

2002

CHAPTER 59

An Act to amend *The Workers' Compensation Act, 1979*

(Assented to July 10, 2002)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Workers' Compensation Amendment Act, 2002*.

S.S. 1979, c.W-17.1 amended

2 *The Workers' Compensation Act, 1979* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing clauses (a) and (a.1) and substituting the following:

“(a) **‘average weekly wage’** means the average weekly wage of the industrial composite as determined by the board from information published by Statistics Canada;

“(a.1) **‘board’** means The Workers' Compensation Board continued pursuant to section 13;

“(a.2) **‘chief executive officer’** means the chief executive officer of the board appointed pursuant to subsection 20(1)”; **and**

(b) by repealing clause (g.1).

Section 12 amended

4 The following subsection is added after subsection 12(2):

“(2.1) A worker who makes an application pursuant to subsection (1) shall give notice of the application to his or her employer in any manner that the board directs”.

Section 20 amended

5 Clause 20(1)(a) is amended by striking out “executive director” and substituting “chief executive officer”.

New section 30

6 Section 30 is repealed and the following substituted:

“Presumption where worker found dead

30 Where a worker is found dead at a place where the worker had a right to be in the course of his or her employment, it is presumed that the worker's death was the result of injury arising out of and in the course of his or her employment, unless the contrary is shown”.

New section 38.1

7 Section 38.1 is repealed and the following substituted:**“Maximum wage rate re certain workers**

38.1 Notwithstanding section 38, for the purpose of making a decision or determination with respect to a worker who sustains an injury on or after September 1, 1985:

- (a) the maximum wage rate applicable before January 1, 2003 is \$48,000 per year;
- (b) the maximum wage rate applicable on and after January 1, 2003 but before January 1, 2004 is \$51,900 per year;
- (c) the maximum wage rate applicable on and after January 1, 2004 but before January 1, 2005 is \$53,000 per year; and
- (d) the maximum wage rate applicable on and after January 1, 2005 is \$55,000 per year”.

Section 67 amended

8(1) Subsection 67(1) is amended by striking out “The board” and substituting “Subject to subsection (1.1), the board”.

(2) The following subsection is added after subsection 67(1):

“(1.1) For the purposes of establishing a rating schedule pursuant to subsection (1) for the purposes of decisions of the board made on or after the coming into force of this subsection, the amount of an award provided for in that schedule must be not less than \$2,200 and not more than \$45,200”.

New section 67.1

9 Section 67.1 is repealed and the following substituted:

“Independence allowance

67.1(1) Subject to subsection (2), if a worker sustains a permanent functional impairment that, in the opinion of the board, is severe, the board may award to that worker an independence allowance in any annual amount that the board, in its discretion, determines annually.

- (2) The annual amount of an independence allowance must not exceed:
 - (a) 10% of the maximum amount of an award established pursuant to section 67 in the case of a worker whose permanent functional impairment is first determined before the coming into force of this section; or
 - (b) 5% of the maximum amount of an award established pursuant to section 67 in the case of a worker whose permanent functional impairment is first determined on or after the coming into force of this section”.

Section 69.1 repealed

10 Section 69.1 is repealed.

Section 70 amended**11(1) Subsection 70(1) is repealed and the following substituted:**

“(1) Subject to subsections (3) to (5), ‘average weekly earnings’ means the greater of:

(a) one fifty-second of the worker’s gross earnings for a period of 12 months immediately preceding the commencement of the loss of earnings as a result of the injury; and

(b) the rate of daily, weekly, monthly or other regular gross earnings that the worker was receiving at the commencement of the loss of earnings as a result of the injury”.

(2) Subsection 70(2) is amended by striking out “maximum annual wage rate” and substituting “maximum wage rate”.

(3) Subsection 70(4) is repealed and the following substituted:

“(4) In determining the average weekly earnings of a worker, the board shall take into consideration the average earnings, as determined by the board, that were earned by a person regularly employed in the same grade of employment if:

(a) the worker was not available for employment for the full period of 12 months immediately preceding the commencement of his or her loss of earnings resulting from the injury; or

(b) in the opinion of the board, it is inequitable, by the casual nature or the terms of the worker’s employment, to compute the worker’s average weekly earnings in accordance with subsection (1)”.

Section 74 amended

12 Subsection 74(3) is amended by striking out “shall” and substituting “may”.

Section 82 amended

13 Subsection 82(3) is amended by striking out “\$5,000 in 1993” and substituting “\$10,000 in 2003”.

Section 88 amended

14 Subsection 88(1) is amended by striking out “two years” and substituting “one year”:

(a) in clause (a); and

(b) in clause (b).

Section 113 amended

15 Clause 113(a) is amended by adding “any artificial member or apparatus, including” after “repair of”.

Section 154 amended

16 The portion of subsection 154(1) that follows clause (c) is amended by striking out “executive director” and substituting “board”.

Section 169 amended

17 Section 169 is amended by striking out “executive director” and substituting “chief executive officer”.

Section 173 amended

18 Section 173 is amended:

(a) by striking out “executive director” and substituting “chief executive officer”; and

(b) by striking out “executive director’s” and substituting “chief executive officer’s”.

Coming into force

19(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Section 13 of this Act comes into force on January 1, 2003.