*, the *Industrial First Aid Regulations* and the *Workplace Hazardous Materials Information System Regulations* (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee has decided that there should be a Specialty Subcommittee, called the "Electrical Safety Subcommittee," to assist the governors with the development of regulations for work on or near electrical systems;

AND WHEREAS the Governors' Committee has decided to appoint three persons representative of workers and three persons representative of employers to the Electrical Safety Subcommittee, to appoint an advisor to the Subcommittee from the Electrical Safety Branch of the Ministry of Municipal Affairs, Recreation and Housing and to second employees from the W.C.B. Occupational Safety and Health Division, as necessary, to the Secretariat for Regulation Review to participate on the Subcommittee:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW RESOLVES THAT the following persons shall be appointed to the Electrical Safety Subcommittee:

To be Representative of Workers:

Douglas Hill, O.T.E.U.
Bruce Reeds, U.S.W.A.
David Thompson, I.B.E.W. 213

To be Representative of Employers:

A. (Tony) Little, Corporate Safety and Health, B.C. Hydro
Al Webb, A. Webb Electric Ltd.
Bob Wing, Howe Sound Pulp and Paper Ltd.

As Advisor:

Richard Rogers, Certificates and Permits Administrator, Electrical Safety
Branch, Ministry of Municipal Affairs, Recreation and Housing

AND THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW FURTHER
RESOLVES THAT Bob Bernard and Don Dahr shall be appointed to the Electrical Safety
Subcommittee from the W.C.B. Occupational Safety and Health Division through
secondment to the Secretariat for Regulation Review.

Decision of the Governors

Number: 39

Date: January 20, 1993

Subject: Occupational Safety and Health Regulation Review:
Appointment of Members of the Silviculture Subcommittee

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the *Industrial Health and Safety Regulations*, the *Occupational Environment Regulations*, the *Industrial First Aid Regulations* and the *Workplace Hazardous Materials Information System Regulations* (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee has decided that there should be a Specialty Subcommittee, called the "Silviculture Subcommittee," to assist the governors with the development of regulations for accommodation and sanitary and safety conditions in and around silviculture camps;

AND WHEREAS the Governors' Committee has decided to appoint three persons representative of workers and three persons representative of employers to the Silviculture Subcommittee, to appoint advisors to the Subcommittee from each of the Ministry of Health and the Ministry of Forests and to second employees from the W.C.B. Occupational Safety and Health Division, as necessary, to the Secretariat for Regulation Review to participate on the Subcommittee:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW RESOLVES THAT the following persons shall be appointed to the Silviculture Subcommittee:

To be Representative of Workers:

June Hunter
David Manning, B.C. Government Employees' Union
Don Williams, I.W.A. — Canada

To be Representative of Employers:

Dirk Brinkman, Brinkman & Associates Reforestation Ltd.
Joan Thomas, Finlay Forest Industries Ltd.
Bill Williams, Tawa Enterprises Ltd.

As Advisors:

Robin Brown, Silviculture Branch, Ministry of Forests
Gerry Penner, Environmental Health Protection Services, Ministry of Health

AND THE GOVERNORS' COMMITTEE FOR REGULATION REVIEW FURTHER
RESOLVES THAT Steve Brown and Ed Bruns shall be appointed to the Silviculture
Subcommittee from the W.C.B. Occupational Safety and Health Division through
secondment to the Secretariat for Regulation Review.

Decision of the Governors

Number: 40
Date: March 23, 1993
**Subject: Occupational Safety and Health Regulation Review:
Silviculture Subcommittee Rescindment of Appointments/
Appointment of New Members**

WHEREAS the governors of the Workers' Compensation Board have embarked upon a complete review of the *Industrial Health and Safety Regulations*, the *Occupational Environment Regulations*, the *Industrial First Aid Regulations* and the *Workplace Hazardous Materials Information System Regulations* (collectively the "Regulations");

AND WHEREAS, on January 7, 1992, the governors adopted the document entitled "Review and Development of Occupational Safety and Health Regulations" (the "Strategy Document") which defines the process by which the governors will review the Regulations;

AND WHEREAS the Strategy Document contemplates that the Governors' Committee for Regulation Review (the "Governors' Committee") will appoint Specialty Subcommittees to address specific areas of occupational safety and health regulation;

AND WHEREAS the Governors' Committee decided that there should be a Specialty Subcommittee, called the "Silviculture Subcommittee," to assist the governors in the development of regulations for accommodation and sanitary and safety conditions in and around silviculture camps;

AND WHEREAS on January 20, 1993 the Governors' Committee appointed three persons representative of workers and three persons representative of employers to the Silviculture Subcommittee, appointed advisors from the Ministry of Forests and the Ministry of Health and seconded two employees from the W.C.B. Occupational Safety and Health Division to the Secretariat for Regulation Review to participate on the Subcommittee;

AND WHEREAS two persons appointed to the Ergonomics Subcommittee on January 20, 1993, have resigned from the Subcommittee and the Governors' Committee wishes to appoint two other persons to replace them:

NOW THEREFORE THE GOVERNORS' COMMITTEE FOR REGULATION
REVIEW RESOLVES THAT:

1. The appointments of June Hunter and David Manning to the Silviculture Subcommittee are rescinded effective February 22, 1993.
2. David Trites is appointed to the Silviculture Subcommittee effective February 22, 1993 to be representative of workers.
3. Gloria Hiltz (I.W.A.) is appointed to the Silviculture Subcommittee effective February 25, 1993 to be representative of workers.

Decision of the Governors

Number: 41

Date: April 5, 1993

Subject: Approval of Regulations for Agricultural Operations

WHEREAS on September 15, 1982, the Workers' Compensation Board determined that employers and workers in or about the industry of farming should be brought within the scope of Part 1 of the *Workers Compensation Act* effective April 4, 1983, and passed Board Minute dated September 15, 1982, which was subsequently gazetted as B.C. Regulation 434/82;

AND WHEREAS B.C. Regulation 434/82 defines the industry of farming to include growing or raising crops, dairying, poultry raising, egg production, raising of livestock for human consumption, breeding of beef cattle for herd improvement, horticulture, beekeeping, aquaculture, fur farming, and breeding of horses, on land with a certain minimum gross value of production and of a certain size;

AND WHEREAS on March 28, 1984, the Workers' Compensation Board amended B.C. Regulation 434/82 by Board Minute dated 28 March 1984, which was gazetted as B.C. Regulation 275/84, and declared that:

. . . with the exception of the industrial health and safety regulations, all provisions of Part 1 of the *Workers Compensation Act* and all the Board's current practices, procedures and regulations, including those in respect of registration requirements, assessment collection and claims and rehabilitation matters will apply to employers and workers in or about the industry of farming in the same way and to the same extent that they presently apply to workers and employers in or about the other industries within the scope of Part 1 of the *Workers Compensation Act*, provided however, that the industrial health and safety regulations will be used as guidelines for educational and promotional programs relating to industrial health and safety in the farming industry.

The Board hereby declares that regulations relating to industrial health and safety in the farming industry will be developed with implementation and adjustment periods appropriate to that industry, and

The Board hereby declares that it will continue to administer educational and promotional programs relating to industrial health and safety in the farming industry while said regulations are being developed.;

AND WHEREAS on January 7, 1992, the governors of the Workers' Compensation Board embarked upon a complete review of the occupational safety and health regulations during which, with the involvement of the worker and employer communities in the province, they are reviewing the *Industrial Health and Safety Regulations*, including the *Workplace Hazardous Materials Information System Regulations*, the *First Aid Regulations* and the *Occupational Environment Regulations*;

AND WHEREAS on February 3, 1992, the governors adopted a resolution stating that the development of health and safety regulations for farms and ranches would be made part of the review process;

AND WHEREAS the governors have constituted the Governors' Committee for Regulation Review, the Regulation Advisory Committee and various Specialty Subcommittees composed of worker and employer representatives from industry sectors to assist in the review;

AND WHEREAS in June, 1992, the governors established an Agriculture Subcommittee composed of representatives of workers and employers in the industry and chaired by public interest governor Mark Thompson to develop regulatory proposals for the control of hazards in agriculture and to advise on matters of general regulatory concern;

AND WHEREAS the Agriculture Subcommittee held a series of meetings from July, 1992, to January, 1993, and issued a final report which was reviewed and approved by the Regulation Advisory Committee on February 8, 1993;

AND WHEREAS the final report of the Agriculture Subcommittee included recommendations for hazard specific Draft Regulations for Agricultural Operations which then were made publicly available;

AND WHEREAS, with the approval of the governors, the Workers' Compensation Board gave notice of and held public hearings on March 3 and 4, 1993, with respect to the Draft Regulations for Agriculture Operations, in accordance with Section 71(1) of

the *Workers Compensation Act* and legal advice obtained by the governors concerning the legal requirements that the W.C.B. must fulfil when exercising its statutory authority under Section 71(1);

AND WHEREAS the Governors' Committee for Regulation Review, on the advice of the Regulation Advisory Committee, has presented to the governors the final Regulations for Agricultural Operations attached hereto as Schedule "A", as well as the written submissions from the public hearings and audiotapes of the oral presentations;

AND WHEREAS the Governors' Committee for Regulation Review, on the advice of the Regulation Advisory Committee, has recommended to the governors that Sections 2, 4, 6, and 8 of the *Industrial Health and Safety Regulations* (B.C. Reg. 585/77 as amended by B.C. Reg. 126/82 and 523/82), as they may be amended from time to time, apply to the farming industry as defined in Regulation 434/82, with the exception of aquaculture:

NOW THEREFORE THE GOVERNORS RESOLVE THAT, pursuant to Section 71(1) of the *Workers Compensation Act*, they make the *Regulations for Agricultural Operations* attached hereto as Schedule "A" to apply to all employers, workers and other persons working in or contributing to any agricultural production of the farming industry as defined in B.C. Regulation 434/82, with the exception of aquaculture;

AND THE GOVERNORS FURTHER RESOLVE THAT the Regulations for Agricultural Operations so made shall come into effect on April 28, 1993, except that, if the Regulations specify another effective date for a Regulation, that Regulation shall come into effect on that other date;

AND THE GOVERNORS FURTHER RESOLVE THAT Sections 2, 4, 6, and 8 of the *Industrial Health and Safety Regulations* (B.C. Reg. 585/77 as amended by B.C. Regs. 71/82, 126/82 and 523/82), as they may be amended from time to time, shall apply to the farming industry as defined in Regulation 434/82, with the exception of aquaculture, effective April 28, 1993.

Editors' note: The regulations are published in their entirety in The British Columbia Gazette, Volume 36, No. 9, dated May 11, 1993.



Decision of the Governors

Number: 42

Date: June 7, 1993

Subject: Approval of Interest on Disfigurement Awards

WHEREAS Section 23(5) of the *Workers Compensation Act* provides that “where the worker has suffered a serious and permanent disfigurement which the board considers is capable of impairing his earning capacity, a lump sum in compensation may be paid, although the amount the worker was earning before the injury has not been diminished”;

AND WHEREAS on June 7, 1993, the governors of the Workers' Compensation Board approved a new policy developed by the W.C.B. president and the Executive Committee for the administration of disfigurement awards under Section 23(5);

AND WHEREAS all disfigurement awards have been held in abeyance since October 2, 1992, pending development and approval of the new policy:

NOW THEREFORE THE GOVERNORS RESOLVE THAT interest shall be paid on each disfigurement award held in abeyance since October 2, 1992, for the portion of the period from October 2, 1992, until June 7, 1993, inclusive, during which each award was held in abeyance, at the interest rate(s) in effect at the time.



Decision of the Governors

Number: 43

Date: August 10, 1992

Subject: Amendment to Section 4(1) of the *Workplace Act*

WHEREAS Section 71(1) of the *Workers Compensation Act* authorizes the Workers' Compensation Board to make regulations "for the prevention of injuries and industrial diseases in employment and places of employment";

AND WHEREAS Section 4(1) of the *Workplace Act* provides that the lieutenant governor in council may make regulations in respect of various matters, including the "protection of the health, safety and comfort of persons working in or contributing to the operation of a factory, office or shop";

AND WHEREAS the governors of the Workers' Compensation Board consider that it would be consistent with the Workers' Compensation Board's regulation-making authority under the *Workers Compensation Act* and more practicable over the longer term for the Workers' Compensation Board, rather than the lieutenant governor in council, to make the regulations under Section 4(1) of the *Workplace Act*:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the chairman of the governors shall communicate with the minister of Labour and Consumer Services to request, on behalf of the governors, that Section 4(1) of the *Workplace Act* be amended to authorize the Workers' Compensation Board, rather than the lieutenant governor in council, to make regulations in respect of the matters specified in Section 4(1) of the *Workplace Act* in the same manner as it makes regulations pursuant to Section 71(1) of the *Workers Compensation Act*.



Decision of the Governors

Number: 44
Date: March 1, 1993
Subject: Amendment to Section 23(1) of the *Criminal Injury Compensation Act*

WHEREAS Section 23(1) of the *Criminal Injury Compensation Act* requires that the Workers' Compensation Board, on or before March 1 in each year, make a report to the lieutenant governor in council of its transactions under the *Act* during the preceding calendar year;

AND WHEREAS it is exceedingly difficult for the Criminal Injury Section to complete the report in sufficient time to enable the governors to review the report prior to it being forwarded to the attorney general on behalf of the lieutenant governor in council;

AND WHEREAS Section 69(1) of the *Workers Compensation Act* requires that the W.C.B., on or before March 25 in each year, make a report to the lieutenant governor in council of its transactions under that *Act* during the last preceding calendar;

AND WHEREAS the March 25 due date provides sufficient time for the governors to review the report under the *Workers Compensation Act* prior to it being forwarded to the minister of Labour on behalf of the lieutenant governor in council:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the chairman of the governors shall communicate, on behalf of the governors, with the attorney general to request an amendment to Section 23(1) of the *Criminal Injury Compensation Act* to change "March 1 in each year" to "March 25 in each year."



Decision of the Governors

Number: 45
Date: July 19, 1993
Subject: Amendment to Governors' Financial Standing Committee Charter

WHEREAS, on April 6, 1992, the governors of the Workers' Compensation Board constituted the Governors' Financial Standing Committee (the "Committee"), pursuant to Section 82(b)(i) of the *Workers Compensation Act* and Section 8 of Bylaw No. 3 (Board of Governors Procedural Bylaw), and adopted the Governors' Financial Standing Committee Charter ("Charter");

AND WHEREAS the Charter provides that the Committee shall consist of one worker representative governor, one employer representative governor, one public interest representative governor, and, on an ex officio basis, the chairman of the governors, and that a quorum shall consist of the worker representative governor, the employer representative governor, and either the public interest representative governor or the chairman of the governors;

AND WHEREAS the Committee has found that the limited number of worker representative and employer representative governors appointed to the Committee impedes the conduct of the Committee's business because members of the Committee are, from time to time, unable to attend Committee meetings and the requirement for a quorum is not met:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the Governors' Financial Standing Committee Charter shall be amended by adding the following paragraph after paragraph 3 under the heading *Structure*:

- 3A. The worker representative Governor or the employer representative Governor, appointed under paragraph 1, may designate an alternate Governor from the same representative group to attend a meeting that the worker representative Governor or the employer representative Governor is unable to attend; and the alternate Governor, if in attendance at that meeting, shall be counted as part of the quorum for the meeting.



Decision of the Governors

Number: 46
Date: July 19, 1993
**Subject: Ratification of Medical Review Panel Fee Schedule
Effective July 1, 1993**

WHEREAS, at the governors' meeting on February 3, 1992, the governors of the Workers' Compensation Board resolved that:

... from June 3, 1991 until the Medical Review Panel Registrar has completed his review of the Medical Review Panel System and his recommendations have been considered, the authority for the final approval of Medical Review Panel fees shall be exercised by the Chairman of the Governors, subject to fee schedules being presented to the Governors for ratification at the next regular Governors' meeting after being adjusted;

AND WHEREAS the chairman of the governors has given final approval to the fee schedule for Medical Review Panels held on and after July 1, 1993, and has requested ratification by the governors of the fee schedule:

NOW THEREFORE THE GOVERNORS RESOLVE THAT they ratify the following fee schedule approved by the chairman of the governors for Medical Review Panels held on or after July 1, 1993:

The hourly rate payable to Chairmen of Medical Review Panels is \$136.99.

The flat fee payable to Panel members other than the Chairmen is \$456.95, with an additional fee of \$100.49 per hour when the time taken on an appeal (including travelling time) exceeds 3½ hours up to a maximum of a further 4½ hours.

The steno fee for each appeal is \$68.60.



Decision of the Governors

Number: 47
Date: July 19, 1993
Subject: Referral of the Issue of Abusive and Harassing Behaviour
in the Workplace

WHEREAS on January 7, 1992 the governors of the Workers' Compensation Board embarked upon a complete review of the occupational safety and health regulations during which, with the involvement of the worker and employer communities in the province, they are reviewing the *Industrial Health and Safety Regulations*, including the *Workplace Hazardous Materials Information System Regulation*, the *First Aid Regulations* and the *Occupational Environment Regulations*;

AND WHEREAS the governors have constituted the Governors' Committee for Regulation Review consisting of two worker representative, two employer representative and one public interest governors and the chairman of the governors, to oversee the review;

AND WHEREAS the governors have also appointed a Regulation Advisory Committee consisting of the members of the Governors' Committee for Regulation Review, seven persons representative of workers, seven persons representative of employers, and the coordinator, Regulation Review, as an advisor, to assist in the review;

AND WHEREAS, as part of the review, Public Forums on occupational safety and health were held in eleven communities in British Columbia from April 7, 1992 to May 8, 1992 at which the issue of violence in the workplace was identified as a leading concern;

AND WHEREAS on July 19, 1993, pursuant to Section 71(1) of the *Workers Compensation Act*, the governors made regulations for the protection of workers from violence in the workplace, by way of amendment to the *Industrial Health and Safety Regulations*;

AND WHEREAS the regulations define "violence" as the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that the worker is at risk of injury;

AND WHEREAS the Governors' Committee for Regulation Review considers that this definition of violence is consistent with the limits of the jurisdiction of the Workers' Compensation Board as prescribed by the *Workers Compensation Act*;

AND WHEREAS the Governors' Committee for Regulation Review and the Regulation Advisory Committee have expressed concerns to the governors about the issue of abusive and harassing behaviour which can cause personal distress and other negative effects on workers, but is not potential or actual physical violence and therefore does not fall under the definition of violence in the regulations:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the issue of abusive and harassing behaviour in the workplace, other than that addressed by the regulations for the protection of workers from violence in the workplace will be referred to the Ministry of Labour, the B.C. Council of Human Rights and the Ministry of Women's Equality for investigation and review;

AND THE GOVERNORS FURTHER RESOLVE THAT within one year from the date of this resolution the Workers' Compensation Board will review and evaluate in liaison with the Ministry of Labour, the B.C. Council of Human Rights and the Ministry of Women's Equality their capability and intentions to regulate and correct the matter referred.

Decision of the Governors

Number: 48

Date: December 7, 1992

Subject: Repeal of Section 41 of the *Workers Compensation Act*

WHEREAS on June 1, 1992, the governors of the Workers' Compensation Board resolved that the Silicosis Fund created under Section 41 of the *Workers Compensation Act* would be abolished effective the end of 1992;

AND WHEREAS, once the Silicosis Fund is abolished, Section 41 of the *Act* will become redundant;

AND WHEREAS the governors of the Workers' Compensation Board consider that Section 41 of the *Act* should be repealed:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the chairman of the governors shall communicate with the minister of Labour and Consumer Services to request, on behalf of the governors, that the *Workers Compensation Act* be amended by repealing Section 41 and deleting the references to Section 41 and to the Silicosis Fund from Sections 82(a)(iv) and 96(6)(a).



Decision of the Governors

Number: 49

Date: February 3, 1992

Subject: Amendment to Section 75(5) of the *Workers Compensation Act*

WHEREAS Section 75(5) of the *Workers Compensation Act* provides that, in a prosecution for an offence under Section 75, the production of a certificate under, or purporting to be under, the seal of the Workers' Compensation Board and signed, or purporting to be signed by "the chairman and secretary of the board" shall be conclusive proof that the prosecution has been instituted with the leave of the Workers' Compensation Board;

AND WHEREAS the reference to "chairman" in Section 75(5) refers to the pre-June 3, 1991, chairman in his capacity as the chief administrative officer of the Workers' Compensation Board;

AND WHEREAS the president and chief executive officer is now the chief administrative officer of the Workers' Compensation Board;

AND WHEREAS the term "president" is currently defined by Section 79 of the *Act* for purposes of Division 6 (to which Section 75 does not belong):

NOW THEREFORE THE GOVERNORS RESOLVE THAT the chairman of the governors shall communicate with the minister of Labour and Consumer Services to request, on behalf of the governors, that Section 75(5) of the *Workers Compensation Act* be amended to delete the word "chairman" and replace it with the word "president" and that any necessary consequential change to the positioning of the definition of the term "president" in the *Act* be effected.



Decision of the Governors

Number: 50

Date: June 7, 1993

Subject: Amendments to the *Workers Compensation Act*

WHEREAS the Workers' Compensation Board has responsibilities relating to occupational safety and health, compensation and rehabilitation under the *Workers Compensation Act*;

AND WHEREAS the *Act* does not cover all industries in British Columbia or all individuals working in the industries that are covered by the *Act*, and some industries are covered by the *Act* for compensation and rehabilitation purposes, but not for occupational safety and health purposes;

AND WHEREAS the governors of the Workers' Compensation Board consider that coverage under the *Act* should be as broad and inclusive as public policy dictates;

AND WHEREAS the governors consider that the most effective and publicly accountable way to achieve this broad and inclusive coverage under the *Act* is for the minister of Labour and Consumer Services and his Ministry to take the initiative in developing and presenting amendments to the *Act* in the Legislative Assembly of the Province of British Columbia:

NOW THEREFORE THE GOVERNORS RESOLVE THAT the chairman of the governors shall communicate with the minister of Labour and Consumer Services to request, on behalf of the governors, that the minister and his Ministry take the initiative in developing and presenting in the Legislative Assembly of the Province of British Columbia amendments to the *Workers Compensation Act* which would extend coverage under the *Act* as broadly and inclusively as public policy dictate.

