

1989 BILL 211

First Session, 22nd Legislature, 38 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 211

AN ACT TO AMEND
THE WORKERS' COMPENSATION ACT

MR. WICKMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 211
Mr. Wickman

BILL 211

1989

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT

(Assented to , 1989)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

- 1 The Workers' Compensation Act is amended by this Act.*
- 2 The following part is added after Part 1:*

PART 1.1 APPEALS COMMISSION

8.1(1) There shall be an Appeals Commission consisting of
those members appointed pursuant to this section.

(2) The Minister shall, prior to July 1st, 1990, and thereafter
when he deems fit but no later than every 5 years thereafter,
propose to the Legislative Assembly a motion to appoint 7
members to the Appeals Commission established by this
section.

(3) If at any time there is a vacancy on the Appeals
Commission the vacancy may be filled by appointment by the
Lieutenant Governor in Council.

(4) The Appeals Commission shall submit an annual report
on the Commission to the Minister, who shall forthwith table it
in the Legislative Assembly if it is then sitting and, if it is not
then sitting, within 15 days of the commencement of the next
sitting.

Explanatory Notes

- 1** This Bill will amend chapter W-16 of the Statutes of Alberta, 1981
- 2** New part provides for an Appeals Commission.

3 Section 117 is amended by striking out "board of directors" and substituting "Appeals Commission" wherever it occurs.

4 The following part is added after Part 6:

**PART 6.1
WORKERS' ADVOCATE**

131.01(1) There shall be an Office of the Workers' Advocate directed by a Workers' Advocate, appointed pursuant to this section.

(2) The object of the Office of the Workers' Advocate is to assist workers making a claim under this Act to prepare claims, to obtain necessary documentation, and to present arguments to the Board, its review committees and the Appeals Commission.

(3) The Workers' Advocate shall be appointed by resolution of the Legislative Assembly pursuant to a nomination by a special committee of the Legislative Assembly appointed for the purposes of searching for and recommending to the Assembly a person to be appointed as Workers' Advocate.

(4) The Workers' Advocate shall be a member of the Law Society of Alberta.

(5) The Workers' Advocate may appoint assistant counsel and support staff to assist him in his duties and may retain one or more members of the Law Society of Alberta to represent workers and fulfill the function of the Workers' Advocate under his direction.

(6) The establishment of the Office of Workers' Advocate is contingent upon money being appropriated by the Legislature to the purpose.

(7) The Workers' Advocate shall submit an annual report on the Office to the Minister who shall forthwith table it in the Legislative Assembly, if it is then sitting and if it is not then sitting, within 15 days of the commencement of the next sitting.

3 Section 117 presently reads:

117(1) If an interested party is dissatisfied with a decision of the assessment review committee, other than a decision referred to in section 7(1)(b), he may appeal to the board of directors in accordance with the regulations.

(2) In considering an appeal from the assessment review committee the board of directors shall consider the records and information available to the assessment review committee relating to the matter under consideration and shall give all interested parties an opportunity to be heard and present any new or additional evidence.

(3) The board of directors may confirm, reverse or vary the decision appealed from.

4 New part provides for a Workers' Advocate to assist workers in their dealings with the Board.