

# Index

## **ACCESS TO INFORMATION (S. 147(3))**

- Generally, **3:6**
- Appeals Commission hearings, **2:21**
- Disclosure during litigation, **App C, 5:20**

## **ADMINISTRATIVE PENALTIES**

- Employers, **4:12**
- Workers, **3:35**

## **BILL 26**

- Generally, **1:9**
- Judicial Appeal Provision  
background, **7:12**

## **CREDITORS, ACTING FOR**

- Workers, Creditors of
  - bankrupt worker, **8:16 to 8:19**
    - benefits, as at date of bankruptcy, **8:16**
    - benefits, post-bankruptcy, **8:17**
    - discharge and fraud, **8:19**
    - set-off, **8:18**
  - benefits, non-assignability of (s. 141), **8:12**
  - benefits, taxability of, **8:20**
  - diversions, other (s. 50), **8:14**
  - maintenance, spousal or child (s. 49), **8:13**
  - matrimonial property, **8:15**

## **CREDITORS, ACTING FOR WCB**

- Rights of Enforcement Against Employers
  - collections/enforcement, generally, **4:41 to 4:48, 8:2 to 8:11**
  - powers, purpose of, **8:2**
  - primary timber products, sale of (s. 132), **8:10**
  - principal's liability (s. 126), **8:5 to 8:8**
    - builder's liens, **8:6**
    - constitutionality of, **8:8**
    - interpleader, **8:7**
  - purchaser's liability (s. 132), **8:9**
  - related persons, transactions between (s. 134), **8:11**
  - statutory charge (s. 129), **8:3, 8:4**
    - priority, exceptions to, **8:4**

## **CREDITORS, ACTING FOR WCB**

### **—Cont'd**

- Rights of Enforcement Against Employers
  - Cont'd
    - statutory charge (s. 129), **8:3, 8:4**
    - Cont'd
      - priority of, **4:44, 8:3**

## **EMPLOYERS, ACTING FOR**

- Administrative Penalties, **4:12**
- Appeals
  - See also **FORMS AND PRECEDENTS**  
and **PRACTICE GUIDELINES**  
(**APPEALS COMMISSION**)
    - generally, **2:17 to 2:27, 4:49**
    - classification or base rate, **4:28**
- Benefits accruing under WCA, **4:2 to 4:4**
- Cease Employ Orders, **4:46**
- Consultants, employer, **4:50**
- Cost Relief, **4:33**
- Costs, Transfer of, **4:40**
- Custom pricing programs, **4:27**
- Impeding Report of Accident, **4:7**
- Injunctions Against Carrying on business, **4:47**
- Negotiations, **4:48**
- Obligations
  - contracting out, **4:5**
  - deductions, unauthorized, **4:6**
  - duty to, accommodate/reinstatement, **4:17**
  - reporting
    - accidents, **4:11**
    - describing business, **4:9**
    - insurable earnings, **4:10**
- Offences and Prosecution
  - generally, **4:13 to 4:16**
  - director's and officer's liability, **4:14**
  - double jeopardy, **4:16**
  - proof, prima facie, **4:15**
- Premium Rates
  - base rates, establishment of, **4:21**
  - experience rating, **4:22**
    - issues concerning, **4:30**
    - large employers, **4:24**

## EMPLOYERS, ACTING FOR—Cont'd

- Premium Rates—Cont'd
  - experience rating, **4:22**—Cont'd
    - partners in injury reduction (PIR), **4:26**
    - poor performance surcharge, **4:25**
    - small employers, **4:23**
- Premiums
  - assessments, **4:19**
  - collection of, **4:41, 8:2 to 8:11**
    - (see WCB, Rights of Enforcement Against Employers)
  - interest penalty, **4:42**
  - payment of, **4:20, 4:41**
  - reduction of liability for, **4:28 to 4:40**
- Priority, of WCB charge, **4:44, 8:3, 8:4**
- Review, assessment decisions, **2:11 to 2:16**
- Security, furnishing of, **4:45**
- Status, Determination of, **1:34**
- Statutory Immunity, **1:36, 4:2**

## FORMS AND PRECEDENTS

- Appeals Commission Application for Interim Relief for Employers, **App. B:10**
- Appeals Commission Application for Interim Relief for Workers, **App. B:9**
- Appeals Commission Notice of Appeal, **App. B:8**
- Authorization and Release of Information, Worker's, **App. B:1**
- Authorization and Release of Information for Employer Account Issue, Employer's, **App. B:3**
- Originating Application for Judicial Appeal and Review, **App. B:12**
- Originating Application for Judicial Review, **App. B:11**
- Request for Claim File and Intent for Request Review of Appeal, Employer, **App. B:2**
- Retainer Agreement, **App. B:4**
- Workers' Compensation Board Fairness Review Form, **App. B:5**
- Workers' Compensation Board Request for Interim Relief, **App. B:7**
- Workers' Compensation Board Request for Review, **App. B:6**

## INSURANCE COMPANIES, ACTING FOR

- Appeals, status determinations, **6:4**

## INSURANCE COMPANIES, ACTING FOR—Cont'd

- Automobile Insurance Reform, **5:29**
- Certificates (s. 149), **6:5**
- Damages, deductions from, **6:16**
- Insurance Act, application of, **1:12**
- Status, determination of, **6:3**
- Statutory Immunity (s. 23(1))
  - other issues
    - constitutionality, **6:9**
    - Contract actions, **6:15**
    - damages, aggravated and punitive, **6:8**
    - denial of claim, **6:14**
    - derivative actions, **6:10**
    - dual capacity, **6:13**
    - out-of province accidents, **6:11**
    - wrongful dismissal actions, **6:12**
  - significance of, **6:2**
- Striking Out Applications, **6:6**
- Third Party Notices, **6:7**

## JUDICIAL REVIEW AND JUDICIAL APPEAL

- Bill 26
  - generally, **1:9**
  - background, **7:12**
- Costs, **7:27**
- Judicial Appeal
  - standard of review
    - generally, **7:12, 7:13**
    - correctness, **7:13**
      - application of, **7:13**
    - "patently unreasonable," **7:13**
    - pragmatic and functional approach, **7:5**
    - reasonableness simpliciter, **7:5**
      - application of, **7:5**
    - standard of Review Table, **App. F**
  - status of parties
    - appeals commission, **7:11**
    - WCB, **7:14**
- Judicial Review
  - distinct from judicial appeal, **7:1, 7:6**
  - privative clause, **7:10, 7:11**
  - standard of review, **7:10, 7:11**
  - standard of Review Table, **App. F**
  - Natural Justice, application of principles, **7:3**
  - Procedure, **7:14**
  - Proceedings, Categories of, **7:2, 7:3**

## **JUDICIAL REVIEW AND JUDICIAL APPEAL—Cont'd**

### **Process**

generally, **7:6, 7:21**  
 briefs, **7:8**  
 hearing dates, **7:21**  
 new evidence, **7:25**  
 notice, **7:22**  
 pleadings, **7:20**  
 record, **7:23**

### **Questions of**

jurisdiction, **7:8**  
 law, **7:9**  
 mixed law and fact, **7:9**

### **Reconsideration, 7:15**

### **Remedies, 7:26**

### **Special Case (s. 13.2(11))**

generally, **7:16 to 7:27**  
 decision  
     appeal from, **7:27**  
     effect of, **7:26**  
 deference to tribunal, **7:20 to 7:25**  
 practice and procedure, **7:19**  
 use of, **7:17**

Standard of review, generally, **7:5 to 7:7, and App. F**

## **JURISDICTION, EXCLUSIVE**

Generally, **1:17 to 1:21**  
 Non-interference, **1:18**  
 Powers, **1:19 to 1:21**  
 Privative Clause, **1:17, 7:10, 7:11**

## **OFFENCES AND PROSECUTION**

Employers, **4:13 to 4:16**  
     director's and officer's liability  
         generally, **4:13**

## **OFFENCES AND PROSECUTION OF EMPLOYERS**

Director's and officer's liability  
     generally, **4:14**  
     double jeopardy, **4:16**  
     proof, prima facie, **4:15**  
 Workers, **3:35**

## **PRACTICE GUIDELINES (APPEALS COMMISSION)**

Practice Guideline 1 - Filing an Appeal, **App. E2**  
 Practice Guideline 2 - Getting Ready for the Appeal, **App. E3**

## **PRACTICE GUIDELINES (APPEALS COMMISSION)—Cont'd**

Practice Guideline 2A - Notice to Attend or Notice to Produce Documents, **App. E4**  
 Practice Guideline 2B - Adjournment Requests, **App. E5**  
 Practice Guideline 2C - Dismissing an Appeal, **App. E6**  
 Practice Guideline 3 - The Hearing and Decision, **App. E7**  
 Practice Guideline 3A - Protocol for Determining Bias Issues, **App. E8**  
 Practice Guideline 3B - Standards of Behavior for Representatives and Participants, **App. E9**  
 Practice Guideline 4 - Extending Time to Appeal, **App. E10**  
 Practice Guideline 5 - Application to Reconsider a Decision, **App. E11**  
 Practice Guideline 6 - Digital Information and Appeals, **App. E12**  
 Practice Guideline 7 - Requesting Interim Relief, **App. E13**

## **PRECEDENTS**

(See FORMS AND PRECEDENTS)

## **SPECIAL CASE (S. 13.2(11))**

Decision  
     generally, **7:16**  
     appeal from, **7:27**  
     deference to tribunal, **7:20 to 7:25**  
     effect of, **7:26**  
 Practice and procedure, **7:19**  
 Use of, **7:17**

## **SUBROGATION**

See also THIRD-PARTY CASES  
 Common law vs. statutory, **5:2**  
 Vesting versus subrogation, **5:8**

## **THIRD-PARTY CASES**

Automobile insurance reform, **5:29**  
 Contingency fees, **5:12**  
 Counsel, change of, **5:24**  
 Discovery, **5:20**  
 Intervening accidents, **5:26**  
 Interview, initial, **5:14, 5:15**  
 Legal services department, **5:30**  
 Medical malpractice, **5:28**  
 Methods of handling, **5:13**  
 Out of province accidents, **5:25**

### THIRD-PARTY CASES—Cont'd

- Pleadings, **5:19**
- Pre-December 2001, 2005 cases, **5:2 to 5:6**
- Products liability, **5:27**
- Settlement
  - consent to settle, **5:21**
  - proceeds, distribution of, **5:22, 5:23**
- Special circumstances, **5:25 to 5:28**
- Status, determination of, **5:16**
- Subrogation
  - common law vs. statutory law, **5:2**
- Vesting, **5:8**
- Workers' Compensation Board
  - costs, **5:18**
  - extent of interest, **5:9**
  - retainer letter, **5:17**

### TRIBUNALS

- Administration Procedures and Jurisdiction Act, **2:27**
- Appeals Commission
  - See also FORMS AND PRECEDENTS and PRACTICE GUIDELINES (APPEALS COMMISSION)
  - generally, **2:17 to 2:25**
  - Charter, application of, **2:2, 2:26**
  - composition and structure of, **2:18**
  - delay, dismissal of appeal for, **2:22**
  - jurisdiction
    - generally, **2:19**
    - Blind Workers' Compensation Act, **2:19**
    - Government Employees Compensation Act, **2:19**
  - limitation period, **2:20**
  - powers of, **2:19**
  - practice, miscellaneous issues, **2:24**
  - precedent, use of, **2:24**
  - procedure
    - generally, **2:21, 2:22**
    - disclosure of information, **2:21**
    - rules of procedure, **2:22**
    - statutory requirements, **2:21**
  - Public Service Act, **2:18**
  - reconsideration by, **2:23**
  - remedies, **2:24**
- Dispute Resolution and Decision Review Body, **2:5 to 2:10**
  - assessment matters
    - issues and parties, **2:12**

### TRIBUNALS—Cont'd

- Dispute Resolution and Decision Review Body, **2:5 to 2:10**—Cont'd
  - assessment matters—Cont'd
    - limitation period, **2:13**
    - process, **2:14**
    - reconsideration by, **2:9**
    - structure and jurisdiction, **2:11**
  - compensation matters
    - issues and parties, **2:6**
    - limitation period, **2:7**
    - process, **2:8**
    - structure and jurisdiction, **2:5**
- Exclusive Jurisdiction, **2:2**
- Informal Supervisory Review (s. 17(3)), **2:4**

### WORKERS, ACTING FOR

- Access to Information (s. 147(3)), **3:6**
- Appeals, compensation decisions, **2:17 to 2:27**
  - See also FORMS AND PRECEDENTS and PRACTICE GUIDELINES (APPEALS COMMISSION)
- Claims
  - cost of living adjustment, **3:20**
  - entitlement
    - generally, **3:7**
    - "accident," what constitutes, **1:31 to 1:33**
    - causation, **1:31 to 1:35**
    - status, determination of, **1:35**
  - fatalities, **3:17**
    - Adult Interdependent Relationships Act, **3:18**
  - medical aid, **3:21**
  - medical panels, **3:23**
  - particular types of
    - generally, **3:24 to 3:30**
    - chronic pain, **3:27**
    - chronic stress, **3:28 to 3:30**
    - firefighters' cancer, **3:25**
    - firefighters presumption for heart attack, **3:26**
    - occupational disease, **3:24**
  - permanent disability, **3:11 to 3:14**
  - permanent total disability, **3:15**
  - post traumatic stress disorder, **3:28 to 3:30**
  - temporary total/partial disability, **3:9**
  - time loss/no time loss, **3:8**

## **WORKERS, ACTING FOR—Cont'd**

- Claims—Cont'd
  - vocational rehabilitation, **3:10**
- Extra-Provincial Coverage, **1:28, 1:29**
- Freedom of Information and Protection of Privacy Act, application of, **3:6**
- Interviewing Workers
  - checklist, **3:3**
  - getting retained, **3:4**
    - benefits, non-assignability of (s. 141), **3:4, 8:12**
  - identifying appeal issue, **3:5**
- Medical Panels, **3:23**
- Offences, **3:35**
- Policy Manual, **3:2**
- Representing Workers
  - process of, **3:31 to 3:36**
  - taxation of lawyers accounts, **3:34**
- Review, compensation decisions, **2:5 to 2:10**
- Status, Determination of, **1:35**
- Statutory Immunity, **1:36**
- Workers
  - deemed workers (s. 16), **1:25**
  - definition of, **1:24 to 1:27**
  - Government Employees Compensation Act, application of, **1:30**
  - illegal workers, **1:26**
  - multi-vocation workers, **1:27**

## **WORKERS' COMPENSATION BOARD**

- Accountability to
  - government, **1:7**
  - ombudsman, jurisdiction of (Ombudsman Act, s. 12), **1:7**
- Corporate Structure
  - generally, **1:7 to 1:16**

## **WORKERS' COMPENSATION BOARD—Cont'd**

- Corporate Structure—Cont'd
  - board of directors, **1:14**
  - nature and function of, **1:7**
  - organizational structure, **1:15**
- Employees of, **1:16**
- Powers of
  - generally, **1:19 to 1:21**
  - regarding employers, **1:21**
  - witness and investigation, **1:20**

## **WORKERS COMPENSATION LEGISLATION**

- Application
  - generally, **1:8, 1:22 to 1:35**
  - extra-provincially, **1:28, 1:29**
  - to employers, **1:23**
  - to workers, **1:24 to 1:27**
- Bill 26, **1:9**
- Constitutionality
  - generally, **1:5, 1:6**
  - Charter of Rights and Freedoms, **1:6**
  - division of powers, **1:5**
- Financial Administration Act, application of, **1:13**
- Government Employees Compensation Act, application of, **1:30**
- Historic trade-off, **1:2**
- Insurance Act, application of, **1:12**
- Meredith, **1:2 to 1:6**
- Private Insurance
  - compared to, **1:4**
- Purpose of, **1:2 to 1:6**
- Statutory Immunity, **1:36, 4:2**
- Tort Law
  - differences between, **1:3**