

2019

CHAPTER 28

An Act to amend *The Workers' Compensation Act, 2013*
and to make consequential amendments to *The Freedom
of Information and Protection of Privacy Act*

(Assented to May 15, 2019)

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, 2019*.

SS 2013, c W-17.11 amended

2 *The Workers' Compensation Act, 2013* is amended in the manner set forth in this Act.

Section 2 amended

3 **Subsection 2(1) is amended:**

(a) **by repealing clause (ee) and substituting the following:**

“(ee) ‘**policy directive**’ means a policy directive established pursuant to section 18”; and

(b) **by repealing clause (jj) and substituting the following:**

“(jj) ‘**workers' advocate**’ means a person appointed as a workers' advocate pursuant to section 161”.

Section 9 amended

4(1) **Subsection 9(3) is repealed and the following substituted:**

“(3) The board is to consist of a maximum of seven members appointed by the Lieutenant Governor in Council as follows:

- (a) a full-time chairperson;
- (b) two full-time members, one member who represents employers and one member who represents workers; and
- (c) an even number of part-time members, half of whom represent employers and half of whom represent workers”.

(2) **The following subsections are added after subsection 9(4):**

“(5) Members of the board are responsible for the following:

- (a) full-time members are responsible for hearing and deciding appeals to the board pursuant to this Act and for the governance and proper administration of matters governed by this Act; and
- (b) part-time members are responsible for the governance and proper administration of matters governed by this Act.

“(6) The board is to meet at the call of the chairperson at least quarterly”.

Section 18 amended

5 The following subsection is added after subsection 18(5):

“(5.1) In addition to the policy directives mentioned in subsection (5), the board may establish policy directives respecting any matter or thing that is governed by this Act and that the board considers necessary and appropriate”.

Section 28 amended

6(1) Clause 28(1)(b) is amended:

(a) by striking out “or” after subclause (x); and

(b) by adding the following after subclause (x):

“(x.1) a primary site prostate cancer;

“(x.2) a primary site skin cancer;

“(x.3) multiple myeloma;

“(x.4) a primary site breast cancer;

“(x.5) a primary site cervical cancer;

“(x.6) a primary site ovarian cancer; or”.

(2) Subclause 28(3)(a)(i) is amended by adding “volunteer or” before “full-time member”.

Section 81 amended

7(1) Subsection 81(1) is amended by striking out “If the worker” and substituting “Subject to subsection (1.1), if the worker”.

(2) The following subsection is added after subsection 81(1):

“(1.1) For the purposes of the calculation being made pursuant to clause (1)(a):

(a) the amount calculated pursuant to that clause must be adjusted annually by the average percentage increase in the Consumer Price Index; and

(b) for the purposes of clause (a), the percentage increase in the Consumer Price Index must be the percentage increase for the 12 months ending on November 30 in each year, and that percentage increase must be applied to determine the monthly allowance for the year following the year in which the calculation is made”.

Section 115 amended

8 Clause 115(h) is amended by striking out “worker’s advocates” and substituting “workers’ advocates”.

New section 161

9 Section 161 is repealed and the following substituted:

“Appointment and duties

161(1) Persons to be known as workers’ advocates may be appointed in accordance with *The Public Service Act, 1998*.

(2) A workers' advocate may assist any worker, or any worker's dependant, with respect to any claim being advanced by the worker or dependant for compensation.

(3) A workers' advocate shall consider claims that are brought before the workers' advocate but may decline to provide services with respect to any claim if the workers' advocate is of the opinion that:

- (a) the claimant is not eligible for compensation; or
- (b) the claimant has failed to pursue the claim for an undue length of time having regard to the circumstances of the case.

(4) A workers' advocate may examine all files, records and other material of the board that relate to the injury or death with respect to which the claim is made.

(5) The minister shall provide any technical, clerical and other assistance that a workers' advocate may require in carrying out the duties of the workers' advocate pursuant to this section”.

Section 162 amended

10 Subsection 162(1) is repealed and the following substituted:

“(1) The Lieutenant Governor in Council shall appoint a committee of review consisting of at least five persons to review and report on all matters concerning this Act, the regulations and the administration of this Act and the regulations.

“(1.1) For the purposes of subsection (1), a committee of review shall be appointed within five years of receipt of the previous committee of review's report by the minister”.

Section 173 amended

11 Subsection 173(3) is repealed.

CONSEQUENTIAL AMENDMENTS

SS 1990-91, c F-22.01 amended

12(1) *The Freedom of Information and Protection of Privacy Act* is amended in the manner set forth in this section.

(2) Clause 23(3)(l) is repealed.

(3) Subsection 24(1.1) is repealed and the following substituted:

“(1.1) Subject to subsection (1.2), ‘personal information’ does not include information that constitutes personal health information as defined in *The Health Information Protection Act*.

“(1.2) Personal health information in the possession or control of the Workers' Compensation Board is personal information for the purposes of this Act”.

Coming into force

13 This Act comes into force on proclamation.

