



**YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD** **COMMISSION DE LA
SANTÉ ET DE LA SÉCURITÉ
AU TRAVAIL
DU YUKON**

News Release

For Immediate Release
February 11, 2005

Board Seeks Public Input on Policy

The Yukon Workers' Compensation Health and Safety Board is seeking the public's input on its draft Lump Sum and Advances Policy (Prior Years).

The Yukon Supreme Court recently found the policy to be consistent with the objectives of the Workers' Compensation Act. However, because the YWCHSB did not publish the draft policy to seek public comments, the Court found that the policy is not valid.

"We are pleased the Court assumed the Board was acting in good faith with this policy," said Craig Tuton, Chair of the Board of Directors. "The court didn't find anything wrong with the policy's content; it found fault with the process, which we are fixing."

The purpose of the policy is to provide clarity and consistency in the procedures for making lump sum payments and advances to workers injured before 1993.

In his decision on the policy, Yukon Supreme Court Justice Ron Veale wrote: "I find that each of the conditions in the policy can be supported by reference to the objectives set out in the Act. The conditions, while more onerous than the previous policy, are generally designed to ensure that the worker has the ability to manage a lump sum as the worker cannot go back to the board if the lump sum is mismanaged or lost. The latter outcome would surely be a disaster for both the worker and the board."

The Court has clarified that the YWCHSB is required to publicly consult on any policies affecting claims, including policies applying to earlier legislation. The YWCHSB had believed the publication requirement was necessary only for policies applying to the current Workers' Compensation Act.

"We consulted extensively with our Stakeholder Advisory Committee and our Stakeholder-Policy Working Group on this policy," said Tuton. "We believe it balances the needs and interests of injured workers with our fiduciary responsibility to the

Compensation Fund. We welcome suggestions from the public on how to make the policy better.”

The deadline for public input is March 24th, 2005. (See attached advertisement.)

The policy applies to earlier workers’ compensation legislation and affects about 30 workers injured before 1993. Seven have applied for lump sums since 1999. Three were granted lump sums before the policy came into effect. One lump sum has been granted under the policy. The remaining three are in various stages.

Contact:

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public consultation

The Yukon Workers' Compensation Health and Safety Board would like your comments on the following draft policy:

Lump Sum Payments and Advances (Prior Years)

The purpose of this policy is to provide clarity and consistency in the procedures for making lump sum payments and advances to workers injured before 1993. It establishes the criteria to be used in determining if lump sum payments or advances can be made.

Copies of the draft policy are available at our offices: 401 Strickland Street, Whitehorse
8:00 am to 5:00 pm, weekdays
or at www.wcb.yk.ca

Provide your comments

- > By mail, to 401 Strickland St., Whitehorse, Yukon Y1A 5N8
- > By dropping them off at our offices
- > By fax, to (867) 393 6279
- > By e-mail, to wchsbpolicy@gov.yk.ca

Mark your comments:

Attention, Pauli Gabb, Board Office Manager

Deadline for submissions: March 24, 2005

For more information, call (867) 667 3460
(toll-free 1 800 661 0443, Ext. 3460)

Please note that all comments will be made available to the public, unless an exemption is requested and approved by the Board.



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