

2003/02/11-04

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

Re: Policies of the Board of Directors

WHEREAS:

Pursuant to Section 81 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Lieutenant Governor in Council has appointed a Board of Directors (the "Directors") as the governing body of the Workers' Compensation Board (the "Board");

AND WHEREAS:

Pursuant to Section 82 of the *Act*, the 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;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The attached Board of Directors' Bylaw re. Policies of the Board of Directors is approved.
2. This resolution is effective February 11, 2003.

DATED at Richmond, British Columbia, February 11, 2003.

By the Workers' Compensation Board

**DOUG ENNS, CHAIR
BOARD OF DIRECTORS**

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

BOARD OF DIRECTORS' BYLAW

Re: Policies of the Board of Directors

As made by the Directors of the Workers' Compensation Board of British Columbia, a policy, resolution and bylaw relating to the policy of the Directors is made and enacted as follows:

1.0 Policies of the Directors

- 1.1 As of February 11, 2003, the policies of the Directors consist of the following:
- (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 Directors;
 - (f) *Workers' Compensation Reporter* Decisions No. 1 – 423 not retired prior to February 11, 2003; and
 - (g) Policy decisions of the former Governors and the former Panel of Administrators still in effect immediately before February 11, 2003.
- 1.2 After February 11, 2003, the policies of the Directors consist of the documents listed in paragraph 1.1, amendments to policy in the four policy manuals, any new or replacement manuals issued by the Directors, any documents published by the Workers' Compensation Board that are adopted by the Directors as policies of the Directors, and all decisions of the Directors declared to be policy decisions.

2.0 Application of Policy of the Directors

- 2.1 In the event of a conflict between policy in a manual identified in Section 1.1 (a), (b), (c), or (d) of this bylaw, and policy in *Workers' Compensation Reporter* Decisions No. 1-423 identified in Section 1.1(f), policy in the manual is paramount.
- 2.2 In the event of any other conflict between policies of the Directors:
- (a) if the policies were approved by the Directors on the same date, the policy most consistent with the *Act* or Regulations is paramount.
 - (b) if the policies were approved on different dates, the most recently approved policy is paramount.

3.0 Records of Director Decisions

- 3.1 Originals of the Directors' decisions with respect to their policies shall be retained by the Office of the Board of Directors in the manner directed by the Chair.

4.0 Manner of Publication

- 4.1 The policies of the Directors shall be published in print.
- 4.2 The policies of the Directors may also be published through an accessible electronic medium or in some other fashion that allows the public easy access to the policies of the Directors.
- 4.3 The Chair shall supervise the publication of the *Workers' Compensation Reporter*. It will include decisions of the Directors and selected decisions of the Worker's Compensation Appeal Tribunal ("WCAT"). It may also include key decisions of the Courts on matters affecting the interpretation and administration of the *Act* or other matters of interest to the community.
- 4.4 WCAT decisions do not become policy of the Directors by virtue of having been published in the *Workers' Compensation Reporter*. WCAT decisions are published in the *Reporter* to provide guidance on the interpretation of the *Act*, the Regulations and Board policies, practices and procedures.

5.0 Decision No. 86 and No. 1 and Effective Date

- 5.1 This bylaw and policy replaces Decision of the Governors No. 86 (Bylaw No. 4) dated November 16, 1994 (10 *WCR* 781) and Decision No. 1 of the Panel of Administrators dated July 17, 1995 (11 *WCR* 465) and comes into effect on February 11, 2003.

THIS POLICY, RESOLUTION AND BYLAW has been passed by the Directors at a meeting of the Directors duly called for that purpose on February 11, 2003.

Date: February 11, 2003

DOUG ENNS, CHAIR
BOARD OF DIRECTORS