

2008/03/19-04

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA**RESOLUTION OF THE BOARD OF DIRECTORS****RE: Revised Effective Dates for Policy Packages****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:

By resolution number 2007/05/23-02, dated May 23, 2007, attached as Appendix A, the Board of Directors approved changes, effective January 1, 2009, to the *Assessment Manual* and consequential changes to the *Rehabilitation Services & Claims Manual*, Volume II;

AND WHEREAS:

By resolution number 2007/10/04-04, dated October 4, 2007, attached as Appendix A, the Board of Directors approved policy changes, effective January 1, 2009, in connection with the rewrite of Chapter 3 of the *Rehabilitation Services & Claims Manual*, Volume II;

AND WHEREAS:

By resolution number 2007/10/04-05, dated October 4, 2007, attached as Appendix A, the Board of Directors approved, among other policy changes, further changes to the *Assessment Manual*, effective January 1, 2009;

AND WHEREAS:

The Claims Management System Project Review and Risk Assessment Status Report to the Board of Directors, dated January 23, 2008, noted that there will likely be a slippage in the overall anticipated project timelines with respect to the Claims Management Solutions ("CMS") Systems of approximately one year with a likely implementation date of no earlier than late 2008;

AND WHEREAS:

The CMS Systems and policy are closely integrated, and full implementation of the CMS Systems will not likely occur earlier than late 2008, the policy effective dates and application statements for the policy packages approved effective January 1, 2009 should be modified to ensure continued integration of the CMS project under its revised timeline;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Wherever the date January 1, 2009 appears in Board of Directors Resolutions 2007/05/23-2, 2007/10/04-04 and 2007/10/04-05, it is repealed and replaced with the date January 1, 2010.
2. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, March 19, 2008.

By the Workers' Compensation Board

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

APPENDIX A



BOARD OF DIRECTORS
Douglas J. Enns, Chair

David Anderson
Stephen Hunt
George Morfitt
Arlene Ward

Terry Brown
Roslyn Kunin
Robert Smith

2007/05/23-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Workplace Status Policies

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 *Act* sets out the rights and obligations of workers, employers and independent operators;

AND WHEREAS:

The *Assessment Manual* policies concerning the workplace status of workers, employers and independent operators have been identified as requiring review to reflect the changing nature of workplace relationships;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Items AP1-1-1 through AP1-1-7 in the *Assessment Manual* are rescinded and replaced by Items AP1-1-1 through AP1-1-4, attached as Appendix I, effective January 1, 2009;
2. The POLICY statements in Items AP1-1-1 through AP1-1-4, attached as Appendix I, apply to workplace status determinations effective on or after January 1, 2009, and do not determine or change workplace status prior to January 1, 2009;
3. Consequential changes to the *Rehabilitation Services & Claims Manual*, Volume II, and to the POLICY statements in the *Assessment Manual*, attached as Appendix II, are approved and are effective January 1, 2009;

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4. This resolution constitutes a policy decision of the Board of Directors;
5. This resolution is effective January 1, 2009.

DATED at Richmond, British Columbia, May 23, 2007.

By the Workers' Compensation Board

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

APPENDIX A



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2007/10/04-04

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Chapter 3 of the *Rehabilitation Services & Claims Manual, Volume II*

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 policies in Chapter 3 of the *Rehabilitation Services & Claims Manual, Volume II* ("*RS&CM*") provide direction on the interpretation and application of sections 5, 5.1 and 21(8) of the *Act*;

AND WHEREAS:

The policies in Chapter 3 of the *RS&CM* were identified as requiring review and revision;

AND WHEREAS:

The Policy & Research Division has undertaken stakeholder consultation on the proposed draft policies for Chapter 3 of the *RS&CM*;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Policy items #12.00 through #24.00, inclusive, of the *Rehabilitation Services & Claims Manual, Volume II* are rescinded and replaced by Items C3-12.00 through Items C3-23.30 and policy item #34.55, attached as Appendix A.

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2. Items C3-12.00 through C3-12.20, C3-14.00 through C3-22.40, and policy item #34.55 are effective January 1, 2009 and apply to all claims for injuries occurring on or after January 1, 2009.
3. Item C3-13.00 is effective January 1, 2009, and applies to all claims for mental stress occurring on or after January 1, 2009.
4. Items C3-23.00 through C3-23.30 are effective January 1, 2009 and apply to all accidents occurring on or after January 1, 2009.
5. Consequential changes to the *Rehabilitation Services & Claims Manual*, Volume II, and to the POLICY statements in the *Assessment Manual*, attached as Appendix B, are approved.

This resolution is effective January 1, 2009.

This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, October 4, 2007.

By the Workers' Compensation Board

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

APPENDIX A



BOARD OF DIRECTORS
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2007/10/04-05

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Compensation of Principals

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:

Pursuant to section 33 of the *Act*, the Workers' Compensation Board must compensate a worker with reference to the worker's average earnings and earning capacity at the time of the worker's injury;

AND WHEREAS:

The Board of Directors has been made aware of concerns that the average earnings of principals of corporations and other similar entities are not set as other workers' average earnings are;

AND WHEREAS:

The Policy and Research Division has undertaken stakeholder consultation on this issue;

AND WHEREAS:

The Board of Directors by Resolution 2007/05/23-02 approved changes to the workplace status policies in the *Assessment Manual*, effective January 1, 2009;

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THE BOARD OF DIRECTORS RESOLVES THAT:

1. The POLICY statements in *Rehabilitation Services & Claims Manual* Volume II policy item #68.90 are approved as set out in Appendix A of this Resolution, and are effective for injuries that occur on or after January 1, 2008;
2. The POLICY statements in *Assessment Manual* Items AP1-1-1 and AP1-1-4 are approved as set out in Appendix B of this Resolution, and are effective January 1, 2008;
3. The POLICY statements in *Assessment Manual* Item AP1-1-1 are approved as set out in Appendix C of this Resolution, and are effective January 1, 2009, and do not determine or change workplace status prior to January 1, 2009, and replace Item AP1-1-1 as approved under Board of Directors Resolution 2007/05/23-02;
4. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, October 4, 2007.

By the Workers' Compensation Board

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