

2002/06/18-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA
RESOLUTION OF THE PANEL OF ADMINISTRATORS

Re: Policies in Regard to
the Workers Compensation Amendment Act, 2002

WHEREAS:

Pursuant to section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Panel of Administrators ("Panel") must approve and superintend the policies and direction of the Workers' Compensation Board ("Board"), including policies respecting compensation, assessment, rehabilitation and occupational safety and health, and must review and approve the operating policies of the Board;

AND WHEREAS:

On May 30, 2002, the Lieutenant Governor of the Province of British Columbia gave Royal Assent to the *Workers Compensation Amendment Act, 2002* ("*Amendment Act, 2002*"), which provides for various changes to the benefits structure and the governance structure under the *Act*;

AND WHEREAS:

The Board has been advised that the changes to the benefits structure as set out in sections 1(a) and (c), 2 to 4, 6 to 25, 33(a), 34, 36, 38, 40 to 46, 48 and 49, and the Schedule of the *Amendment Act, 2002*, will be forthcoming;

AND WHEREAS:

The Policy and Regulation Development Bureau ("Bureau") has developed policies ("New Policies") in regard to the changes to the benefits structure contemplated by the *Amendment Act, 2002* and has presented the policies to the Panel for consideration;

AND WHEREAS:

The transitional provisions of the *Amendment Act, 2002* and the development of the New Policies necessitate the creation of a second volume of the *Rehabilitation Services & Claims Manual* as it existed immediately before this resolution (“Current *RS&CM*”);

AND WHEREAS:

The Bureau has consulted with stakeholders on the general direction of these New Policies;

THE PANEL OF ADMINISTRATORS RESOLVES THAT:

1. The Panel approves the publication of the *Rehabilitation Services & Claims Manual* as two volumes:
 - (a) Volume I – policies applying to injuries occurring immediately before the date that sections 1(a) and (c), 2 to 4, 6 to 25, 33(a), 34, 36, 38, 40 to 46, 48 and 49, and the Schedule of the *Amendment Act, 2002*, come into force, except for:
 - (i) permanent disabilities in respect of these injuries where the permanent disability first occurs on or after the date that the sections under paragraph 1(a) and the Schedule of the *Amendment Act, 2002*, come into force, and
 - (ii) recurrences in respect of these injuries where the recurrence occurs on or after the date that the sections under paragraph 1(a) and the Schedule of the *Amendment Act, 2002*, come into force, and
 - (b) Volume II – policies applying to:
 - (i) injuries occurring on or after the date that sections 1(a) and (c), 2 to 4, 6 to 25, 33(a), 34, 36, 38, 40 to 46, 48 and 49, and the Schedule of the *Amendment Act, 2002*, come into force,
 - (ii) permanent disabilities where the permanent disability first occurs on or after the date that the sections under paragraph 1(b)(i) and the Schedule of the *Amendment Act, 2002*, come into force, irrespective of the date of injury, and
 - (iii) recurrences where the recurrence occurs on or after the date that the sections under paragraph 1(b)(i) and the Schedule of the *Amendment Act, 2002*, come into force, irrespective of the date of injury.

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2. Chapter 1 of each volume will set out in more detail the injuries, permanent disabilities and recurrences to which the volume applies.
3. Volume I will consist of the Current *RS&CM*, as amended by the policy changes attached to this resolution as Appendix “A”, which changes are approved.
4. Volume II will consist of the Current *RS&CM*, as amended by the policy changes attached to this resolution as Appendix “B”, which changes are approved.
5. Volume I and Volume II of the *Rehabilitation Services & Claims Manual* remain published policies of the Governors for purposes of Bylaw No. 4, 10 WCR 781.
6. Authority is assigned to the Director General of the Bureau to:
 - (a) oversee the creation and publication of the *Rehabilitation Services & Claims Manual*, Volumes I and II, in accordance with this resolution and make any changes necessary to the format of the *Rehabilitation Services & Claims Manual* in order to do so, and
 - (b) make such other changes consistent with the scope of the Panel’s resolution “Re: Housekeeping Changes to Policy Documents” (#98/12/18-03) that may be considered appropriate at this time.
7. This resolution is effective on the date that sections 1(a) and (c), 2 to 4, 6 to 25, 33(a), 34, 36, 38, 40 to 46, 48 and 49, and the Schedule of the *Amendment Act, 2002*, come into force.

DATED at Richmond, British Columbia, June 11, 2002.

By the Workers’ Compensation Board

**MAUREEN NICHOLLS, CHAIR
PANEL OF ADMINISTRATORS**

Appendix A - Substantive Changes:

- [Scope of Volume I and Transitional Rules](#) (PDF 25kb) *Chapter 1 (1.00 - 2.23)*

Appendix B - Substantive Changes:

- [Scope of Volume II and Transitional Rules](#) (PDF 25kb) *Chapter 1 (1.00 - 2.33)*
- [Calculation of Net Average Earnings](#) (PDF 17kb) *Chapter 9 (71.00 - 71.40)*
- [Duration of Temporary Disability Benefits](#) (PDF 17kb) *Chapter 5 (35.30)*
- [Integration of Canada Pension Plan Disability Benefits](#) (PDF 13kb) *Chapter 6 (36.20 - 36.24)*
- [Indexing of Statutory Amounts and Periodic Compensation](#) (PDF 34kb) *Chapter 7 (51.00 - 51.30)*
- [Indexing of Allowances and Amounts](#) (PDF 58kb) *Chapter 6 (43.20) Chapter 8 (53.00) Chapter 10 (79.00 - 83.20) Chapter 17 (114.11) Appendix 5*
- [Obligation to Provide Information](#) (PDF 10kb) *Chapter 12 (93.26)*
- [Mental Stress](#) (PDF 16kb) *Chapter 3 (13.30)*
- [Average Earnings](#) (PDF 144kb) *Chapter 9 (64.00 - 70.20) Chapter 3 (16.60) Chapter 11 (88.43 - 88.54)*

Appendix B - Consequential Changes:

- [Mental Stress](#) (PDF 14kb) *Chapter 3 (22.33 - 32.85)*
- [Chapter 5](#) (PDF 138kb) *(33.00 - 35.40)*
- [Chapter 7](#) (PDF 122kb) *(46.00 - 50.10)*
- [Chapter 8](#) (PDF 147kb) *(52.00 - 63.70)*
- [Chapter 9](#) (PDF 117kb) *(65.00 - 70.30)*
- [Chapter 12](#) (PDF 202kb) *(92.00 - 100.72)*
- [Chapter 17](#) (PDF 71kb) *(113.00 - 115.32)*
- [Assessment Policy Manual](#) (PDF 26kb) *(20:50:20 - 20:50:40)*