

March 8, 2001

Court Decision Clarifies New Legislation

The Yukon Workers' Compensation Health and Safety Board will be carefully reviewing and implementing the decision made yesterday by the Yukon Supreme Court. *Mario Murphy and the Workers Advocate versus the Workers' Compensation Health and Safety Board* is the first court case to deal with the interpretation of the new *Workers' Compensation Act* legislation, introduced in November 1999.

The Supreme Court ruled that according to the legislation, the Board has 30 calendar days to fully execute all actions required after an Appeal Tribunal decision. The Board had argued that this was not a reasonable amount of time for it to review and implement decisions. In his decision, Justice Peter McIntyre commented that the Board may need to increase internal resources or apply for a change in legislation.

The Board is committed to implementing the decision of the court. Therefore it will be tracking the on-going resource impact of the 30-day timeframe.

The court case also determined whether the Workers' Advocate has the ability to be the petitioner against (i.e. sue) the Workers' Compensation Health and Safety Board. Justice McIntyre ruled that the Workers' Advocate may be an additional party to a suit against the Workers' Compensation Health and Safety Board if he or she is representing a worker with an existing claim for compensation.

The Board had questioned whether or not the Workers' Advocate has ability to be a petitioner against the Board in his own right – rather than an advisor or representative of a worker or a dependent of a deceased worker. The Board had not questioned in any way the Advocate's right to represent workers.

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