

2004/02/24-02

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 by-law identifying the policies of the Board of Directors under the *Act*. Among the policies listed in the bylaw are those *Old Reporter* Decisions that were not retired prior to February 11, 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:

The *Old Reporter* Decisions have become repetitive, outdated and/or contradictory to policy contained in the Policy Manuals;

AND WHEREAS:

While 380 of the 423 Old *Reporter* Decisions have been retired from policy status, 43 Decisions remained to be considered, creating potential complexity and confusion in the workers' compensation system;

AND WHEREAS:

The Policy and Regulation Development Bureau ("Policy Bureau") has presented to the Board of Directors a list of 39 Old *Reporter* Decisions that have been identified for retirement;

AND WHEREAS:

The Policy Bureau has presented to the Board of Directors a proposal to revise policy item #18.31, *Worker on Call*, of Volume II of the *Rehabilitation Services & Claims Manual*, to support the retirement of Old *Reporter* Decision No. 50 by remedying an ambiguity that exists between the Decision and the policy item;

AND WHEREAS:

Arising from the development of the new *Assessment Manual*, Decision No. 225 was prematurely retired on January 1, 2003. The Board of Directors considers it appropriate to reinstate Decision No. 225 so that it can be considered as part of a 2004 project to review the *Fishing Regulations*;

AND WHEREAS:

With the retirement of 39 Decisions and reinstatement of Decision No. 225, a total of 418 Old *Reporter* Decisions will be retired from policy status. The remaining 5 Decisions (No. 99, 225, 231, 271 and 343) will be addressed in the near future as part of separate policy projects;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The 39 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' By-law 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.

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.

2. The amendment to policy item #18.31, *Worker on Call*, in Volume II of the *RSCM*, attached as Appendix "B" is approved.
3. Decision No. 225 is reinstated as policy of the Board of Directors, as if it had never been retired, pending a review of the *Fishing Regulations*.

This resolution is effective February 24, 2004.

DATED at Richmond, British Columbia, February 24, 2004.

By the Workers' Compensation Board

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

Appendix "A"

WORKERS' COMPENSATION REPORTER DECISIONS 1 – 423 (VOLUMES 1 – 6)

**PHASE FIVE:
DECISIONS PROPOSED FOR RETIREMENT, FEBRUARY 24, 2004
(39 Decisions)**

No.	Title
2	An Injured Person
3	A Claim For Industrial Disease
10	A Claim for Dependents Benefits
17	Disablement Following Unauthorized Surgery
41	The Composition of a Medical Review Panel
48	The Coverage of Workers' Compensation
50	The Coverage of Workers' Compensation
65	Cost Shifting Between Classes
69	Legal Fees
77	Criminal Injuries Compensation
101	Contagious Diseases
102	Disablement Through Exhaustion
107	Termination Pay
108	The Violation of Safety Regulations by a Worker
121	Employment Injuries and Natural Causes
128	Bronchitis and Emphysema
129	Injuries and "Specific Incidents"
145	Employment Injuries and Natural Causes
172	<i>The Criminal Injury Compensation Act</i>
178	<i>The Criminal Injury Compensation Act</i>

No.	Title
182	The Course of Employment
194	Horseplay
195	Compensable Consequences of Work Injuries
198	<i>The Criminal Injury Compensation Act</i>
207	Bronchitis and Emphysema
214	Travelling Employees
219	Medical Review Panels
267	Section 7A: Compensation for Non-Traumatic Hearing Loss
270	Subsection 6(5) Proportionate Entitlement
286	Section 6(1): Injuries Arising out of Employment
318	Stress Testing
320	Continuity of Income and Assessment for Permanent Disability
324	Personal Care Allowances
330	Scope of Employment
333	Certain Industrial Diseases
348	Alcoholism
379	Time Limit on Application for Compensation
382	The Commutation of Pensions
407	Assessment of Permanent Disabilities

Appendix "B"

#18.31 Worker On Call

Workers are not covered while routinely travelling to and from work simply because as part of their contract of employment, they are liable to be called out from their homes at any time to deal with a matter connected with their employment. They are, however, covered if because of an emergency or some other reason they have to make a special journey from their homes to their employer's premises or to some other place where the job has to be done. **In this regard, they will be covered for compensation from leaving home until their return home, provided that they do not deviate from their route.**

Effective Date: February 24, 2004 (to clarify that compensation will be provided to workers from leaving home until their return home. This revision supports the retirement of Decision No. 50 of the *Workers' Compensation Reporter* by remedying an ambiguity between that Decision and the policy item.)

Application: Applies to all decisions made on or after February 24, 2004.