

2008/10/07-02**THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA****RESOLUTION OF THE BOARD OF DIRECTORS****RE: Work Experience in Independent Secondary Schools,
Section 3(7)(b) of the *Workers Compensation Act*****WHEREAS:**

Pursuant to Section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Board of Directors ("BOD") must approve and superintend the policies and direction of Workers' Compensation Board doing business as WorkSafeBC including policies respecting compensation, assessment, rehabilitation and occupational safety and health, and must review and approve the operating policies of WorkSafeBC;

AND WHEREAS:

Section 3(7)(b) of the *Act* provides that WorkSafeBC may, with the approval of the Lieutenant Governor in Council, deem a person or group engaged in a work study program or other program of self improvement involving work to be workers of the Crown in right of the Province, on the terms and conditions WorkSafeBC determines.

AND WHEREAS:

On January 29, 2008, upon the request of the Ministry of Education, WorkSafeBC resolved that public secondary school students engaged in a work study program, as defined by order of the Minister of Education, be covered under section 3(7)(b) of the *Act* on certain terms and conditions, as deemed workers of the Crown in right of the Province.

AND WHEREAS:

The Minister of Education has requested that independent secondary school students as defined by the *Independent School Act*, RSBC 1996 chapter 216, be granted the same work study/work experience coverage under section 3(7)(b) of the *Act* that is currently available to public school students;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. WorkSafeBC deems students engaged in a work study program, as defined by order of the Minister of Education, or equivalent ministry, to be workers of the Crown in right of the Province on the following terms and conditions:
 - (a) "Authority" means an authority as defined by the *Independent School Act* [RSBC 1996] Chapter 216
 - (b) "Board" means a board as defined by the *Independent School Act* [RSBC 1996] Chapter 216
 - (c) "Independent school" means an independent school as defined by the *Independent School Act*
 - (d) "Program Agreement" means an agreement in writing governing the terms during which the student will be participating in the work experience placement for a student and specifying, by date, the period during which the student will be participating in the work experience, the name of the work site employer and the location or locations of the standard work site
 - (e) "Standard Work Site" means a location, other than a work site created specifically for work experience,
 - (i) at which a student performs the tasks and the responsibilities related to an occupation or a career under the general supervision of a Work Site Employer, but does not include a location which is created by an authority, an independent school or a board for the purpose of training students for an occupation or career; or
 - (ii) at which a self employed person performs the tasks and responsibilities related to that person's self-employment.
 - (f) "Student" means a student as defined by the *Independent School Act*
 - (g) "Work Experience" means an educational program for all students entering Grade 10 commencing July 1, 2004 or subsequently which will require that each student complete one of the following as part of his or her Graduation Transitions Requirement:
 - An independent school arranged 30 hour work placement
 - 30 hours of volunteer or community service, or
 - a Ministry authorized work experience course

2. Subject to the terms of this resolution, compensation, health care benefits, and rehabilitation benefits shall be paid to a student who suffers an injury or death arising out of and in the course of a work experience on a standard work site on the same terms and conditions as any other worker who suffers an injury or death or occupational disease arising out of and in the course of employment.
3. Coverage is limited to students who are 14 years of age or older, consistent with the *Work Experience Order*¹.
4. If a student participating in a work experience is injured, the Independent School Authority in which the student is enrolled will submit, in accordance with the provisions of the *Act*, a report of injury to WorkSafeBC and to the Ministry, who will provide confirmation of the report to WorkSafeBC.
5. Health care benefits are payable in all cases of injury to a student participating in a work experience, where the claim is accepted by WorkSafeBC.
6. Compensation for injury to a student participating in a work experience, other than health care benefits, is payable and in the case of
 - (a) permanent disability and average earnings will be calculated as follows: 52.14 times the annual average weekly earnings of workers in British Columbia as published in the January, 1995 edition of the Statistics Canada Catalogue #72-002 (employment earnings and hours). At the end of 1995 and each calendar year thereafter WorkSafeBC will determine the wage rate to be applicable for the following calendar year in the same manner, but based on the figure in Catalogue #72-002 for the immediately preceding year,
 - (b) temporary disability will be calculated on the basis of actual loss of earnings in accordance with general WorkSafeBC policy.
7. Compensation payable in respect of a permanent disability will, on the decision of WorkSafeBC to award
 - (a) a functional pension, under section 23 (1) of the *Act*, commence on the date on which WorkSafeBC determines that a student's disability has stabilized and becomes permanent,
 - (b) a loss of earnings pension, under section 23 (3) of the *Act*, commence on the date the student graduates from secondary school or leaves school permanently for any reason,

¹ *School Act*, section 168 (2) (a), Minister of Education Ministerial Order 282/04 (M282/04), Work Experience Order.

- (c) vocational rehabilitation benefits, commence on the date the student graduates from secondary school or leaves school permanently for any reason, subject to the discretion of the WorkSafeBC under section 16 of the *Act*.
- 8. Compensation payable for actual wage loss in respect of temporary disability is payable from the date of the loss, in accordance with the provisions of the *Act* and the policy of the WorkSafeBC.
- 9. The costs of adjudicating claims and of paying benefits to students entitled to coverage is to be paid by the Province.
- 10. That approval of this resolution be sought from the Lieutenant Governor in Council. Upon approval by the Lieutenant Governor in Council, coverage under section 3(7)(b) will be effective January 1, 2009.
- 11. That any extended coverage under section 3(7)(a) of the *Act* that may have been in place for students will end upon the coming into effect of coverage under section 3(7)(b).
- 12. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, October 7, 2008.

By the Workers' Compensation Board

**DR. ROSLYN KUNIN, CM, ICD.D
CHAIR, BOARD OF DIRECTORS**