

WORKERS' COMPENSATION REPORTER

Volume 16
2000

published by the

WORKERS' COMPENSATION BOARD

Province of British Columbia



- *Creation of workplaces that are safe and secure from injury and disease*
- *Successful rehabilitation and return to work of injured workers*
- *Fair compensation for workers suffering injury or illness on the job*
- *Sound financial management to ensure a viable W.C.B. system*
- *Protection of the public interest*

Sections and excerpts from the *Workers Compensation Act*, Revised Statutes of British Columbia, Chapter 437 are provided for convenience and are to be used for informational purposes only.

For subscriptions to the *Workers' Compensation Reporter*, call the Publications and Videos section of the W.C.B. at 604 276-3068. For more information about this publication, call Hugh Legg at 604 279-7594. The *Workers' Compensation Reporter* is colour-coded in the following way:

- Blue — Decisions of the Panel of Administrators
- Green — Appeal Division Decisions
- Pink — Miscellaneous
- Purple — Review Board Findings
- Orange — Court Decisions

Contents – Volume 16

Number 1

Decisions of the Appeal Division

Section 10(8) appeal – Obligations on a principal contractor (#99-0992)	1
Section 10(8) appeal – Effect of delay in making section 10(8) application (#99-1033)	15
Section 26 of the <i>Criminal Injury Compensation Act</i> and Section 15 of the <i>Canadian Charter of Rights and Freedoms</i> (#99-1281)	21
Section 10(8) appeal – Serious breach of duty of care – responsibility of general contractor (#99-1385)	31
Sections 17(3)(c) to (e) of the <i>Workers Compensation Act</i> and Section 15 of the <i>Canadian Charter of Rights and Freedoms</i> (No. 2) (#99-1427)	59
<i>Criminal Injury Compensation Act</i> – Non-pecuniary loss by immediate family member of victim of crime (#99-1439)	75
Section 96(4) Referral – Wage loss for date of injury (#99-1746)	115
Natural Justice – Apprehension of Bias – Section 10(8) appeal (#99-1768)	119
Section 96(4) Referral – Reinstatement of widows’ benefits (#99-1909)	125
Section 96(4) Referral – No retrospective effect of Section 15 of the <i>Charter of Rights and Freedoms</i> (#00-0119)	149
Section 96(4) Referral – Implementation of a Review Board finding (#00-0223)	159
Section 96(4) Referral – Provision of Temporary Disability Benefits (#00-0307)	175
Section 96(4) Referral – Inclusion of taxable benefits in average earnings (#00-1155)	185

Section 96(4) Referral – Whether disabled at the work at which employed under section 6(1) (#00-1188, #00-1189)	197
Delegation by the Chief Appeal Commissioner (No. 25) (30 June 1999)	215
Delegation by the Acting Chief Appeal Commissioner (No. 26) (3 August 1999)	217
Appeal Practice & Procedure – Public Access to Appeal Division Decisions – Writing Decisions Without Reference to Identifiers (No. 29) (20 December 1999)	219

Court Decisions

<i>Northern Mountain Helicopters Inc. v. Workers’ Compensation Board of British Columbia, Attorney General of British Columbia and The Attorney General for Canada as a representative of Her Majesty and Her servants employed by the Department of Human Resources and Development (Canada)</i> (30 October 1998) (British Columbia Supreme Court)	225
<i>Shirley Harvey on behalf of the Estate of Alice Stinson v. Her Majesty the Queen in Right of the Province of British Columbia and The Attorney General of British Columbia</i> (17 December 1999) (British Columbia Court of Appeal)	239
<i>Greyhound Canada Transportation Corp. v. Mariusz Brzozowski Kazimierz Kowalski, and Workers’ Compensation Board of British Columbia</i> (1 June 2000) (British Columbia Court of Appeal)	245
<i>Northern Mountain Helicopters Inc. v. Workers’ Compensation Board of British Columbia, The Attorney General of British Columbia, and the Attorney General for Canada as a representative of Her Majesty and Her Servants employed by the Department of Human Resources and Development (Canada)</i> (16 June 2000) (British Columbia Court of Appeal)	251
<i>Mona Yee v. Workers’ Compensation Board of British Columbia</i> (14 July 2000) (British Columbia Supreme Court)	255

Number 2

Decisions of the Appeal Division

Whole Body Vibration (99-1868)	265
Loss of Visual Acuity #2 – Standard of Review for Determining Legality of Governors’ Policy (00-0668)	287



<i>Criminal Injury Compensation Act – Assault – Consent</i> (00-1267)	303
<i>Criminal Injury Compensation Act – Status of “Bystander”</i> (00-1422)	321
Assessable Payroll under <i>Assessment Policy Manual</i> – Employee Share Purchase Plan (00-1457)	333
Reconsideration of an Appeal Division Decision – Consistency and “Hallmarks of Quality Decisions” (00-1596)	349
Employer’s Authorization for a Representative on an Appeal – Effect when Employer Enters Bankruptcy (00-1967)	365
Decision #31 – Delegation by Chief Appeal Commissioner	371
Subject Matter Index – Volume 16	373
Appeal Division Case Decisions Numeric Index – Volume 16	377