

2003/04/08-01

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

**Re: Implementation of Review and Appeal Decisions -
Interim Reinsertion of Direction in Policy Item #45.61**

WHEREAS:

Pursuant to section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Board of Directors must set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

AND WHEREAS:

The *Workers Compensation Amendment Act (No. 2), 2002* ("Bill 63"), and the policies in regard to Bill 63, came into force on March 3, 2003;

AND WHEREAS:

Further policy development is required in relation to implementation of decisions by the Review Division and the Workers' Compensation Appeal Tribunal, and the Board of Directors Priorities and Board Governance Committee has directed that this issue be added to the Policy and Regulation Development Bureau ("Bureau") 2003 schedule;

AND WHEREAS:

The Bureau will bring draft implementation policies forward to the Board of Directors on the broad-based nature of the project;

AND WHEREAS:

Guidance regarding the calculation of lump sums and commutations in implementing appeal decisions was previously provided by the last paragraph of policy item #45.61 in the *Rehabilitation Services & Claims Manual* ("*RSCM*"), Volumes I and II;

AND WHEREAS:

Arising from the former appeal structure, policy item #45.61 was deleted in its entirety from the *RS&CM*, Volumes I and II, as part of the policy changes in regard to Bill 63;

AND WHEREAS:

Decision-makers require direction in the interim regarding the calculation of lump sums and commutations in implementing review and appeal decisions until the Board of Directors approves broad-based policies in regard to implementing review and appeal decisions;

AND WHEREAS:

The Board of Directors considers it appropriate to reinsert the direction contained in the last paragraph of former policy item #45.61 into the *RS&CM*, Volumes I and II, with suitable changes to reflect the new review and appeal structure, to provide necessary guidance;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Policy item #45.61 - Calculation of Lump-sum Payment or Commutation, as set out in Appendix "A", is approved on an interim basis for the *Rehabilitation Services & Claims Manual*, Volumes I and II.
2. The applicability over the longer term of the direction contained in policy item #45.61 - Calculation of Lump-sum Payment or Commutation, as set out in Appendix "A", will be addressed by the Policy and Regulation Development Bureau in the broad-based review of policies to implement review and appeal decisions.
3. This resolution is effective April 8, 2003.

DATED at Richmond, British Columbia, on April 8, 2003.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

APPENDIX "A"

#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.