

2021/03/30-02

**WORKERS' COMPENSATION BOARD
("WorkSafeBC")**

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Extending coverage under section 7(2)(b) of the *Workers Compensation Act* - Ministry of Social Development and Poverty Reduction Research and Innovation program

WHEREAS:

Under section 7(2)(b) of the *Workers Compensation Act*, R.S.B.C 2019, c. 1 (*Act*), WorkSafeBC may, with the approval of the Lieutenant Governor in Council, deem a person or persons engaged in a work study program or other program of self-improvement involving work to be a worker or workers of the Crown in right of British Columbia, on the terms and conditions WorkSafeBC determines;

AND WHEREAS:

The Ministry of Social Development and Poverty Reduction funds and administers work study programs or other programs of self-improvement involving work which provide participants with work experience or employment readiness opportunities;

AND WHEREAS:

The Ministry of Social Development and Poverty Reduction has established a Research and Innovation program with a component of the Research and Innovation program providing work experience or employment readiness opportunities to program participants;

AND WHEREAS:

The Ministry of Social Development and Poverty Reduction has requested WorkSafeBC to deem eligible individuals who participate in the Research and Innovation work experience to be workers of the Crown in right of British Columbia for the purpose of extending coverage under the *Act*;

AND WHEREAS:

The terms and conditions in Appendix A attached to this resolution will apply only to those Eligible Participants as defined therein, and not to any individuals who are included in the *Act's* definition of "worker" in section 1;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. WorkSafeBC deems eligible individuals who participate in the work experience or employment readiness components of the Ministry of Social Development and Poverty Reduction's Research and Innovation program to be workers of the Crown in right of British Columbia on the terms and conditions set out in Appendix A attached to this resolution.
2. This resolution, including the terms and conditions set out in Appendix A, constitutes a decision of the Board of Directors and is effective the date that the Lieutenant Governor in Council approves WorkSafeBC deeming eligible individuals who participate in the work experience or employment readiness components of the Ministry of Social Development and Poverty Reduction's Research and Innovation program to be workers of the Crown in right of British Columbia on the terms and conditions set out in Appendix A attached to this resolution.

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 March 30, 2021.

Original Signed by Jeff Parr

Jeff Parr

Chair, Board of Directors

Workers' Compensation Board

APPENDIX A

TERMS AND CONDITIONS OF COVERAGE FOR PARTICIPANTS IN THE WORK EXPERIENCE OR EMPLOYMENT READINESS COMPONENTS OF THE MINISTRY OF SOCIAL DEVELOPMENT AND POVERTY REDUCTION RESEARCH AND INNOVATION PROGRAM UNDER SECTION 7(2)(b) OF THE *WORKERS COMPENSATION ACT (ACT)*

Definitions for Terms and Conditions

1. **Definitions:** For the purpose of these Terms and Conditions, the following terms have the following meanings:
 - (a) **“Eligible Participant”** means an individual who is confirmed by a representative of the Ministry of Social Development and Poverty Reduction (**SDPR**) as meeting the eligibility requirements of and participating in SDPR's Research and Innovation (**R&I**) program.
 - (b) **“Standard Work Site”** means a location at which an Eligible Participant fulfills job-related responsibilities assigned to the Eligible Participant and/or observes others fulfill job-related responsibilities under the general supervision of a R&I Project Holder, but does not include a work site created specifically for the purpose of an R&I Work Experience.
 - (c) **“R&I Project Holder”** means an employer as defined by the *Act*, including an employer who is not-for-profit or a community service organization who administers the R&I Work Experience.
 - (d) **“R&I Work Experience”** means that part of the SDPR's R&I Work Experience program performed under an R&I Project Holder Agreement that provides an Eligible Participant with an opportunity to participate in, observe, or learn about the performance of assigned tasks and fulfillment of responsibilities in a work environment at a Standard Work Site.
 - (e) **“R&I Project Holder Agreement”** means an agreement in writing signed by:
 - i. an Eligible Participant;
 - ii. a R&I Project Holder; and
 - iii. a SDPR representative.that governs the terms under which the Eligible Participant will be participating in the R&I Work Experience and specifies by date the period during which the an Eligible Participant will be participating in the R&I Work Experience and the location(s) of the Standard Work Site.

- (g) “**WorkSafeBC**” means the Workers’ Compensation Board doing business as WorkSafeBC.

Terms and Conditions

- 2. Coverage:** The Eligible Participants are deemed under section 7(2)(b) of the *Act* to be workers of the Crown in right of British Columbia and entitled to compensation, health care benefits, and vocational rehabilitation benefits where the Eligible Participant sustains an injury, mental disorder, occupational disease, or death arising out of and in the course of R&I Work Experience at a Standard Work Site pursuant to a R&I Project Holder Agreement, subject to the following terms and conditions:
- (a) The Eligible Participants are subject to the provisions of the *Act* and applicable WorkSafeBC policies applicable to workers of the Crown in right of British Columbia with respect to the entitlement to and payment of compensation and health care, except where expressly otherwise stated in these Terms and Conditions.
 - (b) Coverage is limited to Eligible Participants who are 16 years of age or older.
 - (c) Coverage is limited to a R&I Work Experience under a R&I Project Holder Agreement.
 - (d) If an Eligible Participant sustains an injury, mental disorder, occupational disease, or death, the R&I Project Holder will submit, in accordance with the provisions of the *Act*, a report of injury or death to WorkSafeBC, and the SDPR representative will provide confirmation of the report to WorkSafeBC.
 - (e) Where a claim for health care benefits is accepted by WorkSafeBC, health care benefits are payable in all cases of injury, mental disorder, occupational disease, or death to an Eligible Participant in accordance with the applicable provisions of the *Act* and WorkSafeBC policies.
 - (f) Where a claim for compensation is accepted by WorkSafeBC, compensation for injury to an Eligible Participant is payable:
 - (i) in accordance with sections 208 to 212 and sections 214 to 219 of the *Act* and WorkSafeBC policy in respect of determining average earnings; and
 - (ii) in accordance with sections 220 to 222 of the *Act* and WorkSafeBC policy in respect of determining average net earnings.

- (g) Where injury to an Eligible Participant results in a period of temporary disability with no loss of earnings and income assistance paid by the SDPR is suspended, WorkSafeBC may, for the period of temporary disability, pay compensation in the amount of the training allowance in the form of social assistance benefits or otherwise.
- (h) In respect of a decision to grant an award of temporary total disability or temporary partial disability under sections 190 to 192 of the *Act* respectively, compensation will be determined in accordance with the provisions of the *Act* and WorkSafeBC policy and is payable from the day after the date of the loss.
- (i) Compensation payable in respect of permanent disability will:
 - (i) in respect of a decision by WorkSafeBC to grant permanent total disability benefits under sections 190 and 194 of the *Act*, commence on the date on which WorkSafeBC determines that an Eligible Participant's disability has stabilized and becomes permanent,
 - (ii) in respect of a decision by WorkSafeBC to grant permanent partial disability benefits under sections 190 and 195 of the *Act*, commence on the date on which WorkSafeBC determines that an Eligible Participant's disability has stabilized and becomes permanent,
 - (iii) in respect of a decision by WorkSafeBC to grant permanent partial disability benefits under sections 190 and 196 of the *Act*, commence on the date the Eligible Participant graduates from high school or leaves school permanently for any reason.
- (j) The costs of adjudicating claims and of paying compensation and benefits to Eligible Participants entitled to coverage as determined by WorkSafeBC is to be paid by the Province on a self-insured (deposit class) basis and not by assessment.