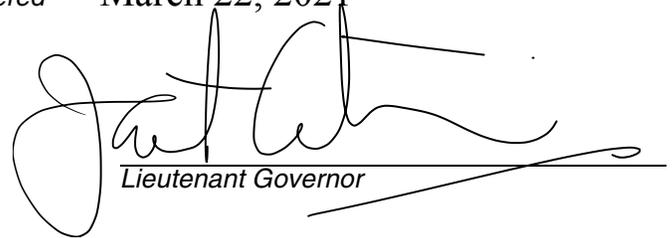


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 174

, Approved and Ordered March 22, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the regulations under the *Workers Compensation Act* listed in the attached Schedule 1 are amended as set out in that Schedule, and
- (b) the regulations under other Acts listed in the attached Schedule 2 are amended as set out in that Schedule.



Minister of Labour



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Workers Compensation Act*, R.S.B.C. 2019, c. 1, ss. 109, 140 and 315; *Emergency Intervention Disclosure Act*, S.B.C. 2012, c. 19, s. 14; *Employment Standards Act*, R.S.B.C. 1996, c. 113, s. 127

Other: OIC 246/2009, 325/2018, 490/2015, 1039/2002, 36/2013 and 1155/95

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SCHEDULE 1

AMENDMENTS TO REGULATIONS UNDER THE *WORKERS COMPENSATION ACT*

Firefighters' Occupational Disease Regulation

- 1** *Section 2 of the Firefighters' Occupational Disease Regulation, B.C. Reg. 125/2009, is repealed and the following substituted:*

Prescribed occupational diseases

- 2** Each of the following is prescribed as an occupational disease for the purposes of section 140 (1) (b) [*firefighters: presumptions respecting lung cancer and other diseases*] of the Act:
- (a) primary leukemia;
 - (b) primary non-Hodgkin's lymphoma;
 - (c) primary site bladder cancer;
 - (d) primary site brain cancer;
 - (e) primary site colorectal cancer;
 - (f) primary site kidney cancer;
 - (g) primary site testicular cancer;
 - (h) primary site ureter cancer;
 - (i) primary site esophageal cancer;
 - (j) primary site breast cancer;
 - (k) primary site prostate cancer;
 - (l) multiple myeloma.

- 2** *Section 3 is amended by striking out "section 6.1 (3) (a)" and substituting "section 140 (2) (a)".*

- 3** *Section 4 is amended*

(a) by striking out "6.1 (3.1) (a)" and substituting "section 140 (3) (a)", and

(b) by striking out "section 6.1 (3.1) (b)" and substituting "section 140 (3) (b)".

Mental Disorder Presumption Regulation

- 4** *Section 1 (1) and (2) of the Mental Disorder Presumption Regulation, B.C. Reg. 136/2018, is amended by striking out "section 5.1 (4)" and substituting "section 135 (5)".*

Time Period for Review Regulation

- 5** *Section 2 of the Time Period for Review Regulation, B.C. Reg. 164/2015, is repealed and the following substituted:*

Prescribed time period

- 2** For the purposes of section 270 (1) (b) [*shorter time period for requesting review*] of the Act, the time period to file a request for a review of any of the following is 45 days:
- (a) a Board decision or order referred to in section 268 (1) (a) [*decision or order respecting an occupational health or safety matter*] of the Act;
 - (b) a Board decision referred to in section 268 (1) (c) (iii) (A) [*decision respecting levy of contribution from specific employer*] of the Act.

Workers Compensation Act Appeal Regulation

- 6** ***Section 1 of the Workers Compensation Act Appeal Regulation, B.C. Reg. 321/2002, is amended***

(a) by repealing the definition of “Act” and substituting the following:

“Act” means the Workers Compensation Act. , and

(b) by repealing the definition of “appeal tribunal”.

- 7** ***Section 3 is amended by striking out “section 232 (8)” and substituting “section 278 (7) [appeal tribunal – oath of office]”.***

- 8** ***Section 4 is repealed and the following substituted:***

Decisions that are not appealable

- 4** For the purposes of section 288 (2) (a) [*review decisions that may be appealed*] of the Act, the following are classes of decisions that may not be appealed to the appeal tribunal:
- (a) decisions made under section 270 (2) [*extension of time to make request for review*], 271 (2) [*deemed employer for purpose of review*] or 272 (2) to (5) or (8) [*conduct of review*] of the Act;
 - (b) orders by the chief review officer under section 270 (3) [*review request operating to stay or suspend decision or order*] of the Act;
 - (c) decisions about whether to refer a decision back to the Board under section 272 (9) (b) of the Act;
 - (d) decisions about the conduct of a review if the review is in respect of any matter that is not appealable to the appeal tribunal under section 288 (2) (b) to (e) of the Act;
 - (e) decisions applying time periods specified by the Board under section 338 [*Board practices and procedures*] of the Act.

- 9** ***Section 5 is repealed and the following substituted:***

Health professionals

- 5** For the purposes of the definition of “health professional” in section 277 of the Act, the following qualifications are prescribed:

- (a) registration as a member of the College of Dental Surgeons of British Columbia continued under the *Health Professions Act*;
- (b) entitlement to practise dentistry under the laws of another province;
- (c) registration as a member of the College of Psychologists of British Columbia established under the *Health Professions Act*;
- (d) entitlement to practise as a psychologist under the laws of another province.

10 Section 6 is amended by striking out “Part 4” and substituting “Part 7”.

11 Section 7 (1) is amended

(a) by striking out “Part 4” and substituting “Part 7”, and

(b) in paragraph (c) by striking out “section 249 (8)” and substituting “section 302 (3) [health professional assistance in specific cases]”.

SCHEDULE 2

AMENDMENTS TO REGULATIONS UNDER OTHER ACTS

Emergency Intervention Disclosure Regulation

1 Section 11 (1) (a) of the *Emergency Intervention Disclosure Regulation, B.C. Reg. 33/2013*, is repealed and the following substituted:

- (a) to the Workers’ Compensation Board for the purposes of section 144 [communicable disease: presumption in relation to testing order] of the *Workers Compensation Act*;

Employment Standards Regulation

2 Section 7 (f) (i) and (ii) of the *Employment Standards Regulation, B.C. Reg. 396/95*, is repealed and the following substituted:

- (i) issued an order under section 84 [general authority to make orders] of the *Workers Compensation Act* to comply with section 21 [general duties of employers] of that Act or section 4.1 [safe workplace] or 4.3 [safe machinery and equipment] or Part 17 [Transportation of Workers] of the Occupational Health and Safety Regulation;
- (ii) imposed an administrative penalty in the circumstances described by section 95 (1) [administrative penalties – higher maximum amount] of the *Workers Compensation Act* with respect to a contravention of section 21 of that Act or section 4.1 or 4.3 or Part 17 of the Occupational Health and Safety Regulation.