

20030617-01

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

Re: Retirement of Old *Reporter* Decisions

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:

On February 11, 2003, the Board of Directors issued a bylaw identifying the policies of the Board of Directors under the *Workers Compensation Act*;

AND WHEREAS:

Among the policies listed in the bylaw are those decisions among *Workers' Compensation Reporter* Decisions No. 1 – 423 ("*Old Reporter* Decisions") that were not retired prior to February 11, 2003;

AND WHEREAS:

The *Old Reporter* Decisions are decisions of the former Commissioners made between 1973 and 1991 (mostly between 1973 and 1984) and adopted as "policy" by the former Governors in 1991;

AND WHEREAS:

The workers' compensation system has gone through significant statutory and policy change since the *Old Reporter* Decisions were first issued;

AND WHEREAS:

Some of the policy statements in the *Old Reporter* Decisions have been consolidated over the years into the policy manuals;

AND WHEREAS:

A number of *Old Reporter* Decisions have already been retired from “policy”, but 243 Decisions remain, creating a potential for complexity and confusion in the workers’ compensation system; and

AND WHEREAS:

The Policy and Regulation Development Bureau (“Policy Bureau”) has presented to the Board of Directors a list of 118 *Old Reporter* decisions that, based upon the Policy Bureau’s research, appear to be no longer in use;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The 118 *Old Reporter* decisions listed in the attached Appendix “A” are retired from the Board of Directors policies as of the effective date of this resolution (“retirement date”). As of the retirement date, the listed decisions are no longer “policy” under the Board of Directors Bylaw re: Policies of the Board of Directors. However, the status of the listed decisions as “policy” prior to the retirement date remains unaffected by this resolution. The listed decisions remain applicable in decision-making on historical issues to the extent they were applicable prior to the retirement date.
2. The Policy Bureau is directed to accelerate the making of recommendations for the retirement of the remaining 125 *Old Reporter* Decisions (with consolidation into the policy manuals as appropriate).
3. Where a policy statement in an *Old Reporter* decision retired under this resolution also appears in a policy manual, the retirement of the *Old Reporter* decision does not affect the applicability of the policy statement in the manual.

4. This resolution is effective June 17, 2003.

DATED at Richmond, British Columbia, on June 17, 2003.

By the Workers' Compensation Board

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

Appendix “A”

OLD REPORTER DECISIONS PROPOSED FOR RETIREMENT

5	Partial Commutation of a Pension
9	Publication of the Permanent Disability Evaluation Schedule
12	A Claim to a Solicitor's Lien
13	The Provision of Rehabilitation Services
18	Dependent's Allowances
19	Industrial Hygiene and Cominco Ltd.
25	Boards of Review
27	An Application for Re-Opening
30	A Claim for Death by Suicide
31	Unemployment Insurance Benefits
35	Procedure on Appeals
36	Industrial Hygiene
37	The Replacement of Eyeglasses
38	Compensation for Loss of Hearing
40	The Calculation of Compensation and Recurrence of Disability
42	Changes in the <i>Workmen's Compensation Act</i>
45	Claims for Silicosis
47	The Commencement of the <i>Workmen's Compensation Amendment Act, 1974</i>
51	A Penalty Assessment and Northwood Properties Ltd.
53	Fire Fighting and Hair
56	Rehabilitation Provisions for a Surviving Dependent Spouse
57	The Termination of Benefits at a Future Date

61	Employers' Reports of Injuries
63	The Supply of In-File Information
64	Pensions for Widows aged 40 to 49 years
66	Boards of Review
71	The Industrial Hygiene Regulations
72	The Reinstatement of Pensions
74	Unborn Children
75	Canada Pension Plan Benefits
76	Dependents Resident Abroad
78	Multiple Disabilities and the Determination of the Maximum
81	The Recurrence of Disability
84	Industrial Noise
85	Funeral Expenses
88	The Application of Consumer Price Index Increases to Re-Instated Pensions under section 25A
90	A Common-Law Wife
93	Industrial Diseases
96	Appeal Procedures
100	Inspection Visits
103	Safety Awards
104	The Commutation of Pensions
105	The Future Employment of a Worker Disabled by a Compensable Injury of Industrial Disease
109	The Dual System of Measurement for Injuries Involving the Spinal Column
113	Hearing Aids

120	The Coverage of Workers' Compensation and Participation in Competitions
122	Industrial Disease
130	The Review of Old Disability Pensions
135	Compensation Decisions and the Death of the Worker
137	Compensation for Hearing Loss
139	Medical Aid Contracts
147	Health and Safety Awards
148	The Course of Employment
151	The Apportionment of Dependents' Allowances
156	The Review of Old Disability
164	Compensation for Hearing Loss
167	Industrial Hygiene
177	Medical Research
180	Pollution
186	Industrial Hygiene and Cominco Ltd.
188	The Course of Employment
189	Broken Glass Claims
190	The Coverage of Workers Compensation
192	Industrial Hygiene and Cominco Ltd.
197	The Re-Opening of Board of Review Decisions
199	The Review of Old Disability Pensions
203	Legal Services for Rehabilitation Purposes
209	Lunch Breaks
210	Re-Openings and New Evidence

213	Bunkhouses
228	Multiple Sclerosis
232	Cancer of Gastro-Intestinal Tract
234	Occupational Hygiene and Cominco Ltd.
236	Interim Adjudication
240	Training Allowances
243	Industrial Diseases
246	Pulmonary Disease and “Hard Metal” Grinding
247	Workers Undergoing Custodial Care
250	Industrial Diseases
253	Replacement of Eyeglasses and Wage Loss
256	Scope of Employment
259	Common-Law Spouses – “Re-Marriage Allowance”
261	Temporary Partial Disability
262	Disability and Unemployability
268	Industrial Hygiene and Cominco Ltd.
269	Appeal Against Penalty Levy Amounting to \$13,649.37
274	Industrial Hygiene and Cominco Ltd.
275	Claim for Dependent Benefits
276	Compensation for Unauthorized Surgery
281	Re-Opening of Decisions & Time Limits on Appeals
283	Scope of Employment
288	The Review of Old Disability Pensions
292	Scope of Employment and Sports Professionals
294	Payment of Costs for Medical Review Reports and Examinations

295	Section 54(2)(a) Insanitary or Injurious Practices
296	Section 8 – Employment out of Province
298	Appeals to Medical Review Panels
299	Hearing Aids
301	Single Trauma and Cancer
302	Termination and Wage Loss Benefits
312	Transportation Costs for Physiotherapy and the Reimbursement of Expenses
313	Overpayments
317	Industrial Hygiene and Cominco Ltd.
325	The Review of Old Disability Pensions
329	Industrial Health and Safety Regulations
334	Boards of Review
341	Industrial Hygiene and Cominco Ltd.
354	Industrial Hygiene and Cominco Ltd.
357	Subsistence and the Reimbursement of Expenses
367	Hearing Aids
368	Appeals
377	Fraudulent Claims
383	Application of Dual System
387	Chiropractic Treatment
388	Assignments, Charges, or Attachments of Compensation
395	Payments Pending Appeals
399	Appeals to Workers' Compensation Review Board
419	Schedule B