



YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD

SUBJECT: 2002 Revised Statutes of the Yukon  
Transition Policy

POLICY NO.: GC-12

BOARD APPROVAL:

APPROVAL DATE: December 2, 2003

EFFECTIVE DATE: December 2, 2003

**REVOKED**

APR 26 2005

## POLICY STATEMENT

### SECTION

REFERENCE: **Continuing Consolidation of Statutes Act 2002**

POLICY: **2002 REVISED STATUTES OF THE YUKON -  
TRANSITION POLICY**

### GENERAL INFORMATION:

In July 2003, by Order-In-Council 2003/233, the Commissioner in Executive Council deemed that the 2002 Revised Statutes of the Yukon (RSY) retroactively came into force on January 1, 2003.

POLICY: The section numbers for policies approved prior to this date will be in accordance with the legislation in effect at the time.

From the date of this policy forward, updated and new policies will use the wording and section numbers of the 2002 Yukon Revised Statutes.

Attached for convenience is a cross-section comparison of:

- the 1992 *Workers' Compensation Act* as amended and the *Workers' Compensation Act*, RSY 2002, (Appendix A),
- the 1992 *Occupational Health & Safety Act* as amended and the *Occupational Health & Safety Act*, RSY 2002 (Appendix B).

POLICY GC-12 APPENDIX A  
Cross-section reference to *Workers' Compensation Act*

1992 WCA as amended	TITLE	WCA 2002 RSY
Section		Section
	Preamble	
1	Objectives	1
2	Application	2
<b>PART 1</b>	<b>Eligibility for Compensation</b>	<b>PART 1</b>
3	Eligibility for Compensation	3
4	Optional Coverage	4
4.1	Designation of workers by government	5
5	Presumption to be work-related	6
6	Work-related disability caused outside of the Yukon	7
7	Suspension or reduction of compensation	8
<b>PART 2</b>	<b>The Claim Procedure</b>	<b>PART 2</b>
8	Worker's notice to employer	9
9	Worker's notice to the board	10
10	Employer's notice to the board	11
11	Application for compensation	12
11.1	Workers' advocate	13
12	Medical reports	14
13	Autopsy	15
14	Required medical examination or evaluation	16
14.1	Medical consultant	17
15	Notice of decision and progress report	18
16	Independent medical examination	19
17	Review by hearing officer	20
18	Appeal of a claim	21
18.1	Appeal tribunal	22
18.2	Powers of the members of the appeal tribunal	23
18.3	Appeal committee	24
18.4	Jurisdiction of the appeal tribunal	25
18.5	Application to Supreme Court	26
19	Access to claim file	27
19.1	Implementation	28
19.2	Public Register	29
19.3	Prohibition	30
19.4	Interest	31
19.5	Decisions based on merit	32
19.6	Benefit of doubt to worker	33

POLICY GC-12 APPENDIX A  
Cross-section reference to *Workers' Compensation Act*

1992 WCA as amended	TITLE	WCA 2002 RSY
Section		Section
<b>PART 3</b>	<b>Compensation For Workers</b>	<b>PART 3</b>
20	Compensation for permanent impairment	34
21	Compensation for loss of personal property	35
22	Compensation for loss of earnings	36
23	Worker's weekly loss of earnings	37
24	Modified average weekly earnings	38
25	Payment to employer	39
26	Minimum compensation for total disability	40
27	Annuity at age 65	41
28	Medical aid	42
29	Alternative and traditional healing methods	43
30	Rehabilitation assistance	44
31	Emergency transportation	45
32	Diversion of compensation	46
33	Compensation payable to a worker under 19	47
34	Indexing of benefits	48
<b>PART 4</b>	<b>Compensation For Dependents</b>	<b>PART 4</b>
35	Death and funeral expenses	49
36	Compensation for spouse	50
37	Benefits for dependent children	51
38	Equivalent to spousal compensation	52
39	Other dependents	53
40	Limit on compensation	54
<b>PART 5</b>	<b>Right Of Action And Assignment</b>	<b>PART 5</b>
41	Limitation on legal rights	55
42	Assignment of a worker's cause of action	56
<b>PART 6</b>	<b>Compensation Fund</b>	<b>PART 6</b>
43	Formation of the compensation fund	57
44	Use of the fund	58
45	Advance of compensation out of Y.C.R.F.	59
46	Financial Administration Act	60
47	Investments	61
48	Actuarial report	62
49	Audit	63

POLICY GC-12 APPENDIX A  
Cross-section reference to *Workers' Compensation Act*

1992 WCA as amended	TITLE	WCA 2002 RSY
Section		Section
<b>PART 7</b>	<b>Assessments</b>	<b>PART 7</b>
50	Assessments	64
51	Assessment payable	65
52	Liability for assessment	66
53	Assessment rates	67
54	Employer classification	68
55	Employer's experience accounts	69
56	Super-assessment	70
57	Merit rating	71
58	Liability for assessment of contractors and subcontractors	72
59	Security for payment of assessment	73
60	Penalty for non-payment of assessment or provision of security	74
61	Order to cease work	75
62	Statement and estimate of earnings	76
63	Provisional assessment	77
64	Employer commencing or recommencing an industry	78
65	Employer ceasing its business	79
66	Records of wages and operations	80
67	Examination	81
68	Employer's right of appeal	82
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72	Enforcement of assessments	86
73	Additional penalty for defaults by employer	87
74	Charge upon the assets of employer	88
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76	Engagement in work not under the Act	90
77	Providing false information	91
78	Injunction	92

POLICY GC-12 APPENDIX A  
Cross-section reference to *Workers' Compensation Act*

1992 WCA as amended	TITLE	WCA 2002 RSY
Section		Section
<b>PART 10</b>	<b>Miscellaneous</b>	<b>PART 10</b>
79	Confidentiality	93
80	Non-Compellability	94
81	Records and notices	95
82	Illiteracy	96
83	Contribution, waiver or assignment by worker	97
84	Coercion not to file a claim	98
85	Garnishment	99
86	Prohibition against assignment, set off and attachment	100
87	Interjurisdictional agreements	101
88	Regulations and board orders	102
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91	Government of the Yukon	105
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103	Coming into force	Not Included
104	Special Examinations	118
105	Review	119
106	Commencement	Not Included

POLICY GC-12 APPENDIX B  
Cross-section reference to *Occupational Health and Safety Act*

1992 OH&S as amended	TITLE	OH&S RSY 2002
Section		Section
1	Interpretation	1
2	Application of the Act	2
	<b>Duties in Respect of Health and Safety</b>	
3	Employer's duties	3
4	Constructor's duties	4
5	Joint duties of employers	5
6	Owner's duties	6
7	Supervisor's duties	7
8	Supplier's duties	8
9	Employee's duties	9
10	Self-employed person's duties	10
11	Creation of hazards	11
	<b>Safety Committees, Representatives and Officers</b>	
12	Workplaces having 20 or more employees	12
13	Workplaces having less than 20 employees	13
13.1	Training for representatives	14
	<b>Hazardous Work</b>	
14	Refusal by employee	15
15	Investigation by safety officer	16
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	<b>Prohibited Reprisals</b>	
17	Action against employee	18
	<b>Administration</b>	
18	Director of occupational health and safety	19
19	Safety officer	20
20	Certificate of authority	21
21	Agreements with other governments	22
22	Research	23
23	Health and safety programs	24
24	Codes of practice	25
	<b>Occupational Health and Safety Board</b>	
25	Board established	Repealed by SY 1992, c.16, S.102
26	Panels of the board	Repealed by SY 1992, c.16, S.102
27	Board decision	Repealed by SY 1992, c.16, S.102
28	Resignation of board member	Repealed by SY 1992, c.16, S.102

POLICY GC-12 APPENDIX B  
 Cross-section reference to *Occupational Health and Safety Act*

<b>1992 OH&amp;S as amended</b>	<b>TITLE</b>	<b>OH&amp;S RSY 2002</b>
<b>Section</b>		<b>Section</b>
29	Appeals to the board	26
30	Inquiry Procedure	27
31	Effect of board decision	28
32	Advisory functions of the board	29
	<b>Injuries and Accidents</b>	
33	Report and investigation	30
	<b>Enforcement</b>	
34	Posting of notices	31
35	Inspections and tests	32
36	Powers of safety officers	33
37	Persons accompanying safety officer on inspections	34
38	Obstruction of officer	35
39	Confidentiality	36
40	Immunity of board and officers	37
41	Orders by safety officers	38
42	Sources of imminent danger	39
43	Dangers that cannot be rectified immediately	40
44	Posting of orders and distribution of copies	41
45	Medical examination of employees	42
46	Reports of doctors	43
47	Offences and penalties	44
47.1	Administrative penalty	45
48	Proceedings respecting offences	46
49	Injunctions	47
50	Orders respecting hazardous substances	48
51	New hazardous substances	49
52	Report respecting new hazardous substance	50
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