

WORKERS' COMPENSATION ACT

**CONSOLIDATION OF WORKERS' COMPENSATION
GENERAL REGULATIONS**

R-017-2010

In force October 5, 2010

(Current to: December 28, 2012)

AS AMENDED BY NUNAVUT REGULATIONS:

R-001-2011

In force January 11, 2011

R-028-2011

In force December 16, 2011

R-023-2012

In force January 1, 2013

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

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Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

WORKERS' COMPENSATION GENERAL REGULATIONS

Year's Maximum Insurable Remuneration

- 1.** The maximum remuneration referred to in the definition "Year's Maximum Insurable Remuneration" in subsection 1(1) of the Act is
- (a) in respect of a worker, \$84,200 for each year;
 - (b) in respect of a harvester of wildlife deemed to be a worker, \$41,631 for each year; and
 - (c) in respect of the determination of the assessable payroll of employers for the year, \$84,200 for each year.
- R-001-2011,s.2; R-023-2012,s.2.

Deemed worker

- 2.** An offender as defined in the *Fine Option Regulations* who is participating in a fine option program established under the *Fine Option Act* or a person on whom a community service order has been imposed by a court is deemed, under paragraph 4(1)(g) of the Act, to be a worker.

Report by worker

- 3.** The report required under section 17 of the Act must give the full name and residential address of the worker and is sufficient if it states in ordinary language
- (a) the cause of the personal injury or disease;
 - (b) the date and place of the occurrence giving rise to the personal injury or disease; and
 - (c) an explanation of the occurrence giving rise to the personal injury or disease.

Medical examination, treatment or aid

- 4.** (1) Where a worker undergoes medical examination or treatment at the direction or with the approval of the Commission at a place other than that in which he or she resides, he or she shall take the most direct route and use the most economical means of transportation available.

(2) The Commission shall provide a voucher or reimburse the worker for the actual cost of regularly scheduled public transportation, including the cost of necessary transportation by taxi.

(3) Where regularly scheduled public transportation is unavailable or inconvenient, the worker may make use of a private motor vehicle and shall be reimbursed for its use at the rate of \$0.58 per kilometre. R-028-2011,s.2(1); R-023-2012,s.3.

5. (1) Medical aid accounts in respect of injured workers must be rendered as soon as is practicable after the date of the conclusion of the treatment of the worker for whom the service has been provided or the date it first became known to the health care provider that they were services for which the Commission is liable to pay.

(2) The Commission shall not pay medical aid accounts in respect of injured workers unless they are rendered to it within one year after the provision of the services in respect of which they are rendered, but the Commission may authorize payment of an account if satisfied that the late rendering of the account is excusable under the circumstances, and where an account is not submitted in a current and regular manner the Commission may discount the account in an amount equal to 25% of the sum that it would ordinarily have paid.

Prescribed allowances

6. (1) The daily subsistence allowance to which a worker is entitled under paragraph 47(1)(a) of the Act includes the following items:

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|-----|--|--|
| (a) | for meals: | |
| | (i) breakfast | \$20.90, |
| | (ii) lunch | \$29.55, |
| | (iii) dinner | \$69.65; |
| (b) | for incidental expenses | \$17.30; |
| (c) | for overnight accommodation: | |
| | (i) commercial accommodation, where the Commission has pre-approved it and a receipt is provided to the Commission | the amount charged by the provider of the accommodation, |
| | (ii) non-commercial accommodation | \$50.00. |

(2) The Commission shall pay, to a person escorting a worker referred to in subsection (1), a subsistence allowance equal to that payable to the worker under subsection (1) if the Commission is satisfied that

- (a) the worker should, for medical or other reasons, be escorted by another person; and
- (b) the person who escorts the worker is a suitable escort.

(3) No subsistence allowance is payable to a worker for a period during which the worker is being provided by the Commission with board and lodging in a hospital or other place of treatment. R-001-2011,s.3; R-028-2011,s.2(2),(3),(4); R-023-2012,s.4.

7. The allowance for medical aid, social services, vocational rehabilitation, homemaking services, personal care and other services to which a worker is entitled under paragraph 47(1)(b) of the Act shall be determined on a case by case basis in accordance with the Governance Council's policies in respect of such allowances.

8. The allowance referred to in paragraph 47(1)(c) of the Act for the replacement or repair of clothing damaged by reason of

- (a) the wearing of an upper or lower limb prosthesis or appliance supplied by the Commission, is \$500 a year; or
- (b) being confined to a wheelchair supplied by the Commission, is \$1,000 a year.

Funeral expenses

9. The limit for funeral expenses referred to in paragraph 48(3)(a) of the Act is 13% of the Year's Maximum Insurable Remuneration for the year in which the death occurs.

Worker's annual deductions

10. (1) A worker's annual deductions under section 59 of the Act are the Commission's estimates, based on the worker's gross annual remuneration as determined in accordance with section 58 of the Act, of the following:

- (a) the income tax payable by the worker for the year under the *Income Tax Act* and the *Income Tax Act (Canada)*;
- (b) the contribution payable by the worker for the year under the *Canada Pension Plan*;
- (c) the employee's premium payable by the worker for the year under the *Employment Insurance Act (Canada)*.

(2) The Commission shall apply the following rules in estimating the income tax payable by a worker for the purposes of paragraph (1)(a):

- (a) the worker's gross annual remuneration, determined in accordance with section 58 of the Act, shall be the only income considered;
- (b) an amount shall be deducted from the income referred to in paragraph (a), calculated according to the formula
$$1.5 \times (A + B)$$

where

- (i) A is the basic personal amount calculated in accordance with section 2.16 of the *Income Tax Act*, and
- (ii) B is the basic personal amount under paragraph 118(1)(c) of the *Income Tax Act (Canada)*;
- (c) no amount other than that specified in paragraph (b) shall be deducted from the income referred to in paragraph (a), before estimating the income tax payable by the worker;
- (d) the income tax payable by the worker shall be calculated in accordance with the *Income Tax Act* and the *Income Tax Act (Canada)*, regardless of where the worker may be considered to reside for income tax purposes;
- (e) if the Commission considers it likely that section 4.1 of the *Income Tax Act* will apply to the worker, the Commission shall estimate

the amount the worker may deduct under that section, and shall subtract that amount from the amount calculated in accordance with paragraph (d).

Governance Council

11. In selecting directors for appointment to the Governance Council under section 84 of the Act, the Minister shall ensure that the Governance Council collectively hold the following qualifications:

- (a) knowledge of corporate governance;
- (b) experience in financial and strategic management;
- (c) knowledge of administrative law;
- (d) understanding of the role of policy;
- (e) understanding of the issues facing employers and workers in Nunavut;
- (f) knowledge of occupational medicine;
- (g) knowledge of workers' compensation;
- (h) demonstrated appreciation of collegiality and cooperative interpersonal relations;
- (i) high ethical standards;
- (j) a balance of gender and geographic representation.

12. (1) A director of the Governance Council, other than the chairperson, shall receive remuneration under subsection 86(2) of the Act at the following rates:

- (a) \$500 every three months; and
- (b) while travelling to or attending a meeting or function of the Governance Council, while on training authorized by the Governance Council or while attending to official business of the Governance Council assigned to the director by the Governance Council,
 - (i) for each half-day up to 3.5 hours, \$175,
 - (ii) for each full day up to 7.5 hours, \$350, or
 - (iii) for each full day over 7.5 hours, \$525.

(2) If a director is paid his or her regular salary by his or her employer while acting under paragraph (1)(b), the director shall not receive remuneration under subparagraphs (1)(b)(i) to (iii), but if the salary is less than the amount he or she would have received under those subparagraphs, the director shall receive remuneration in an amount equal to the difference.

(3) If a director is absent for 50% or more of a meeting, function, training or official business described in paragraph (1)(b), the director shall not be paid remuneration therefor, unless the Governance Council is satisfied that the director has a reasonable excuse for the absence.

(4) The chairperson of the Governance Council shall receive \$60,000 for each 12-month period that he or she serves as chairperson.

Appeals Tribunal

13. (1) A member of the Appeals Tribunal, other than the chairperson, shall receive remuneration under section 122 of the Act at a rate of \$113.33 each hour to a maximum of 7.5 hours in a day, for

- (a) travelling to or attending a meeting or function of the Appeals Tribunal;
- (b) travelling to or attending training authorized by the Appeals Tribunal; or
- (c) attending to official business of the Appeals Tribunal assigned to the member by the Appeals Tribunal.

(2) If a member is absent for 50% or more of a meeting, function, training or official business described in subsection (1), the member shall not be paid remuneration therefor, unless the Appeals Tribunal is satisfied that the member has a reasonable excuse for the absence.

(3) The chairperson of the Appeals Tribunal shall receive remuneration under the terms of a contract for service, the terms of which may not exceed \$140,000 each year.

Annual reports

14. The annual report of the Commission required under subsection 106(1) of the Act must include financial statements of the Commission prepared in accordance with generally accepted accounting principles, which financial statements must include

- (a) a balance sheet presenting fairly the financial position of the Commission; and
- (b) a statement of the revenues and expenditures of the Commission.

15. The annual report of the Office of the Workers' Advisor required under section 111 of the Act must include an account of

- (a) the number of files in the Office's caseload;
- (b) the length of time each file has been opened;
- (c) the issues involved in each file;
- (d) demographic information on the client base; and
- (e) anything else the Workers' Advisor considers necessary and advisable.

16. The annual report of the Appeals Tribunal required under subsection 125(1) of the Act must include an account of

- (a) the number of appeals filed in the reporting year;
- (b) the length of time each file has been open;
- (c) the issue involved in each appeal;

- (d) the average number of days from the filing of an appeal to the rendering of a decision;
- (e) the decisions of the Appeals Tribunal in respect of which judicial review has been sought;
- (f) the number of Review Committee decisions confirmed, reversed and varied by the Appeals Tribunal;
- (g) the number of files closed in the reporting year; and
- (h) anything else the Appeals Tribunal considers necessary and advisable.

Penalties

17. (1) The penalty payable under paragraph 141(1)(a) of the Act for failing to send a report, return or other information required under the Act is

- (a) \$250 for the first or second failure in a 12-month period;
- (b) \$500 for the third or fourth failure in a 12-month period; or
- (c) \$1,000 for the fifth or any subsequent failure in a 12-month period.

(2) Subject to subsection (3), the penalty payable under paragraph 141(1)(a) of the Act for failing to send a payroll statement as required under the Act is

- (a) in the case of an employer that was not required to pay an assessment for the previous year, 15% of the employer's assessment for the current year; or
- (b) in the case of any other employer, 15% of the employer's assessment for the previous year.

(3) The minimum penalty under subsection (2) is \$25 and the maximum penalty is \$10,000.

18. The penalty payable under paragraph 141(1)(b) of the Act is an amount equal to 15% of the employer's payroll assessment for the year in which the payroll statement was to be provided.

19. The penalty payable under paragraph 141(1)(c) of the Act is

- (a) \$250 for the first or second failure in a 12-month period;
- (b) \$500 for the third or fourth failure in a 12-month period; or
- (c) \$1,000 for the fifth or any subsequent failure in a 12-month period.

20. (1) Subject to subsections (2) and (3), the penalty payable under paragraph 141(1)(d) of the Act is an amount equal to the product of the following formula:

$$(A - B) \times C \times 10\%$$

where

- (a) A is the employer's actual payroll;
- (b) B is 125% of the stated or estimated payroll; and
- (c) C is the assessment rate applicable to the period for which the payroll statement or estimate is made.

(2) No penalty is payable where the actual payroll amount is less than 125% of the stated or estimated payroll.

(3) No penalty is payable if the penalty calculated under subsection (1) is less than \$50.

21. (1) Where the whole or any portion of an assessment levied on an employer is in default after the day on which it is due, the employer shall, in respect of each month or portion of a month that the default continues, pay under paragraph 141(1)(e) of the Act, a penalty calculated each month according to the following formula:

$$A \times 2\%$$

where A is the amount in default as adjusted, where applicable, under subsection (2).

(2) For the purposes of subsection (1), the "amount in default" shall be adjusted, on the first day of every month that the default continues, to include the amount of the penalty payable under that subsection in respect of the previous month, if any.

22. The penalty payable under subsection 141(2) of the Act is \$250.

23. The penalty payable under subsection 141(4) of the Act is

- (a) \$1,000 for the first disclosure in a 12-month period;
- (b) \$2,500 for the second disclosure in a 12-month period; or
- (c) \$5,000 for the third or any subsequent disclosure in a 12-month period.

Notice of Building Permits

24. (1) The amount of expenditure in excess of which a municipal corporation must give written notice under section 160 of the Act is \$25,000.

(2) The penalty to which a municipal corporation is subject for contravening section 160 of the Act is \$250.

Repeal

25. The *Workers' Compensation General Regulations*, registered as regulation numbered R-022-2008, are repealed.