

Bill 50
Mr. Magnus

BILL 50

2005

WORKERS' COMPENSATION AMENDMENT ACT, 2005 (NO. 2)

(Assented to , 2005)

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

Amends RSA 2000 cW-15

1 The *Workers' Compensation Act* is amended by this Act.

2 Section 24.1 is amended by adding the following after subsection (6):

(7) If a worker who is a firefighter suffers a myocardial infarction within 24 hours after attendance at an emergency response, the myocardial infarction shall be presumed to have arisen out of and occurred during the course of employment as a firefighter unless the contrary is proven.

3 Section 46.1 is amended

(a) by repealing subsection (4) and substituting the following:

(4) The Lieutenant Governor in Council may make regulations

(a) respecting the appointment and removal of the members of a medical panel;

- (b) respecting the remuneration and expenses to be paid to the members of a medical panel;
- (c) respecting the powers and duties of the members of a medical panel;
- (d) respecting the remuneration and expenses to be paid to the medical panels commissioner appointed under section 46.3;
- (e) respecting the powers and duties of the medical panels commissioner;
- (f) respecting the determination of what constitutes a difference of medical opinion for the purposes of subsection (2);
- (g) respecting the practice and procedure applicable to proceedings before a medical panel;
- (h) respecting the ownership, custody, control, collection, use and disclosure of records, reports and information submitted to or created or acquired by a medical panel or the medical panels commissioner;
- (i) governing any transitional matter concerning the application or operation of this section and sections 46.2 to 46.4 in respect of matters dealt with under any of those sections;
- (j) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this section and sections 46.2 to 46.4.

(b) by adding the following after subsection (5):

(6) The medical findings of a medical panel are final and conclusive and not open to question or review in any court.

4 The following is added after section 46.1:

Minister responsible for medical panels

46.2 The Minister is responsible for medical panels.

Administration

46.3(1) The Lieutenant Governor in Council may appoint a medical panels commissioner.

(2) The costs of carrying on the operations of medical panels, as approved by the Minister, and the remuneration and expenses payable to the medical panels commissioner and the members of medical panels shall be paid by the Minister and be reimbursed quarterly to the Crown by the Board from the Accident Fund.

Immunity

46.4 No action may be maintained or brought against a medical panel or a member of a medical panel in respect of any act or decision done or made in the honest belief that it was within the jurisdiction of the medical panel.

5 Sections 3 and 4 come into force on Proclamation.

Explanatory Notes

1 Amends chapter W-15 of the Revised Statutes of Alberta 2000.

2 Section 24.1 presently reads:

24.1(1) In this section,

(a) *“firefighter” means an employee, including officers and technicians, employed by a municipality or Metis settlement and assigned exclusively to fire protection and fire prevention duties notwithstanding that those duties may include the performance of ambulance or rescue services;*

(b) *“municipality” means a municipality as defined in the Municipal Government Act.*

(2) *If a worker who is or has been a firefighter suffers an injury that is a primary site cancer of a type specified in the regulations, the injury shall be presumed to be an occupational disease, the dominant cause of which is the employment as a firefighter, unless the contrary is proven.*

(3) The presumption in subsection (2) applies only to a worker who has been a full-time member of a fire protection service of a municipality or Metis settlement for a minimum period prescribed by the Lieutenant Governor in Council by regulation and who has been

regularly exposed to the hazards of a fire scene, other than a forest-fire scene, throughout that period.

(4) The Lieutenant Governor in Council shall make regulations

(a) designating primary site cancers to which the presumption in subsection (2) applies;

(b) prescribing periods of employment for the purpose of subsection (3) which may be different for the different diseases designated under clause (a).

(5) The Board must prepare a report on the status of research on whether injuries that are designated in regulations under subsection (4) are occupational diseases, the dominant cause of which is the employment as a casual or part-time member of a fire protection service of a municipality or Metis settlement, and submit it to the Minister no later than 3 years after the coming into force of this section.

(6) The Minister shall table a copy of the report prepared under subsection (5) before the Legislative Assembly within 15 days of receiving it if the Assembly is sitting or, if it is not, within 15 days after the beginning of the next sitting.

3 Section 46.1 presently reads:

46.1(1) Where it considers it appropriate to do so, the Board or the Appeals Commission may, in the course of evaluating a claim for compensation under this Act, refer any medical issue relative to the claim to a medical panel to be dealt with under this section.

(2) Where a difference of medical opinion arises in the course of the Board's evaluation of a claim for

compensation under this Act, the Board shall refer the matter to a medical panel to be dealt with under this section.

(3) A person is not eligible to be a member of a medical panel unless the person

(a) is a registered practitioner under the Medical Profession Act, or

(b) has a similar status under similar legislation in a jurisdiction outside Alberta.

(4) The Board may make rules governing

(a) the appointment of the members of a medical panel,

(b) the determination of what constitutes a difference of medical opinion for the purposes of subsection (2), and

(c) the practice and procedure applicable to proceedings before a medical panel.

(5) The medical findings of a medical panel are binding on the Board, the Appeals Commission and all other persons with a direct interest in the claim.

4 Provisions added to indicate Minister is responsible for medical panels and to deal with administrative matters and the immunity of a medical panel and members of a medical panel.

5 Coming into force.