



**YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD**

SUBJECT: TRANSITIONAL CLAUSE POLICY NO.: GC - 09  
BOARD APPROVAL: [Signature]  
APPROVAL DATE: 95-03-07  
BOARD ORDER NO.: \_\_\_\_\_  
EFFECTIVE DATE: 95-03-07

**REVOKED**

APR 26 2005

## **POLICY STATEMENT**

SECTION  
REFERENCE: **90, 101**

POLICY: **TRANSITIONAL CLAUSE**

### **GENERAL INFORMATION**

The Transitional section of the **Workers' Compensation Act** 1992 deals with how a worker's entitlement to compensation is to be determined in cases where the disability arose prior to January 01, 1993. Specifically, this section states that entitlement to compensation as a result of a disability shall be determined pursuant to the predecessor legislation which was in force at the time the disability arose.

### **POLICY**

#### **A. DEFINITIONS**

**Entitlement:** "Entitlement" means the right to benefits, income or property which may not be altered without due process.

**Compensation:** "Compensation" means any amount payable or services provided under the Act in respect of a disabled worker, spouse, and dependants.

#### **B. IMPLEMENTATION**

Implementation of the Transitional clause requires applying the appropriate above definition wherever the term entitlement or compensation is used within this clause.

When applied, the meaning shall be: the worker's entitlement (right to benefits, income or property) to compensation (any amount payable or services provided under the Act) shall be determined pursuant to predecessor legislation as it was in force at the time.

**C. PROCESS / ADMINISTRATION**

All processes, procedures and administration related to all aspects of a claim shall be pursuant to the **Workers' Compensation Act** 1992 regardless of the year in which the claim/disability arose. Examples of such process, procedure or administration are the "Appeal Process" or "Access to File".

The purpose of all processes, procedures and administration related to all aspects of a claim being pursuant to the **Workers' Compensation Act** 1992 is to ensure the Act's intent of parity between it and other act's, such as the Canadian Charter or Human Rights, is maintained, as well as providing equity in the handling of all claims.