



WORKING TO MAKE A DIFFERENCE

BOARD OF DIRECTORS
Dr. Roslyn Kunin, Chair

David Anderson
Phillip Legg
George Morfitt
Robert Smith

Dr. Henry Harder
Joseph Lindgren
William Roger

2009/09/16-05

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA
RESOLUTION OF THE BOARD OF DIRECTORS

RE: Repealing the Workplace Status Policy Changes

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 1, the Board of Directors approved changes to the workplace status policies, effective as amended by Resolutions 2007/10/04-05 and 2008/03/19-04, January 1, 2010;

AND WHEREAS:

Work is ongoing with respect to improving safety by clarifying the roles and responsibilities of workplace parties from an occupational health and safety perspective;

AND WHEREAS:

Based on further review and analysis of the workplace status issues, additional policy work is required in order to address the concerns raised by stakeholders during consultation on the workplace status policy changes;

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THE BOARD OF DIRECTORS RESOLVES THAT:

1. The Board of Directors' decision approving the workplace status policy changes set out in Board of Directors' Resolution Number 2007/05/23-02, made on May 23, 2007, attached as Appendix 1, is repealed.
2. The Board of Directors' decision approving changes to Item AP1-1-1 of the *Assessment Manual*, effective January 1, 2009 set out in Board of Directors' Resolution Number 2007/10/04-05, made on October 4, 2007, attached as Appendix 2, is repealed.
3. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, September 16, 2009.

By the Workers' Compensation Board

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

APPENDIX 1



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;

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 1



BOARD OF DIRECTORS
Douglas J. Enns, Chair

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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;

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**