

2022/07/13-06**WORKERS' COMPENSATION BOARD
(WorkSafeBC)****RESOLUTION OF THE BOARD OF DIRECTORS****RE: Worker Mileage Rate Review****WHEREAS:**

Pursuant to section 319 of the *Workers Compensation Act*, R.S.B.C. 2019, c. 1 (*Act*), the Board of Directors of WorkSafeBC must set and revise as necessary the policies of the Board of Directors, including policies respecting occupational health and safety, compensation, rehabilitation and assessment;

AND WHEREAS:

Section 156 of the *Act* provides WorkSafeBC with authority to provide for an injured worker any service or supplies, including related transportation, that WorkSafeBC considers reasonably necessary at the time of the injury and afterwards during the worker's disability to cure the injury or alleviate the effects of the injury;

AND WHEREAS:

The policy in Item C3-83.00, *Transportation*, in Volumes I and II of the *Rehabilitation Services & Claims Manual (RS&CM)* provides guidance on when the Board pays transportation costs as health care, including the rates WorkSafeBC pays for transportation based on mileage;

AND WHEREAS:

Claims and Rehabilitation Services and the Finance Division requested policy be revised to increase the mileage rate;

AND WHEREAS:

The Policy, Regulation and Research Department has undertaken stakeholder consultation on this issue and has advised the Board of Directors on the results of the consultation;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The rates at which the Board shall pay for health-care-related transportation based on mileage are increased to equal the Canada Revenue Agency's maximum tax-exempt mileage allowances for 2022;
2. WorkSafeBC shall adjust the mileage rate for health-care-related transportation costs annually on January 1st of each year to the maximum tax-exempt mileage allowances as determined by the CRA, pursuant to the *Income Tax Regulations*;
3. The amendments to policy in Item C10-83.00, *Transportation*, in Volumes I and II of the *RS&CM* as set out in Appendix 1 attached to this resolution, are approved, and apply to all health care expenses incurred and health care provided on or after September 1, 2022.
4. This resolution is effective September 1, 2022.
5. This resolution constitutes a policy decision of the Board of Directors.

I, Jeff Parr, hereby certify for and on behalf of the Board of Directors of WorkSafeBC that the above resolutions were duly passed at a meeting of the Board of Directors hosted in British Columbia on July 13, 2022.

Original signed by Jeff Parr

JEFF PARR
Chair, Board of Directors
Workers' Compensation Board



REHABILITATION SERVICES & CLAIMS MANUAL

RE: Transportation

ITEM: C10-83.00

BACKGROUND

1. Explanatory Notes

This policy provides guidance on when the Board pays transportation costs as health care.

2. The Act

Section 21:

(1) See Item C10-72.00.

...

(3) ... Every employer must, at the employer's own expense, furnish to a worker injured in the employer's employment, when necessary, immediate conveyance and transportation to a hospital, physician or qualified practitioner for initial treatment.

...

(7) See Item C10-73.00.

POLICY

1. DEFINITIONS

As set out in Item C10-72.00, *Health Care – Introduction*, “residence” means the place where a worker lives or regularly stays. Where the worker has more than one residence, the worker is required to identify one as the primary residence.

As set out in Item C10-73.00, *Direction, Supervision, and Control of Health Care*, a “medical examination” is not limited to examinations performed by physicians. It also includes examinations by qualified practitioners and other recognized health care professionals. The term “examination” may include a consultation (e.g., with a dentist), or an assessment (e.g., by a psychologist).

2. ELIGIBILITY

The Board may pay for transportation for a worker to receive Board-approved health care for a compensable personal injury, occupational disease or mental disorder.

Transportation costs may be paid where the distance between the point of origin and the destination is 20 kilometres or greater, one way, for:

- (a) travel to a health care facility to obtain Board-approved health care;
- (b) visits to the worker's residence while the worker is participating in a Board-approved health care program lasting six weeks or more, during which the worker is required to stay in other accommodation. The Board may pay for transportation in respect of such visits once every three weeks, if the worker's recovery would not be impeded;
- (c) return travel to the worker's residence if, at the time of the compensable personal injury, occupational disease or mental disorder, the worker is working at a location other than his or her resident community, and the worker's disability from the compensable personal injury, occupational disease or mental disorder prevents the worker from returning to his or her place of residence using his or her usual mode of transportation; or
- (d) travel in connection with attendance at a Board or Workers' Compensation Appeal Tribunal directed medical examination or inquiry.

Transportation costs are not normally paid for:

- (a) The first 20 kilometres of any journey, except where the Board determines that the worker's condition is such as to require travel by:

ambulance or other method of emergency transportation (not including the date of injury transportation as per section 21(3)); or

taxi.
- (b) travel related to attendance at a return to work program; or
- (c) the portion of any journey which takes place beyond the boundary of the province. This does not apply where the Board specifically requests the worker to attend a medical examination, or in certain situations specified in policy item #100.15, *Worker Resides Outside the Province*, in relation to claims or Review Division inquiries.

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To determine the amount payable for transportation, the Board considers the most reasonably direct route available from the point of origin to the destination. The point of origin is usually the worker's residence.

Where a worker is required to travel to attend a vocational rehabilitation appointment, other than as part of a vocational rehabilitation plan, the Board pays for transportation in the same manner and at the same rates as set out in this policy. Where a worker is participating in a vocational rehabilitation plan, the Board may establish the amount paid for transportation separately as part of that plan.

2.1 Worker Bypasses Nearby Health Care Facilities

Workers may choose to bypass adequate health care facilities and travel a further distance to attend a particular physician, qualified practitioner or other recognized health care professional of their own choice. Subject to the Board's authority to direct, supervise and control treatment, workers may select their own physician, qualified practitioner or other recognized health care professional.

However, the Board may place limits on the transportation it pays for when a worker bypasses adequate nearby health care facilities and incurs additional transportation costs to attend another health care facility because of personal preference. In cases where the Board determines that travelling a further distance to a health care facility is not reasonably necessary, the Board only pays for transportation in respect of travel to the nearest health care facility that the Board considers adequate.

If a worker moves his or her residence to another location while receiving compensation, the Board will use the worker's new residence as the point of origin for determining the worker's eligibility. In these situations, the Board does not normally pay:

- (a) the cost of the move from one place of residence to another as health care; or
- (b) increased transportation costs for a worker to bypass an adequate health care facility to attend a physician, qualified practitioner or other recognized health care professional in his or her former resident community simply on the basis of the worker's personal preference.

If a worker receiving health care benefits moves out of British Columbia, the Board pays for transportation in accordance with the amounts payable as set out in section 5 of this policy and on the same basis as if the worker continued to reside in British Columbia.

3. MODE OF TRANSPORTATION

When evaluating the most appropriate mode of transportation, the Board may consider:

- the nature and extent of the worker's compensable personal injury, occupational disease or mental disorder;
- any pre-existing medical and/or psychological conditions;
- the urgency of the health care; any potential safety issues with various modes of transportation;
- availability of particular travel modes;
- travel times and distance;
- worker's travel preference and convenience;
- expected weather and road conditions during travel; and
- cost of the mode of transportation.

Following these considerations, the Board recommends a suitable mode of transportation that is safe, expedient, practical and cost effective.

Where the Board considers that the worker's choice of transportation would put the worker's safety at risk, the Board may consider the worker to be engaging in an insanitary or injurious practice, and therefore reduce or suspend the worker's compensation, if the circumstances in Item C10-74.00, *Reduction or Suspension of Compensation*, are met.

4. MANNER OF PAYMENT

Whenever possible, the Board schedules and pays for transportation directly. A worker may be required to reimburse the Board for the amounts paid directly where:

- (a) the worker either does not attend, or does not attend in part, the health care in respect of which the transportation was paid or does not use the pre-arranged mode of transportation; and
- (b) the amounts paid directly cannot be refunded or transferred to be used at another time.



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In these cases, the worker may also be required to reimburse the Board for additional costs, and any change or cancellation fees associated with the transportation where the Board determines:

- (a) there is no reasonable explanation that would justify the worker's actions, such as unexpected illness or compelling personal reasons (e.g. a death in the family); or
- (b) the change or cancellation was due to the worker's personal choice or preference, not related to the worker's compensable or non-compensable disability.

If it is not possible for the Board to schedule transportation directly or where mileage is paid, the Board may pay a transportation allowance to the worker in advance of the travel for the expected transportation costs incurred, up to an amount the Board considers reasonable. A worker is required to reimburse the Board for the transportation allowance where:

- (a) the worker either does not attend, or does not attend in part, the health care in respect of which the transportation allowance was paid; and
- (b) the allowance cannot be applied towards the transportation at another time.

The Board may recover the amounts paid:

- for transportation booked directly,
- through the provision of a transportation allowance, and/or
- for change fees, cancellation fees, or additional costs.

The Board may recover the above amounts by treating them as an overpayment and deducting them from the worker's compensation, or the worker may reimburse the Board directly.

If direct booking or payment by way of a travel allowance is not possible, the worker generally pays transportation costs as they are incurred, and advises the Board of the amount paid. The Board then calculates the amount of transportation payable and reimburses the worker for that amount.

5. AMOUNT PAYABLE

If the worker chooses to take a mode of transportation other than the one recommended by the Board, the Board pays for the more cost effective option, which is usually bus

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fare, together with transportation to and from the bus terminal. In this regard, the Board may establish a schedule of rates, adjusted periodically. Otherwise, the following sections set out how the Board determines how much it will pay for transportation for a worker's receipt of health care.

5.1 Travel by Air

Where the Board considers travel by air to be the most appropriate mode of transportation for the worker, the Board pays for transportation equal to the cost of the airfare, together with the cost of transportation to and from airports.

5.2 Travel by Public Transportation

Where the Board considers travel by public transportation to be the most appropriate mode of local transportation for the worker, the Board pays for transportation equal to the actual cost of the public transportation.

Generally, the Board considers travel by public transportation the most appropriate mode of local transportation where it is available and is a reasonable means of travel for the journey to be made by the worker.

5.3 Travel by Private Vehicle

Where the Board considers travel by private vehicle to be the most appropriate mode of transportation for the worker, the Board pays for transportation based on mileage at the rate set out below:

Date	Amount Per Kilometre
January 1, 2021 – December 31, 2021	45¢
January 1, 2022 – December August 31, 2022	47¢
September 1, 2022 – December 31, 2022	61¢

If required, earlier figures may be obtained by contacting the Board.

~~Effective June 30, 2002, t~~ The Board adjusts the mileage rate annually on January 1st of each year **to the maximum tax-exempt mileage allowances as determined by the Canada Revenue Agency for British Columbia, as prescribed by section 7306 of the Canadian Income Tax Regulations** ~~using the percentage change in the consumer price index for Canada, rounded to the nearest cent.~~

5.4 Travel by Taxi

Where the Board considers travel by taxi to be the most appropriate mode of transportation for the worker, the Board pays a transportation amount equal to the actual cost of taxi fares. The Board may consider travel by taxi reasonably necessary where, given the nature and extent of the worker's compensable or pre-existing personal injury, occupational disease or mental disorder:

- (a) no other mode of transportation is appropriate for local travel; or
- (b) when travelling to a distant centre for health care, the worker:
 - (i) requires transportation from his or her residence to or from an airport or commercial bus or ferry terminal; or
 - (ii) requires transportation while at the distant centre, for example, between health care facilities or between a health care facility and his or her place of accommodation.

5.5 Parking and Toll Fees

Regardless of whether the Board pays for mileage, the Board pays reasonable parking charges and toll fees the worker incurs while attending a health care facility, or in connection with travel to or from a health care facility (including, for example, parking charges at an airport, ferry terminal or bus terminal). The Board does not pay for parking violations.

EFFECTIVE DATE:
APPLICATION:

July 18, 2018 **September 1, 2022**
This Item applies to health care expenses incurred and health care provided on or after ~~July 18, 2018~~ **September 1, 2022**.



REHABILITATION SERVICES & CLAIMS MANUAL

RE: Transportation

ITEM: C10-83.00

BACKGROUND

1. Explanatory Notes

This policy provides guidance on when the Board pays transportation costs as health care.

2. The Act

Section 156:

See Item C10-72.00.

Section 159(2):

If a worker is injured in the course of employment, the worker's employer must, at the employer's own expense, provide the injured worker, when necessary, with immediate conveyance and transportation to a hospital, physician or qualified practitioner for initial treatment.

Section 160:

See Item C10-73.00.

POLICY

1. DEFINITIONS

As set out in Item C10-72.00, "residence" means the place where a worker lives or regularly stays. Where the worker has more than one residence, the worker is required to identify one as the primary residence.

As set out in Item C10-73.00, a "medical examination" is not limited to examinations performed by physicians. It also includes examinations by qualified practitioners and other recognized health care professionals. The term "examination" may include a consultation (e.g., with a dentist), or an assessment (e.g., by a psychologist).

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- (c) return travel to the worker's residence if, at the time of the compensable personal injury, occupational disease or mental disorder, the worker is working at a location other than the worker's resident community, and the worker's disability from the compensable personal injury, occupational disease or mental disorder prevents the worker from returning to the worker's place of residence using the worker's usual mode of transportation; or
- (d) travel in connection with attendance at a Board- or Workers' Compensation Appeal Tribunal-directed medical examination or inquiry.

Transportation costs are not normally paid for:

- (a) The first 20 kilometres of any journey, except where the Board determines that the worker's condition is such as to require travel by:
 - ambulance or other method of emergency transportation (not including the date of injury transportation as per section 159); or
 - taxi.
- (b) travel related to attendance at a return to work program; or
- (c) the portion of any journey which takes place beyond the boundary of British Columbia. This does not apply where the Board specifically requests the worker to attend a medical examination, or in certain situations specified in policy item #100.14, in relation to claims or Review Division inquiries.

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**REHABILITATION SERVICES &
CLAIMS MANUAL****5. AMOUNT PAYABLE**

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the Canadian Income Tax Regulations ~~using the percentage change in the consumer price index for Canada, rounded to the nearest cent.~~

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- (a) no other mode of transportation is appropriate for local travel; or
- (b) when travelling to a distant centre for health care, the worker:
 - (i) requires transportation from the worker's residence to or from an airport or commercial bus or ferry terminal; or
 - (ii) requires transportation while at the distant centre, for example, between health care facilities or between a health care facility and the worker's place of accommodation.

5.5 Parking and Toll Fees

Regardless of whether the Board pays for mileage, the Board pays reasonable parking charges and toll fees the worker incurs while attending a health care facility, or in connection with travel to or from a health care facility (including, for example, parking charges at an airport, ferry terminal or bus terminal). The Board does not pay for parking violations.

EFFECTIVE DATE:	January 1, 2015 September 1, 2022
AUTHORITY:	Sections 156, 159, and 160 of the Act.
CROSS REFERENCES:	Policy item #48.40, <i>Overpayments/Money Owed to the Board</i> ; Policy item #51.20, <i>Dollar Amounts in the Act</i> ; Item C10-73.00, <i>Direction, Supervision, and Control of Health Care</i> ; Item C10-83.10, <i>Subsistence Allowances</i> ; Item C11-88.00, <i>Vocational Rehabilitation – Nature and Extent of Programs and Services</i> ; Item C11-88.90, <i>Vocational Rehabilitation – Relocation</i> ; Policy item #100.00, <i>Reimbursement of Expenses</i> , of the <i>Rehabilitation Services & Claims Manual</i> , Volume II.

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HISTORY:

September 1, 2022 – Mileage rate increased and tied to maximum tax-exempt mileage allowance of the Canada Revenue Agency.

April 6, 2020 – Housekeeping changes consequential to implementing the *Workers Compensation Act*, R.S.B.C. 2019, c. 1.

January 1, 2015 – This policy incorporated the concepts from and replaced former policy items #82.00, #82.10, #82.11, #82.20, #82.30 and #82.50 of the *Rehabilitation Services & Claims Manual*, Volume II.

June 1, 2009 – Deleted references to Board officer, Review Division, and Board officer in Vocational Rehabilitation Services.

March 3, 2003 – Inserted references to the Review Division, the Workers' Compensation Appeal Tribunal and section 7 of the *Workers Compensation Act Appeal Regulation*.

APPLICATION:

This Item applies to health care expenses incurred and health care provided on or after ~~January 1, 2015~~ **September 1, 2022**.