

BOARD POLICIES

ASSESSMENT

At the Workers' Compensation Board meeting held July 5, 1988, the following policy was agreed upon and adopted.

No. 17 Change of Ownership

Where there is a change of ownership of a business resulting from

- (a) the owner or owners of the business incorporating a company which takes over the business, or
- (b) the shareholders of a company incorporating a new company which takes over the business, or
- (c) the addition to or withdrawal from a partnership of a partner or partners, or
- (d) a change in a family business which, whether involving a new incorporation or not, still retains the actual ownership of the business in one or more members of the same family

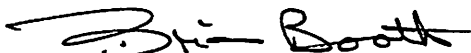
the new owner may, upon application and upon entering into such undertaking as may be required and upon furnishing the Board with the consent of the previous owners, be permitted to continue the previous owner's accident experience considered and dealt with for the purpose of merit rebates.

Notwithstanding the foregoing, where the Board determines that a change of ownership of a business has resulted from circumstances that do not fall within the four categories of circumstances specified in clauses (a), (b), (c) and (d) above, the Board may permit the new owner to continue the previous owner's accident experience if, having regard to all relevant facts and circumstances, the Board determines that:

- (i) at least one of the owners of the new business is also an owner of the old business, and
- (ii) the nature and scope of the successor business, its assets, its management and its work force are substantially identical to the predecessor business, and,
- (iii) in the Board's opinion, there is a sufficient degree of relatedness between the new owner and the previous owner, and

- (iv) the predecessor business, the new business and the owners of both consent to the continuance; and the new business and its owners consent to assume the accident experience.

The new owner must be made aware that in continuing the previous owner's experience, the new owner must assume the accident experience of the previous owner which, if adverse, may be subject to a super-assessment.



B. Booth
Executive Director

NOTE: This policy revokes and replaces Assessment Policy No. 11 dated February 27, 1984.