

BOARD OF DIRECTORS
Douglas Enns, Chair

Terry Brown
Rosyln Kunin
Peter Morse

Stephen Hunt
Calvin Lee
Arlene Ward

April 2003

Update 2003 – 4

**TO: HOLDERS OF THE *REHABILITATION SERVICES & CLAIMS MANUAL* –
VOLUME I**

This update of the *Rehabilitation Services & Claims Manual* contains amendments to the *Manual* since update 2003 – 3.

This update contains amendments to:

- Table of Contents
- Preface
- Policy item #45.61 (Calculation of Lump-sum Payment or Commutation)

If you have any questions regarding this update or the *Rehabilitation Services & Claims Manual*, please call Publications and Video Distribution at 1-866-271-4879.

DOUGLAS ENNS
Chair, Board of Directors

REHABILITATION SERVICES AND CLAIMS MANUAL

VOLUME I

published by the
Workers' Compensation Board
Province of British Columbia



*Workers and Workplaces
Safe and Secure from Injury and Disease*

Subscription information is available at WCB Customer Service provided by Benwell Atkins/Moore at 1-866-271-4879, E-mail: moore-wcb.customer.service@ca.moore.com.



PREFACE

Section 82 of the *Workers Compensation Act* provides that the Board of Directors of the Workers' Compensation Board must set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation and occupational safety and health (or prevention).

The policies of the Board of Directors consist of:

- (a) The statements contained under the heading "Policy" in the *Assessment Manual*,
- (b) The *Occupational Safety and Health Division Policy and Procedure Manual*,
- (c) The statements contained under the heading "Policy" in the *Prevention Manual*,
- (d) The *Rehabilitation Services & Claims Manual*, Volume I and Volume II, except statements under the headings "Background" and "Practice" and explanatory material at the end of each Item appearing in the new manual format,
- (e) The *Classification and Rate List*, as approved annually by the Board of Directors,
- (f) *Workers' Compensation Reporter* Decisions No. 1 – 423 not retired prior to February 11, 2003;¹ and
- (g) Policy decisions of the former Governors and the former Panel of Administrators still in effect immediately before February 11, 2003,

as well as amendments to policy in the four policy manuals, any new or replacement manuals issued by the Board of Directors, any documents published by the Workers' Compensation Board that are adopted by the Board of Directors as policies of the Board of Directors, and all decisions of the Board of Directors declared to be policy decisions.

The *Manual* in which this preface appears (*Rehabilitation Services & Claims Manual*, Volume I) contains current Board policy with respect to the rehabilitation and compensation matters described in Chapter 1 of the *Manual*. It is used by Board staff in carrying out their responsibilities under the *Workers Compensation Act*. As new policy is developed and approved in this area, the *Manual* will be updated by issuing replacement pages.

¹ Decisions No. 1 – 423 are gradually being consolidated into the policy manuals, as appropriate, and "retired". An explanation of "retirement" and an index of "retired" Decisions are found in APPENDIX 1 to this *Manual*.

	#45.44	Education	6-59
	#45.45	Buying a Home	6-59
#45.50		Decision-Making Procedures	6-60
#45.60		Amount Paid on Commutations	6-61
	#45.61	Calculation of Lump-sum Payment or Commutation	6-61

NOTES			6-62
-------	--	--	------

CHAPTER 7 — PROTECTION OF AND DEDUCTIONS FROM BENEFITS

#46.00		INTRODUCTION	7-1
#47.00		ACTIONS BY EMPLOYERS	7-1
	#47.10	Agreements to Waive or Forego Benefits	7-1
	#47.20	Contributions from Workers to Employer	7-2
#48.00		ASSIGNMENTS, CHARGES OR ATTACHMENTS OF COMPENSATION	7-2
	#48.10	Solicitors' Liens	7-2
	#48.20	Money Owing in Respect of Benefits Paid by Other Agencies	7-2
	#48.21	Employment Insurance	7-3
	#48.22	Welfare Payments	7-3
	#48.30	Worker Not Supporting Dependents	7-5
	#48.40	Overpayments/Money Owed to the Board	7-5
	#48.41	When Does an Overpayment of Compensation Occur?	7-6
	#48.42	Recovery Procedures for Overpayments	7-6
	#48.43	Recovery of Overpayments on Reopenings or New Claims	7-8
	#48.44	Deduction of Overpayments from Pensions	7-8
	#48.45	Deduction of Overpayments from Rehabilitation Payments	7-9
	#48.46	Reviews and Appeals on Overpayments	7-9
	#48.47	Waiver of Overpayment Recoveries	7-10
	#48.48	Unpaid Assessments	7-10
#48.50		Payment to Widow or Widower Free from Debts of Deceased	7-11

#49.00	INCAPACITY OF A CLAIMANT	7-11
#49.10	Worker Receiving Custodial Care in Hospital	7-11
#49.11	Meaning of Custodial Care in Hospital or Elsewhere in Section 35(5)	7-12
#49.12	Nature of the Board's Authority under Section 35(5)	7-12
#49.13	Application of Section 35(5) in Cases of Temporary Disability	7-13
#49.14	Application of Section 35(5) in Cases of Permanent Disability	7-15
#49.15	Application of Section 35(5) on a Change of Circumstances	7-16
#49.16	Administration of Section 35(5)	7-16
#49.17	Date of Commencement	7-16
#49.20	Imprisonment of Worker	7-17
#49.30	Payment of Public Trustee and Committee	7-18
#50.00	INTEREST	7-19
#50.10	Position Prior to May 7, 1984	7-20
#51.00	CONSUMER PRICE INDEX	7-20
#51.10	Existing Periodical Payments	7-21
#51.11	Reopening Claims	7-22
#51.12	Injury, Death or Disablement Occurring Prior to July 1, 1974	7-22
#51.13	Partially Commuted Pensions	7-23
#51.20	Dollar Amounts in the Workers Compensation Act	7-23
NOTES		7-24

CHAPTER 8 — COMPENSATION ON THE DEATH OF A WORKER

#52.00	INTRODUCTION	8-1
#53.00	FUNERAL AND OTHER EXPENSES	8-1
#53.10	Person to Whom Expenses are Paid	8-2
#54.00	MEANING OF "DEPENDANT"	8-2
#54.10	Presumptions of Dependency	8-3
#55.00	WIDOWS AND WIDOWERS DEATH ON OR AFTER JULY 1, 1974	8-4
#55.10	Lump Sum Payment to Dependent Widows or Widowers	8-4
#55.20	Dependent Spouse with Dependent Children	8-4
#55.21	Widow or Widower with Two or More Children	8-4
#55.22	A Widow or Widower with One Child	8-5
#55.23	A Meaning of "Invalid"	8-6
#55.24	Meaning of "Federal Benefits"	8-6
#55.25	Meaning of "Child" or "Children"	8-6
#55.26	A Minimum Amount of Average Earnings	8-7

#55.30	Dependent Spouse with No Children	8-7
#55.31	Widow or Widower 50 Years of Age or Over or Invalid	8-7
#55.32	Non-Invalid Widow or Widower under 40 Years	8-8
#55.33	Non-Invalid Widow or Widower between 40 and 49 Years	8-9
#55.40	Spouse Separated from Deceased Worker	8-10
#55.50	Recalculation of Benefits on Change of Circumstances	8-13
#55.60	Termination of Benefits	8-13
#55.61	Remarriage of Widow or Widower or Establishment of Common-law Relationship Prior to April 17, 1985	8-14
#55.62	Interest Payment Arising from the April 17, 1985 Application of Section 19(2)	8-14
#56.00	WIDOWS AND WIDOWERS DEATH PRIOR TO JULY 1, 1974	8-14
#56.10	Lump Sum Payable to Dependent Widows	8-14
#56.20	Dependent Widows and Invalid Widowers with Dependent Children	8-15
#56.30	Dependent Widows and Invalid Widowers with No Dependent Children	8-15
#56.40	Widow or Widower Separated from Deceased	8-15
#56.50	Additional Payments	8-16
#56.60	Termination of Benefits	8-16
#56.61	Remarriage	8-16
#56.63	Cessation of Childrens Benefits	8-17
#56.64	Widower Ceases to be Invalid	8-17
#56.65	Readjustment of Payments	8-17
#57.00	COMMON-LAW WIVES OR COMMON-LAW HUSBANDS	8-17
#57.10	No Surviving Dependent Widow or Widower	8-17
#57.20	Surviving Dependent Widow or Widower	8-18
#57.30	Lump Sum Payment	8-19
#57.40	Termination of Benefits	8-19
#57.50	Death Prior to July 1, 1974	8-19
#58.00	FOSTER-PARENTS	8-19
#59.00	CHILDREN	8-20
#59.10	Meaning of "Child" or "Children"	8-20
#59.11	In Loco Parentis	8-20
#59.12	Unborn Children	8-21
#59.13	Invalid Children	8-21
#59.14	Regularly Attending an Academic, Technical or Vocational Place of Education	8-21
#59.20	Amount of Compensation	8-22
#59.21	Surviving Widow, Widower, Common-Law Wife or Common-Law Husband	8-22
#59.22	No Surviving Spouse or Common-Law Wife/Husband	8-22
#59.30	Death Prior to July 1, 1974	8-23

#60.00	OTHER RELATIVES	8-24
	#60.10 Dependent Parents	8-24
	#60.20 Death Prior to July 1, 1974	8-24
#61.00	PERSONS NOT DEPENDENT ON THE EARNINGS OF THE DECEASED	8-25
#62.00	NON-RESIDENT DEPENDANTS	8-25
	#62.10 Return of Dependant from Abroad	8-26
	#62.20 Consumer Price Index	8-26
#63.00	MISCELLANEOUS PROVISIONS	8-26
	#63.10 Apportionment	8-26
	#63.20 Enemy Warlike Action	8-27
	#63.30 Death of Two Workers	8-27
	#63.40 Special or Novel Cases	8-28
	#63.50 Proof of Existence of Dependants	8-28
	#63.60 Commencement of Pensions	8-28
	#63.70 Death of Commercial Fisher After January 1, 1975	8-28
NOTES		8-29

CHAPTER 9 — AVERAGE EARNINGS

#64.00	INTRODUCTION	9-1
#65.00	AVERAGE EARNINGS	9-1
#66.00	WAGE-LOSS RATES ON NEW CLAIMS	9-2
	#66.01 Variable Shift Workers	9-2
	#66.02 Claimant with Two Jobs	9-3
#66.10	Use of Long-Term Earnings	9-3
	#66.11 Computation of Long-Term Earnings	9-4
	#66.12 Provisional Rate	9-6
	#66.13 Casual Workers	9-7
	#66.14 Seasonal Workers	9-8
	#66.15 Part-Time and Temporary Workers	9-8
#66.20	Personal Optional Protection	9-9
#66.30	Workers with No Earnings	9-11
	#66.31 Volunteer Workers Admitted by the Board under Section 3(5)	9-11
	#66.32 Volunteer Firefighters and Ambulance Drivers and Attendants	9-12
	#66.33 Sisters in Catholic Institutions	9-12
	#66.34 Emergency Services Workers	9-13

#67.00	WAGE-LOSS RATE CHANGES	9-13
	#67.10 Adjustments to Earnings of Learners	9-13
	#67.20 8-Week Rate Review	9-14
	#67.21 Class Averages/New Entrants to Labour Force	9-16
#68.00	PERMANENT DISABILITY PENSIONS	9-17
#69.00	MAXIMUM AMOUNT OF AVERAGE EARNINGS	9-18
	#69.10 Deduction of Pensions from Wage Loss	9-19
	#69.11 Pension Cash Awards and Term Pensions	9-20
#70.00	AVERAGE EARNINGS ON REOPENED CLAIMS	9-21
	#70.10 Disability Occurring Within Three Years of Injury	9-21
	#70.20 Reopenings Over Three Years	9-22
	#70.30 Pension Cash Awards and Term Pensions	9-27
#71.00	COMPOSITION OF AVERAGE EARNINGS	9-27
	#71.10 Extraordinary or Irregular Wage Payments	9-28
	#71.11 Overtime	9-28
	#71.12 Severance or Termination Pay	9-28
	#71.13 Salary Increases	9-28
	#71.20 Fringe Benefits	9-28
	#71.21 Room and Board	9-29
	#71.30 Strike Pay and Unemployment Insurance Payments	9-29
	#71.40 Property Value Losses	9-29
	#71.41 Payments in Respect of Equipment	9-30
	#71.50 Payments to Substitutes	9-31
	#71.60 Government Sponsored Work Programs	9-32
NOTES		9-33

CHAPTER 10 — MEDICAL ASSISTANCE

#72.00	INTRODUCTION	10-1
#73.00	RIGHT OF WORKER TO HEALTH CARE BENEFITS	10-1
	#73.10 Prior to Adjudication	10-1
	#73.20 Duration of Medical Assistance	10-2
	#73.30 Suspended Claims	10-2
	#73.40 Approved Health Care Plans/Canada Shipping Act	10-2
	#73.50 Out-of-Province Treatment	10-2
	#73.51 Injury Outside the Province	10-2
	#73.52 Worker Injured Near the Provincial Border	10-3
	#73.53 Worker Leaves the Province to Obtain Specialized Treatment	10-3
	#73.54 Worker Voluntarily Leaves the Province	10-3
#74.00	PHYSICIANS AND QUALIFIED PRACTITIONERS	10-3
	#74.10 General Position of Physicians and Qualified Practitioners	10-4
	#74.11 Medical Negligence or Malpractice	10-4

	#74.20	Chiropractors	10-5
		#74.21 Duration of Treatment	10-5
		#74.22 Scope of Chiropractic Treatment	10-6
		#74.23 Examination by the Board	10-7
		#74.24 Consultation with Another Chiropractor	10-7
		#74.25 Physiotherapy	10-8
		#74.26 Belts and Back Supports	10-8
		#74.27 X-rays	10-8
	#74.30	Dentists	10-8
	#74.40	Naturopathic Physicians	10-9
	#74.50	Selection of Physician or Qualified Practitioner	10-9
	#74.60	Concurrent Treatment	10-11
#75.00		HEALTH CARE RENDERED BY PERSONS OTHER THAN PHYSICIANS OR QUALIFIED PRACTITIONERS	10-12
	#75.10	Physiotherapists	10-12
		#75.11 Physiotherapy at the Boards Rehabilitation Centre	10-12
		#75.12 Physiotherapy Given Privately	10-13
	#75.20	Nurses	10-14
	#75.30	Dental Mechanics	10-14
	#75.40	Health Spas and Public Swimming Pools	10-14
#76.00		HOSPITALS AND OTHER INSTITUTIONS	10-15
	#76.10	In-patient Treatment	10-15
	#76.20	Short Stay Patients	10-15
	#76.30	Private Hospitals	10-15
	#76.40	Laboratory Procedures	10-16
	#76.50	Application of Compensation to Worker's Maintenance in Hospital	10-16
#77.00		DRUGS, APPLIANCES, AND OTHER SUPPLIES	10-16
	#77.10	General Position	10-16
	#77.20	Types of Supplies and Appliances	10-17
		#77.21 Eyeglasses	10-17
		#77.22 Hearing Aids	10-17
		#77.23 Artificial Limbs	10-18
		#77.24 Crutches, Canes, and Wheelchairs	10-18
		#77.25 Boots and Shoes	10-18
		#77.26 Belts and Braces	10-19
		#77.27 Home and Vehicle Modifications	10-19
		#77.28 Medical Supplies for Paraplegics and Quadriplegics	10-19
		#77.29 Miscellaneous Items	10-20
	#77.30	The Prescription of Narcotics and Other Drugs of Addiction	10-20
#78.00		DIRECTION, SUPERVISION, AND CONTROL OF HEALTH CARE	10-22

#78.10	Direction, Supervision, and Control of Treatment	10-22
#78.11	Authorization of Elective Surgery	10-23
#78.12	Worker Engages in Insanitary or Injurious Practices	10-24
#78.13	Worker Refuses to Submit to Medical Treatment	10-25
#78.14	Acupuncture	10-26
#78.20	Examinations and Consultations	10-26
#78.21	Examination at the Board	10-27
#78.22	Consultation with Specialists	10-27
#78.23	Psychiatric Treatment and Consultation	10-28
#78.24	Failure to Attend, or Obstruction of, Examination	10-28
#78.30	Fees or Remuneration	10-29
#78.31	Adjudication of Health Care Benefits Accounts	10-30
#78.32	Reversal of Decision on Review or Appeal	10-31
#78.33	Form Fees	10-31
#79.00	CLOTHING ALLOWANCES	10-32
#80.00	PERSONAL CARE EXPENSES OR ALLOWANCES	10-33
#80.10	Levels of Personal Care Allowances	10-33
#80.20	Amounts Payable at Each Level	10-35
#80.30	Payment Procedure	10-35
#80.40	Claimant Requires Institutional Care	10-36
#81.00	INDEPENDENCE AND HOME MAINTENANCE ALLOWANCE	10-36
#82.00	TRANSPORTATION ALLOWANCES	10-38
#82.10	Eligibility for Transportation	10-38
#82.11	Worker Bypasses Nearby Medical Facilities	10-40
#82.20	Amount of Reimbursement	10-40
#82.30	Manner of Payment	10-42
#82.40	Transportation Provided by the Employer	10-42
#82.50	Flight Changes	10-43
#83.00	SUBSISTENCE ALLOWANCES	10-43
#83.10	Eligibility for Subsistence	10-43
#83.11	Travelling Companions	10-44
#83.12	Visits Home by Worker	10-46
#83.13	Income Loss	10-46
#83.20	Rates of Subsistence	10-46
#84.00	REHABILITATION RESIDENCE	10-47
#84.10	Eligibility For Admittance	10-48
#84.11	Rehabilitation Centre Treatment	10-48
#84.12	Medical Consultation or Disability Evaluation	10-49
#84.13	Rehabilitation Programs	10-49
#84.14	Rehabilitation Residence Filled	10-49

#84.20	Right of Eligible Workers to Choose Own Accommodation	10-50
#84.30	Visits to and from Home	10-50
#84.40	Conduct of Worker at the Rehabilitation Residence	10-51
#84A.00	HOMEMAKERS' SERVICES	10-51
NOTES		10-53

CHAPTER 11 — VOCATIONAL REHABILITATION SERVICES

#85.00	INTRODUCTION	11-1
#85.10	Legislative Mandate	11-1
#85.20	Quality Rehabilitation	11-1
#85.30	Principles of Vocational Rehabilitation	11-2
#85.40	Service Objectives	11-2
#85.50	Services Provided	11-3
#85.60	Departmental Mandate	11-3
#86.00	ELIGIBILITY	11-3
#86.10	Referral Guidelines	11-4
#86.11	Immediate Referrals	11-4
#86.12	General Referrals	11-4
#86.20	Non-compensable Problems	11-5
#86.30	Preventative Rehabilitation	11-5
#86.40	Injuries Caused by Third Parties	11-6
#86.50	Out of Province	11-6
#86.60	Other Acts Administered	11-6
#86.70	Continuation of Assistance	11-6
#87.00	REHABILITATION PROCESS	11-6
#87.10	Consultative Process	11-7
#87.20	Operational Process	11-7
#88.00	PROGRAMS AND SERVICES	11-9
#88.10	Work Assessments	11-10
#88.11	Guidelines	11-10
#88.12	Expenditures	11-11
#88.20	Work Site and Job Modification	11-11
#88.21	Guidelines	11-11
#88.22	Expenditures	11-11
#88.30	Job Search Assistance	11-11
#88.31	Guidelines	11-11
#88.32	Expenditures	11-12
#88.40	Training-on-the-Job	11-12
#88.41	Guidelines	11-12
#88.42	Expenditures	11-13
#88.43	Injury in the Course of Training-on-the-Job	11-13

#88.50	Formal Training	11-14
	#88.51 Levels of Support	11-15
	#88.52 Guidelines	11-16
	#88.53 Expenditures	11-17
	#88.54 Injury in the Course of Training	11-17
	#88.55 Joint Sponsorship	11-18
#88.60	Business Start-ups	11-18
#88.70	Legal Services	11-19
#89.00	EMPLOYABILITY ASSESSMENTS	11-20
#89.10	Permanent Partial Disability	11-20
	#89.11 Continuity of Income Pending Assessment of Permanent Disability Pension	11-21
	#89.12 Amount of Payment	11-21
	#89.13 Continuity of Income Payments	11-22
#89.20	Temporary Partial Disability	11-22
#90.00	SPINAL CORD AND OTHER SEVERE INJURIES	11-23
#90.10	Head Injuries	11-23
#91.00	VOCATIONAL ASSISTANCE FOR SURVIVING SPOUSES AND DEPENDANTS OF DECEASED WORKERS	11-24
#91.10	Sponsorship of Training for Surviving Dependent Spouses	11-24
	#91.11 Eligibility	11-24
	#91.12 Guidelines	11-25
	#91.13 Expenditures	11-25
#91.20	Vocational Services to Dependants of Deceased Workers	11-26

CHAPTER 12— CLAIMS PROCEDURES

#92.00	INTRODUCTION	12-1
#93.00	RESPONSIBILITIES OF CLAIMANTS	12-1
#93.10	Report to Employer	12-1
	#93.11 Procedure for Reporting	12-1
	#93.12 Failure to Report	12-2
	#93.13 Injuries, Disablements, or Deaths Occurring Prior to August 1, 1974	12-2
#93.20	Application for Compensation	12-3
	#93.21 Time Allowed for Submission of Application	12-3
	#93.22 Application Made Out of Time	12-3
	#93.23 Adjudication without an Application	12-7
	#93.24 Injuries, Occupational Diseases, and Deaths Occurring Prior to January 1, 1974	12-8
	#93.25 Signature on an Application for Compensation	12-9
#93.30	Medical Treatment and Examination	12-9
#93.40	Working While Receiving Wage-Loss Benefits	12-10

#94.00	RESPONSIBILITIES OF EMPLOYERS	12-10
#94.10	Report to the Board	12-10
#94.11	Form of Report	12-10
#94.12	What Injuries Must Be Reported	12-11
#94.13	Commencement of the Obligation to Report	12-12
#94.14	Adjudication and Payment without Employers Report	12-12
#94.15	Penalties for Failure to Report	12-12
#94.20	Employer or Supervisor Must Not Attempt to Prevent Reporting	12-15
#95.00	RESPONSIBILITIES OF PHYSICIANS/QUALIFIED PRACTITIONERS	12-16
#95.10	Form of Reports	12-16
#95.20	Reports by Specialist	12-17
#95.30	Failure to Report	12-17
#95.31	Payment of Wage-Loss without Medical Reports	12-17
#95.40	Obligation to Advise and Assist Worker	12-18
#96.00	THE ADJUDICATION OF COMPENSATION CLAIMS	12-18
#96.10	Policy of the Board of Directors	12-19
#96.20	Board Officers	12-21
#96.21	Preliminary Determinations	12-22
#96.22	Suspension of Claim	12-24
#96.23	Withholding Wage-loss Benefits Pending Investigation	12-24
#96.30	Disability Awards Officers and Adjudicators in Disability Awards	12-25
#97.00	EVIDENCE	12-26
#97.10	Evidence Evenly Weighted	12-27
#97.20	Presumptions	12-28
#97.30	Medical Evidence	12-29
#97.31	Matter Requiring Medical Expertise	12-29
#97.32	Statement of Claimant about His or Her Own Condition	12-29
#97.33	Statement by Lay Witness on Medical Question	12-30
#97.34	Conflict of Medical Opinion	12-30
#97.35	Termination of Benefits	12-31
#97.40	Disability Awards	12-31
#97.50	Rumours and Hearsay	12-32
#97.60	Lies	12-32
#98.00	INVESTIGATION OF CLAIMS	12-32
#98.10	Powers of the Board	12-32
#98.11	Powers of Officers of the Board	12-33
#98.12	Examination of Books and Accounts of Employer	12-33

	#98.13	Medical Examinations and Opinions	12-34
#98.20		Conduct of Inquiries	12-34
	#98.21	Place of Inquiry	12-35
	#98.22	Failure of Worker to Appear	12-35
	#98.23	Representation	12-35
	#98.24	Presence of Employer	12-35
	#98.25	Oaths	12-36
	#98.26	Witnesses and Other Evidence	12-36
	#98.27	Cross-examination	12-36
#99.00		DISCLOSURE OF INFORMATION	12-37
	#99.10	Disclosure of Issues Prior to Adjudication	12-47
	#99.20	Notification of Decisions	12-47
	#99.21	Notification of Rights of Review and Appeal	12-49
	#99.22	Procedure for Handling Complaints or Inquiries About a Decision	12-50
	#99.23	Unsolicited Information	12-50
	#99.24	Notification of Pension Awards	12-52
#99.30		Disclosure of Claim Files	12-52
	#99.31	Eligibility for Disclosure	12-53
	#99.32	Provision of Copies of File Documents	12-54
	#99.33	Personal Inspection of Files	12-54
	#99.34	Disclosure	12-55
	#99.35	Complaints Regarding File Contents	12-55
#99.40		Tape Recordings of Interviews	12-56
#99.50		Disclosure to Public or Private Agencies	12-56
	#99.51	Legal Matters	12-57
	#99.52	Other Workers Compensation Boards	12-57
	#99.53	The Canada Employment and Immigration Commission	12-57
	#99.54	Canada Pension Plan	12-57
	#99.55	Ministry of Social Services	12-58
	#99.56	Police	12-58
	#99.57	Government Employees Compensation Act	12-58
#99.60		Information to Other Board Departments	12-58
#99.70		Media Enquiries or Contacts	12-59
#99.80		Insurance Companies	12-59
#99.90		Disclosure for Research or Statistical Purposes	12-59
#100.00		REIMBURSEMENT OF EXPENSES	12-60
	#100.10	Claimants	12-60
	#100.12	Claims or Review Inquiries	12-61
	#100.13	Medical Review Panels	12-61
	#100.14	Amount of Expenses	12-61
	#100.15	Worker Resides Outside the Province	12-62
#100.20		Employers	12-62
#100.30		Witnesses and Interpreters	12-62

#100.40	Fees and Expenses of Lawyers and Other Advocates	12-63
#100.50	Expenses Incurred in Producing Evidence	12-63
#100.60	Decision on Expenses	12-64
#100.70	The Awarding of Costs	12-65
#100.71	Application for Costs by Dependant	12-66
#100.72	What Costs May Be Awarded?	12-66
#100.73	Decisions on Applications for Costs	12-67
#100.75	Implementation of Review or Appeal Decision	
	Directing Reassessment of Redetermination	12-67
#100.80	Payment of Claims Pending Appeals	12-68
#100.81	Appeals to the Review Division – New Claims	12-68
#100.82	Appeals to the Workers Compensation Appeal Tribunal – Reopening of Old Claims	12-68
#100.83	Implementation of Review Division Decisions	12-69
NOTES		12-71

CHAPTER 13 — REVIEWS AND APPEALS

C13-100.00	General
C13-101.00	Review Division – Practices and Procedures
C13-102.00	Workers' Compensation Appeal Tribunal
C13-103.00	Medical Review Panels
	Appendix to Item C13-103.00
C13-104.00	Transitional Matters Relating to the Review Board and Appeal Division
	Appendix to Item C13-104.00

CHAPTER 14 — CHANGING PREVIOUS DECISIONS

C14-101.01	General
C14-102.01	Reopenings
C14-103.01	Reconsiderations
C14-104.01	Fraud and Misrepresentation
C14-105.01	Reviews

CHAPTER 15 — ADVICE AND ASSISTANCE

#109.00	INTRODUCTION	15-1
#109.10	Workers' Advisers	15-1
#109.20	Employers' Advisers	15-2
#109.30	Ombudsman	15-2
NOTES		15-3

CHAPTER 16 — THIRD PARTY/OUT-OF-PROVINCE CLAIMS

#110.00	INTRODUCTION	16-1
#111.00	THIRD PARTY CLAIMS	16-1
#111.10	Injury Caused by Worker or Employer	16-1
#111.11	Employer or Worker Partly at Fault	16-2
#111.20	Injury Not Caused by Worker or Employer	16-2
#111.21	Competence to Make Election	16-2
#111.22	Form of Election	16-3
#111.23	Election Not to Claim Compensation	16-3
#111.24	Election to Claim Compensation	16-3
#111.25	Pursuing of Subrogated Actions by the Board	16-4
#111.26	Failure to Recover Damages	16-6
#111.30	Meaning of "Worker" and "Employer" under Section 10	16-7
#111.50	Federal Government Employees	16-7
#112.00	INJURIES OCCURRING OUTSIDE THE PROVINCE	16-7
#112.10	Claimant is Working Elsewhere than in the Province	16-8
#112.11	Meaning of Working in Section 8	16-8
#112.12	Residence and Usual Place of Employment	16-9
#112.13	Employment of the Worker out of the Province has Immediately Followed Employment by the same Employer within the Province and has Lasted less than Six Months	16-10
#112.20	Claimant is Working in the Province	16-11
#112.30	Workers Also Entitled to Compensation in Place of Injury	16-11
#112.31	Occupational Disease	16-12
#112.40	Federal Government Employees	16-12
NOTES		16-13

CHAPTER 17 — CHARGING OF CLAIM COSTS

#113.00	INTRODUCTION	17-1
#113.10	Investigation Costs	17-1
#113.20	Occupational Diseases	17-2
#113.21	Silicosis and Pneumoconiosis	17-3
#113.22	Hearing-Loss Claims	17-4
#113.30	Interjurisdictional Agreements	17-5
#113.40	Blind Workmen's Compensation Act	17-5
#114.00	PROVISIONS RELIEVING CLASS OF COSTS OF CLAIM	17-6
#114.10	Transfer of Costs from One Class to Another	17-6

LIST OF APPENDICES

		Page
1	– INDEX OF RETIRED DECISIONS FROM VOLUMES 1 - 6 (DECISIONS NO. 1 - 423) OF THE WORKERS' COMPENSATION REPORTER	A1–1
2	– OCCUPATIONAL DISEASES LISTED IN SCHEDULE B – #26.01 SECTION 6(4)	A2–1
3	– THIS APPENDIX HAS BEEN DELETED	
4	– PERMANENT DISABILITY EVALUATION SCHEDULE – #39.10	A4–1
5	– FORMULAE FOR RECALCULATING PENSIONS UNDER SECTION 24 – #42.32	A5–1
6	– MAXIMUM FINES FOR COMMITTING OFFENCES UNDER THE ACT	A6–1
	PART 1 – SECTION 77(2) – #47.20, #74.10, #94.15, #95.30, #98.12 AND #99.00	A6–1
	PART 2 – SECTION 13(2) – #94.20	A6–1
	PART 3 – SECTION 71(8) – #98.11	A6–2
7	– THIS APPENDIX HAS BEEN DELETED	A7–1

#45.60 Amount Paid on Commutations

When a pension reserve is established or a liability is calculated for a pension, the monthly pension amount is converted to a lump sum by applying an actuarial net discount rate. This actuarial net discount rate is set by the Board and represents the anticipated difference between long term future investment returns and long term future inflation.

Similarly, when a pension commutation is granted, the monthly pension amount is converted to a lump sum by applying a commutation net discount rate. For pensions that are automatically commuted by the Board without a request from the worker, the commutation net discount rate used will be equal to the actuarial net discount rate. For pensions that are commuted by the Board at the worker's or dependant's request, the commutation net discount rate used will be equal to the actuarial net discount rate increased by .5 percentage points.

#45.61 Calculation of Lump-sum Payment or Commutation

Where, as a result of the application of the policies outlined in policy items #45.10 to #45.60, the Board officer in Disability Awards decides on a lump sum or commutation, it is paid forthwith.

Whenever a lump-sum payment or commutation is calculated following the review or appeal process, the calculation will be based on the date on which it is processed.

EFFECTIVE DATE: April 8, 2003

APPLICATION: To all decisions made on or after April 8, 2003.

NOTES

- (1) See #66.12
- (2) See #51.13
- (3) See #40.00
- (4) S.23(2)
- (5) Permanent Disability Evaluation Schedule Appendix 4
- (6) See #25.10
- (7) Decision No. 157
- (8) S.23(4); See #34.20
- (9) See #37.21
- (10) S.33(4)
- (11) See #66.20
- (12) See #42.20
- (13) S.24(7)
- (14) S.24(3)
- (15) S.24(5)
- (16) S.24(6)
- (17) S.24(8)
- (18) S.24(9)
- (19) S.24(12)
- (20) S.24(11)
- (21) S.24(10)
- (22) S.26(2)
- (23) S.26(4)
- (24) The 62-1/2% shown in the equation is the percentage of average earnings used in 1938 for calculating compensation, the equivalent of the present 75%
- (25) S.26(4)
- (27) S.5(5)
- (28) S.35(3)