

2003/10/21-02

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:

The *Workers' Compensation Reporter* Decisions No. 1 – 423 contained in Volumes 1 - 6 ("*Old Reporter*") were adopted as "policy" by the former Governors in 1991. They consist of decisions of the former Commissioners made between 1973 and 1991;

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 *Old Reporter* Decisions that were not retired prior to February 11, 2003;

AND WHEREAS:

Since the bylaw was issued, a further 118 *Old Reporter* Decisions were retired from policy status on June 17, 2003;

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Decisions have been consolidated over the years into the Policy Manuals, and other policy statements have become outdated and/or contradictory;

AND WHEREAS:

While a number of Old *Reporter* Decisions have been retired from policy status, 125 of the 423 Decisions remain to be considered, creating potential complexity and confusion in the workers' compensation system; and

AND WHEREAS:

The Policy and Regulation Development Bureau has presented to the Board of Directors a list of 81 Old *Reporter* decisions that have been identified for retirement;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The 81 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. 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.

This resolution is effective October 21, 2003.

DATED at Richmond, British Columbia, on October 21, 2003.

By the Workers' Compensation Board

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

Appendix “A”

OLD REPORTER DECISIONS PROPOSED FOR RETIREMENT PHASE FOUR (81 Decisions)

4	The Replacement of Eyeglasses
6	The Enforcement of Accident Prevention Regulations
7	The Determination of Disability
11	Communications with Unions in Matters of Safety and Health
15	Industrial Hygiene and Cominco Ltd.
16	<i>The Criminal Injuries Compensation Act</i>
20	The Payment of Claims Pending Appeals by Employers
21	The Re-opening of a Commuted Pension
23	A Penalty Assessment
29	The Re-Opening of Decisions
34	The Accident Prevention Regulations and the Prosecution of Workers
39	The Coverage of Workmen’s Compensation
44	The Recurrence of Disability
52	Evidence and the Standard of Proof
54	The Reimbursement of Expenses
59	Lump Sums in Fatal Cases
60	Appeals to Boards of Review
62	Rehabilitation and Re-training
70	Boards of Review
80	Safety Head Gear
83	Cost of Living Increases and Commutations
86	Disablement from Vibrations
87	A Common-Law Wife
95	The Measurement of Partial Disability

97	The Charging of Costs for Injuries Occurring in Connection with Treatment
110	Emphysema and Bronchitis
114	Cost Shifting Between Classes
115	Employment Injuries and Natural Causes
124	Intoxication and Claims
126	Compensation Coverage and a Captive Road
127	Boards of Review
131	<i>The Criminal Injuries Compensation Act</i>
132	<i>The Criminal Injuries Compensation Act</i>
133	<i>The Criminal Injuries Compensation Act</i>
134	The Payment of Damages to a Worker and Subsequent Compensation Benefits
140	The Time Limit for Claiming Compensation
142	Employment Injuries and Natural Causes
144	The Management Role in Health and Safety
146	An Unmarried Mother and Child
150	Compensation for Compulsory Lay-off to Prevent the Carriage of Infection
157	Sexual Impotence
158	The Uses and Limitations of Sanctions in Industrial Health and Safety
162	Personal Acts for an Employer
173	<i>The Criminal Injury Compensation Act</i>
176	The Binding Effects of Medical Review Certificates
179	<i>The Criminal Injury Compensation Act</i>
181	<i>The Criminal Injury Compensation Act</i>
185	Disability Assessment
200	Subsistence
205	Rheumatoid Arthritis

206	Allergy Due to Red Cedar Dust
208	The Awarding of Costs
221	Bronchitis and Emphysema
222	Compensable Consequences of Work Injuries
227	Broken Eyeglasses
230	Unauthorized Activities
238	Bronchitis and Emphysema
239	Ganglia
242	Supply of Appliances
251	Penalties under Section 61(2)
252	Scope of Employment
260	Enhancement Factors and Multiple Disabilities
263	Appeals to Medical Review Panels
273	School Teachers and Scope of Employment
279	Average Earnings and Projected Loss of Earnings
282	Sections 50 and 52
289	Permanent Partial Disability and Devaluation
293	Section 54 and Refusal of Medical Examination or Treatment
306	Selective Employment
316	Herniae
326	Industrial Diseases
349	Industrial Health and Safety Regulations
355	Industrial Health and Safety Inspections
356	Bilateral Herniae
360	Out of Province Injury and Travelling to Work
363	The Review of Old Disability Pensions

369	Appeals to Boards of Review
378	Proportionate Entitlement
384	Interest Payments on Retroactive Pensions
394	The Dual System of Measuring Disability
406	Recurrence of Disabilities