

WORKERS' COMPENSATION COVERAGE ORDER

Authority: *Workers' Compensation Act*, section 3 (7) (b)

OIC 406/08 Effective June 6, 2008
Replaces OIC 1117/04
Lieutenant Governor in Council Order

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On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the Workers' Compensation Board to deem persons and groups specified in the attached Resolution to be workers of the Crown in Right of the Province on the terms and conditions specified in the attached Resolution.

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

**RE: Work Study/Work Experience in Public Secondary Schools,
Section 3(7)(b) of the *Workers Compensation Act***

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:

Coverage of Students in the public secondary schools engaged in the Ministry of Education Work Study/Work Experience Program is paid for by the Provincial Government on a self-insured basis as provided for under Section 3(7)(b) of the *Act*;

AND WHEREAS:

By a Minute of the Board dated September 4, 1974, subsequently clarified by Minutes, dated May 19, 1993, August 3, 1995, October 13, 1998, and June 22, 2004, the Board with the approval of the Lieutenant Governor in Council, resolved that Students engaged in Department of Education initiated work study/work experience programs be covered under section 3 (7)(b) of the *Act* on certain terms and conditions, as deemed workers of the Crown in right of the Province;

AND WHEREAS:

The Minister has modified the work study/work experience program and proposed that coverage be confirmed for all Students participating in Work Experience, as defined by order of the Minister of Education, on the terms and conditions set out below.

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THE BOARD OF DIRECTORS RESOLVES THAT:

1. The Board deems Students engaged in a work study program, as defined by order of the Minister of Education, to be workers of the Crown in Right of the Province on the following terms and conditions:

- (a) “board of education” means a board of education as defined by the *School Act*, RSBC 1996, Chapter 412.
- (b) “Program Agreement” means an agreement in writing governing the terms under which the Student will be participating in the Work Experience placement for a Student and specifying, by date, the period during which the Student will be participating in the Work Experience, the name of the participating Employer (“Work Site Employer”) and the location or locations of the Standard Work Site.
- (c) “Standard Work Site” means a location, other than a work site created specifically for work experience,
 - (i) at which a Student performs the tasks and the responsibilities related to an occupation or a career under the general supervision of a Work Site Employer, but does not include a location which is created by a school or a board of education for the purpose of training Students for an occupation or career
 - (ii) at which a self employed person performs the tasks and responsibilities related to that person’s self-employment.
- (d) “Student” means a student as defined by the *School Act*, RSBC 1996, Chapter 412
- (e) “Work Experience” means an educational program for all Students entering Grade 10 commencing July 1, 2004 or subsequently, which will require, that each Student complete, as part of his or her Graduation Transitions Requirement, one of the following:
 - a school-arranged 30 hour work placement
 - 30 hours of volunteer or community service, if arranged by the board of education or
 - a ministry-authorized work experience course.

I. Subject to the specific terms and conditions of this Resolution, compensation, health care benefits, and rehabilitation benefits shall be paid to a Student who suffers an injury or death arising out of and in the course of a work experience on a Standard Work Site pursuant to a Program Agreement as a deemed worker of the Crown in right of the Province.

II. Coverage is limited to Students who are 14 years of age or older.

III. If a Student participating in a Work Experience is injured, the board of education of the district in which the Student is enrolled will submit, in accordance with the provisions of the *Act*, a report of injury to the Board and to the Minister of Education, who will provide confirmation of the report to the Board.

IV. Health care benefits are payable in all cases of injury to a Student participating in a Work Experience, where the claim is accepted by the Board.

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V. Compensation for injury to a Student participating in a Work Experience, other than health care benefits, is payable, in the case of,

- (a) permanent disability and average earnings will be calculated as follows: 52.14 times the annual average weekly earnings of workers in British Columbia as published in the January, 1995 edition of the Statistics Canada Catalogue #72-002 (employment earnings and hours). At the end of 1995 and each calendar year thereafter the Board will determine the wage rate to be applicable for the following calendar year in the same manner, but based on the figure in Catalogue #72-002 for the immediately preceding year;
- (b) temporary disability and will be calculated on the basis of actual loss of earnings in accordance with general Board policy.

VI. Compensation payable in respect of permanent disability will, on the decision of the Board to award

- (a) a functional pension, under section 23 (1) of the *Act*, commence on the date on which the Board determines that a Student's disability has stabilized and becomes permanent,
- (b) a loss of earning pension, under section 23 (3) of the *Act*, commence on the date the Student graduates from high school or leaves school permanently for any reason,
- (c) vocational rehabilitation benefits, commence on the date the Student graduates from high school or leaves school permanently for any reason, subject to the discretion of the Board under section 16 of the *Act*.

VII. Compensation payable for actual wage loss in respect of temporary disability is payable from the date of the loss, in accordance with the provisions of the *Act* and the policy of the Board.

VIII. The costs of adjudicating claims and of paying benefits to Students entitled to coverage as determined by the Board is to be paid by the Province.

2. This resolution is effective January 29, 2008.
3. This resolution constitutes a policy decision of the Board of Directors.