

1998

CHAPTER 46

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

(Assented to June 11, 1998)

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, 1998*.

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 adding the following clause after clause (g):

“(g.1) **‘executive director’** means the executive director of the board appointed pursuant to subsection 20(1)”;

(b) in clause (k):

(i) by striking out “or” after subclause (ii); and

(ii) by adding the following after subclause (ii):

“(ii.1) a disabling or potentially disabling condition caused by an occupational disease; or”;

(c) by adding the following clauses after clause (r):

“(r.1) **‘minister’** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“(r.2) **‘occupational disease’** means a disease or disorder that arises out of, and in the course of, employment and that results from causes or conditions that are:

(i) peculiar to or characteristic of a particular trade, occupation or industry; or

(ii) peculiar to a particular employment;

“(r.3) **‘Occupational Health and Safety Division’** means the Occupational Health and Safety Division mentioned in section 68 of *The Occupational Health and Safety Act, 1993*”; **and**

(d) by adding the following clause after clause (t):

“(u) ‘**worker’s advocate**’ means a person employed as a Worker’s Advocate pursuant to section 161”.

Section 14 amended**4 The following subsection is added after subsection 14(1):**

“(1.1) A person who is appointed or employed pursuant to section 20 is not eligible to be appointed as chairperson of the board”.

Section 15 amended**5(1) Clause 15(1)(b) is repealed and the following substituted:**

“(b) may be reappointed after consultation with:

- (i) the employer associations mentioned in subsection 13(1.1), in the case of members who represent employers; and
- (ii) the labour organizations mentioned in subsection 13(1.1), in the case of members who represent workers”.

(2) Clause 15(2)(b) is repealed and the following substituted:

“(b) may be reappointed after consultation with the employer associations and labour organizations mentioned in subsection 13(1.1)”.

Section 19 amended**6 Section 19 is amended by striking out “The board” and substituting “Subject to subsection 21.1(4), the board”.****Section 21.1 amended****7(1) Subsection 21.1(1) is amended:**

(a) by striking out “and” after clause (c);

(b) by adding “and” after clause (d); and

(c) by adding the following clause after clause (d):

“(e) consult and co-operate with the Occupational Health and Safety Division on matters relating to the health and safety of workers and self-employed persons”.

(2) The following subsections are added after subsection 21.1(2):

“(3) The board shall report annually to the minister in accordance with the regulations.

“(4) The board shall annually hold one or more meetings for the purpose of reporting to all persons interested, including workers, dependants of workers, employers, employer associations and labour organizations, on the administration of the Act and the policies of the board.

“(5) At meetings required by subsection (4), the board must provide information with respect to its activities, policies and future plans in accordance with the regulations”.

Section 25 amended**8(1) Section 25 is renumbered as subsection 25(1).****(2) The following subsection is added after subsection 25(1):**

“(2) Where the evidence in support of the opposite sides of an issue is approximately equal, the board shall resolve the issue in favour of the worker”.

Section 74 amended**9 Subsection 74(3) is amended by striking out “\$5,000” and substituting “\$20,000”.****Section 83 amended****10(1) The following subsections are added after subsection 83(2):**

“(2.1) Where a monthly allowance is paid to a dependent spouse pursuant to subsection (1) for a period exceeding 24 consecutive months, the board shall set aside an amount equal to 10% of the compensation paid and of the compensation as it is paid, and that amount, together with accrued interest, shall be used to provide an annuity for the dependent spouse at age 65.

“(2.2) Where compensation is paid to a dependent spouse pursuant to subsection (2), the board shall set aside an amount equal to 10% of the compensation paid and of the compensation as it is paid, and that amount, together with accrued interest, shall be used to provide an annuity for the dependent spouse at age 65”.

(2) The following subsections are added after subsection 83(4):

“(4.1) Within 90 days after the coming into force of this subsection, the board shall:

(a) with respect to a dependent spouse who, on the day on which this subsection comes into force, is receiving a monthly allowance pursuant to subsection (2), set aside an amount equal to 10% of the compensation paid to the spouse pursuant to subsection (1); and

(b) with respect to a dependent spouse who, on the day on which this subsection comes into force, is receiving a monthly allowance pursuant to subsection (4), set aside an amount equal to 10% of the compensation paid to the spouse pursuant to subsections (1) and (2).

“(4.2) The amount set aside pursuant to subsection (4.1), together with accrued interest, shall be used to provide an annuity for the dependent spouse at age 65”.

(3) Subsection 83(8) is repealed and the following substituted:

“(8) Subsections 74(2) and (3) apply, with any necessary modification, to any amount set aside or any annuity provided pursuant to subsection (2.1), (2.2), (4.1) or (5)”.

Section 88 amended**11 Subsection 88(1) is repealed and the following substituted:**

“(1) Where a worker dies leaving no dependent spouse, the compensation to which a dependent spouse would have been entitled pursuant to this Act shall be paid to a dependent common law spouse where:

- (a) the worker maintained the common law spouse for two years or more before the worker's death; or
- (b) the worker maintained the common law spouse for less than two years, but the worker and the common law spouse were the birth parents or adoptive parents of a child”.

Section 120 amended

12 Section 120 is amended by striking out “\$500,000” and substituting “\$1,500,000”.

Section 159 amended

13 Section 159 is amended by striking out “*The Mechanics' Lien Act*” and substituting “*The Builders' Lien Act*”.

Coming into force

14 This Act comes into force on proclamation.