

WORKERS' COMPENSATION COVERAGE ORDER

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

OIC 344/11 Effective July 21, 2011
Replaces OIC 406/08
Lieutenant Governor in Council Order

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

**RE: Work Study Program 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 certain Work Study Programs is currently 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:

It is proposed that coverage be confirmed for all Students participating in a Work Study Program, on the terms and conditions set out below.

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The Board deems Students engaged in a Work Study Program, as workers of the Crown in Right of the Province on the following terms and conditions set out in Appendix A of this resolution.
2. This resolution and the terms and conditions set out in Appendix A of this resolution are effective the date that the Lieutenant Governor in Council approves the Board deeming the

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Students engaged in a Work Study Program to be workers of the Crown in Right of the Province on the terms and conditions set out in Appendix A of this resolution.

3. This resolution constitutes a policy decision of the Board of Directors, and replaces resolution 2008/01/29-06, effective the date that the Lieutenant Governor in council approves the Board deeming the students engaged in a Work Study Program to be workers of the Crown in Right of the Province on the terms and conditions set out in Appendix A of this resolution.

APPENDIX A

TERMS AND CONDITIONS OF COVERAGE FOR PUBLIC SECONDARY SCHOOL WORK EXPERIENCE PROGRAMS UNDER SECTION 3(7) OF THE ACT

In the following terms and conditions of coverage under section 3(7) of the *Workers' Compensation Act* (the *Act*):

- (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, signed by a Student (and the Student's parent, in the case of a minor Student), the Work Site Employer and a board of education, governing the terms under which the Student will be participating in the Work Study Program placement and specifying, by date, the period during which the Student will be participating in the Work Study Program, 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 by a school or board of education,
 - (i) at which a worker performs the tasks and the responsibilities related to an occupation or a career under the general supervision of an Employer, or
 - (ii) at which a self employed person performs the tasks and responsibilities related to that person's self-employment,and includes a location where a community service or non-profit agency operates or provides its service.
- (d) "Student" means a student as defined by the *School Act*, RSBC 1996, Chapter 412.
- (e) "Work Experience" means that part of an educational program that provides a Student with an opportunity to participate in, observe or learn about the performance of tasks and responsibilities related to an occupation or career, including participation in community service under a graduation course requirement established by the Minister of Education.
- (f) "Work Study Program" means Work Experience at a Standard Work Site.
- (g) "Work Site Employer" means the Employer (as defined in the *Act*) participating in the Work Study Program.

Terms and conditions of coverage under section 3(7) of the *Act*:

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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 Study Program 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 Study Program 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 Study Program, where the claim is accepted by the Board.

V. Compensation for injury to a Student participating in a Work Study Program, 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,

VII. Compensation 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.