



WORKERS' COMPENSATION BOARD OF BC

Policy and Research Division

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July 2004

Update 2004 – 4

TO: HOLDERS OF THE *ASSESSMENT MANUAL*

This update to the *Assessment Manual* contains amendments to the *Manual* implemented since Update 2004 – 3.

This amendment includes:

- Housekeeping changes to correct the reference to the former Review Board in the Table of Contents and policy AP1-95-1
- Housekeeping change to delete reference to the Coast Guard in policy AP1-97-1

A summary of the amendment is attached and the amended pages are included as part of the package.

If you have any questions regarding subscription information for updates to the *Assessment Manual*, please call WCB Customer Service at 1-866-271-4879.

Margaret Eckenfelder
Vice President
Policy and Research Division

Attachments

ASSESSMENT MANUAL

SUMMARY OF AMENDMENTS – Update 2004 – 4

Table of Contents	Pages 7 - 8	• Correction of title of item (f) in Policy AP1-95-1
Policy AP1-95-1 – Disclosure of Assessment Information	Pages 3 - 4	• Correction in item (f) with reference to Review Board to change to Workers' Compensation Appeal Tribunal
Policy AP1-97-1 – Agreements Between the Provincial and Federal Governments	Pages 1 - 2	• To delete reference to Coast Guard in policy

AP1-47-1 PENALTIES

- (a) Penalties for failure to remit or report under sections 38(2), 40(2) and 47(1)
- (b) Penalties for paying less than owed under section 47(1)
- (c) Continuing penalty on overdue amounts under section 47(1)

AP1-47-2 CHARGING CLAIM COSTS TO EMPLOYERS

AP1-51-1 CONTRACTOR LIABILITY

- (a) General
- (b) Clearances

AP1-52-1 STATUTORY LIEN

AP1-84-1 ASSIGNMENT OF BOARD AUTHORITY

AP1-88-1 AUDITS

AP1-95-1 DISCLOSURE OF ASSESSMENT INFORMATION

- (a) General
- (b) Disclosure of assessment records to employers
- (c) Disclosure of claims cost information to employers
- (d) Disclosure to third parties with regard to sections 51 and 52 of the *Act*
- (e) Disclosure to the public of information about a firm
- (f) Ombudsman, Employers' Advisers, Workers' Advisers, Workers' Compensation Appeal Tribunal, MLAs
- (g) Legal Actions

AP1-96-1 RECONSIDERATIONS OF DECISIONS

- (a) Definition of reconsideration
- (b) The purpose of sections 96(4) and (5)
- (c) Advice to parties
- (d) Restrictions on reconsideration
- (e) Grounds for reconsideration
- (f) Authority of Board officers, Managers and Directors to reconsider

AP1-96-2 FRAUD AND MISREPRESENTATION

AP1-97-1 COVERAGE UNDER FEDERAL STATUTES OR AGREEMENTS BETWEEN THE PROVINCIAL AND FEDERAL GOVERNMENTS

APPENDIX “A” AMOUNTS REFERRED TO IN POLICIES THAT ARE ADJUSTED FROM TIME TO TIME

APPENDIX “B” INDEX OF RETIRED DECISIONS FROM VOLUMES 1 – 6 (DECISIONS NO. 1 – 423) OF THE WORKERS’ COMPENSATION REPORTER

Requests for personal information regarding individuals that is not directly related to the business must be accompanied by written authorization of those individuals.

(e) Disclosure to the public of information about a firm

The classification and basic assessment rate for the classification of an employer or an independent operator will be made available to anyone upon request.

The Board will also generally disclose to any person the experience rated assessment rate of an individual firm, the total assessment charged to a firm, and the total claim costs charged to a firm for assessment purposes. However, the particular circumstances of the case may require all or part of this information to be withheld under the provisions of *FIPPA*.

(f) Ombudsman, Employers' Advisers, Workers' Advisers, Workers' Compensation Appeal Tribunal, MLAs

The Board will release information about a firm to anyone having statutory authority to obtain the information such as the Ombudsman, Employers' and Workers' Advisers, the Workers' Compensation Appeal Tribunal and MLAs.

(g) Legal Actions

Information will be provided to affected parties where required by law.

PRACTICE

The Board's FIPP Office is responsible for the Board's application of *FIPPA*. Generally, if disclosure is granted in the normal course of business, it need not be referred to the FIPP Office. The department that holds the information can usually decide whether information is of a type that can be released in the normal course of business. In any case where information cannot clearly be released under the normal course of business, the matter is referred to the FIPP Office.

Requests within the Assessment Department for disclosure of the experience rated assessment rate of an individual firm, the total assessment charged to a firm, and the total claims costs charged to a firm for assessment purposes must be directed to the Manager, Assessment Policy.

Requestors can also be referred directly to the FIPP Office. Such requests should be in writing and directed to the Freedom of Information Coordinator.

Under section 75 of *FIPPA*, a fee may be charged where more than three hours is required to locate and retrieve a record of which disclosure has been requested.

Disclosure in the context of legal actions is usually handled by the Board's Records Management Office, which involves the FIPP Office where necessary.

If a requestor objects to the decision of the FIPP Office, they have a right to request a review to the Information and Privacy Commissioner under section 52 of *FIPPA*.

For any other relevant PRACTICE information, readers should consult the Assessment Department's Practice Directives available on the WCB website.

EFFECTIVE DATE:	January 1, 2003
AUTHORITY:	s.95(1), <i>Workers Compensation Act</i> ; ss. 3(2), 21, 22(3), 33, 37 and 52, <i>Freedom of Information and Protection of Privacy Act</i> .
CROSS REFERENCES:	See also Personal Optional Protection (AP1-2-3), The Classification System (AP1-37-1), Assessment Rates (AP1-39-1), Experience Rating (AP1-42-1), Contractor Liability (AP1-51-1) and Statutory Lien (AP1-52-1) in the <i>Assessment Manual</i> .
HISTORY:	Replaces Policy No. 10:20:10 of the <i>Assessment Policy Manual</i> .
APPLICATION:	This Item results from the 2002 "editorial" consolidation of all assessment policies into the <i>Assessment Manual</i> . The POLICY in this Item continues the substantive requirements of the policies and items referred to in the HISTORY as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and other changes since the policies and items referred to in the history were issued.

**RE: Coverage under Federal Statutes or
Agreements Between the Provincial and
Federal Governments**

ITEM: AP1-97-1

BACKGROUND

1. Explanatory Notes

The *Act* authorizes the Board to exercise authority under federal statutes and federal-provincial agreements.

2. The Act

Section 97:

The Board may exercise any power or duty conferred or imposed on it by or under a statute of Canada or agreement between Canada and the Province.

POLICY

The Board administers coverage for Provincial Emergency Program and Federal Government workers on behalf of the Provincial and Federal Governments, who are assessed on a cost plus administration basis.

Members of the Federal Police Force (RCMP) and Armed Forces are not covered by this Board but by the Federal Government directly.

PRACTICE

For any relevant PRACTICE information, readers should consult the Assessment Department's Practice Directives available on the WCB website.

EFFECTIVE DATE:

January 1, 2003

AUTHORITY:

s. 97, *Workers Compensation Act*.

CROSS REFERENCES:

See also Coverage under *Act* – Terms (AP1-1-1), Coverage under *Act* – Types of Relationships (AP1-1-2), Coverage under *Act* – Distinguishing Between Employment Relationships and Relationships Between Independent Firms (AP1-1-3), Coverage under *Act* – Employers (AP1-1-4), Coverage under *Act* – Workers (AP1-1-5), Coverage under *Act* –

**HISTORY:
APPLICATION:**

Independent Operators (AP1-1-6), Coverage under *Act* – Labour Contractors (AP1-1-7) and Deposit Accounts (AP1-37-5) in the *Assessment Manual*.

Replaces in part Policy No. 20:10:30 of the *Assessment Policy Manual*.

This Item results from the 2002 “editorial” consolidation of all assessment policies into the *Assessment Manual*. The POLICY in this Item continues the substantive requirements of the policies and items referred to in the HISTORY as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and other changes since the policies and items referred to in the history were issued.