

2008/09/10-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA
RESOLUTION OF THE BOARD OF DIRECTORS**RE: Apprentices Attending Technical Training at Private Training Institutions,
Section 3(6) 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 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 3(6) of the *Act*, where the Minister of Advanced Education and Labour Market Development and the Minister of Labour and Citizens' Services approve a vocational or training program, and a school or other location as a place of that vocational or training program, the Board may, at the request of either minister, deem any person or class of persons enrolled in the program to be workers of the Crown in right of the Province and compensation under the *Act* is then payable out of the accident fund for injuries arising out of and in the course of training for those workers, but where the injury results in a period of temporary disability with no loss of earnings,

- (a) a health care benefit only is payable except as provided in paragraph (b); and
- (b) where training allowances paid by Canada or the Province are suspended, the Board may, for the period it considers advisable, pay compensation in the amount of the training allowance;

AND WHEREAS:

The Minister of Advanced Education and Labour Market Development and the Minister of Labour and Citizens' Services have approved the registered apprenticeship programs approved by the Industry Training Authority ("ITA") as

training programs, and have approved the private training institutions designated by the ITA to provide apprenticeship training as places of those training programs;

AND WHEREAS:

The Minister of Advanced Education and Labour Market Development has requested that WorkSafeBC extend coverage under section 3(6) of the *Act* to ITA-registered apprentices, attending ITA-approved apprenticeship technical training, at ITA-designated private training institutions;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Individuals registered as apprentices with the ITA, attending ITA-approved apprenticeship technical training at ITA-designated private training institutions ("Apprentices"), are deemed to be workers of the Crown in right of the Province under section 3(6) of the *Act*;
2. Compensation under the *Act* is payable out of the accident fund for injuries arising out of and in the course of training for Apprentices as described in section 1 of this Resolution. Where the injury results in a period of temporary disability with a loss of earnings, compensation will be payable in accordance with the policies of the Board, but where the injury results in a period of temporary disability with no loss of earnings,
 - (a) a health care benefit only is payable except as provided in section 2(b); and
 - (b) where training allowances paid by Canada or the Province are suspended, the Board may, for the period it considers advisable, pay compensation in the amount of the training allowance.
3. Pursuant to the *Act*, if Apprentices are injured arising out of and in the course of training, the private training institutions in which the Apprentices are enrolled will submit a report of injury to the Board and to the Ministry of Advanced Education and Labour Market Development, (or the future equivalent Ministry), who will also report to the Board.
4. Apprentices deemed to be workers of the Crown in right of the Province under section 3(6) of the *Act* are subject to Board policies and procedures applicable to provincial workers.
5. This resolution is effective October 1, 2008.

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

DATED at Cranbrook, British Columbia, September 10, 2008.

By the Workers' Compensation Board

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