

# BILL

No. 138

An Act to amend *The Workers' Compensation Act, 2013*

(Assented to \_\_\_\_\_)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

**1** This Act may be cited as *The Workers' Compensation (Extending Firefighter Coverage) Amendment Act, 2023*.

#### SS 2013, c W-17.11 amended

**2** *The Workers' Compensation Act, 2013* is amended in the manner set forth in this Act.

#### Section 2 amended

**3 Subsection 2(1) is amended:**

**(a) by adding the following clause after clause (c):**

“(c.1) **‘board of education’** or **‘school board’** means a board of education as defined in *The Education Act, 1995*”;

**(b) by adding the following clause after clause (h):**

“(h.1) **‘conseil scolaire’** means the conseil scolaire as defined in *The Education Act, 1995*”;

**(c) in clause (l):**

**(i) by striking out “and” after subclause (vi);**

**(ii) by adding “and” after subclause (vii); and**

**(iii) by adding the following subclause after subclause (vii):**

“(viii) any other person prescribed in the regulations”;

**(d) in clause (bb) in the portion preceding subclause (i) by striking out “Division” and substituting “Branch”;**

**(e) by repealing clause (ff);**

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**(f) by adding the following clause after clause (ff.2):**

“(ff.3) ‘SDLC’ means the Saskatchewan Distance Learning Corporation”; and

**(g) by repealing clause (ii) and substituting the following:**

“(ii) ‘worker’ means, unless otherwise specified, a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes:

- (i) a learner;
- (ii) a member of a municipal volunteer fire brigade;
- (iii) any person who, pursuant to this Act or any direction or order of the board, is deemed to be a worker;
- (iv) a secondary or post-secondary student who is enrolled in a program recognized by the minister in which the student is given training or work experience; and
- (v) any other person prescribed in the regulations”.

**Section 7 amended**

**4 Subsection 7(3) is repealed and the following substituted:**

“(3) If the board revokes an order pursuant to subsection (1), it shall serve notice of the order of revocation on the applicant who obtained the order”.

**Section 18 amended**

**5 Subsection 18(7) is amended by striking out “provide a written notice to the applicant of its decision” and substituting “serve written notice of its decision on the applicant”.**

**New section 23.1**

**6 The following section is added after section 23:**

**“Publication of appeal decisions**

**23.1** The board shall publish appeal decisions of members of the board mentioned in clause 9(5)(a) together with reasons in any manner that the board considers appropriate, including on the board’s website”.

**Section 28 amended**

**7 Clause 28(1)(b) is repealed and the following substituted:**

“(b) ‘listed disease’ means:

- (i) a primary site brain cancer;
- (ii) a primary site bladder cancer;
- (iii) a primary site kidney cancer;
- (iv) a primary non-Hodgkins lymphoma;
- (v) a primary leukemia;
- (vi) a primary site ureter cancer;
- (vii) a primary site colorectal cancer;

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- (viii) a primary site lung cancer;
- (ix) a primary site testicular cancer;
- (x) a primary site esophageal cancer;
- (xi) a primary site prostate cancer;
- (xii) a primary site skin cancer;
- (xiii) multiple myeloma;
- (xiv) a primary site breast cancer;
- (xv) a primary site cervical cancer;
- (xvi) a primary site ovarian cancer;
- (xvii) a primary site penile cancer;
- (xviii) a primary site pancreatic cancer;
- (xix) a primary site thyroid cancer;
- (xx) a primary site soft tissue sarcoma;
- (xxi) a primary site mesothelioma;
- (xxii) a primary site laryngeal cancer; or
- (xxiii) an injury to the heart that manifests within 24 hours after attendance at an emergency response”.

**Section 44 amended**

**8 Clause 44(1)(a) is repealed and the following substituted:**

“(a) except in the case of the death of the worker, the worker serves notice of the worker’s injury to the worker’s employer and the board as soon as possible after sustaining that injury and before the worker has voluntarily left the worker’s employment”.

**Section 45 repealed**

**9 Section 45 is repealed.**

**Section 48 amended**

**10 Section 48 is amended by striking out** “provide that person with written reasons for its decision” **and substituting** “serve a copy of its decision together with reasons on the person claiming compensation and the employer”.

**Section 59 amended**

**11 Subsection 59(1) is amended:**

**(a) in clause (a) in the portion preceding subclause (i) by striking out** “who claims compensation has” **and substituting** “has an injury arising out of or in the course of employment as determined by the board and has”; **and**

**(b) in clause (b) by striking out the portion preceding subclause (i) and substituting the following:**

“in the case of a deceased worker who had an injury arising out of or in the course of employment as determined by the board, a dependant of the deceased worker has:”.

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**Section 60 amended**

**12(1) Subsection 60(1) is repealed and the following substituted:**

“(1) In consultation with the Saskatchewan Medical Association, the board shall appoint two physicians engaged in the general practice of medicine to be chairpersons, either of whom is to be selected to be the chairperson of a medical review panel when a medical review panel is established”.

**(2) Subsection 60(3) is repealed and the following substituted:**

“(3) If both physicians appointed pursuant to subsection (1) are unable or unwilling to act as the chairperson of a medical review panel, the board shall, in consultation with the Saskatchewan Medical Association, appoint another person to act as the chairperson of the medical review panel for the period that the board specifies”.

**Section 61 amended**

**13(1) Subsection 61(1) is repealed and the following substituted:**

“(1) Subject to subsection (2), on receipt of a request pursuant to section 59, the board shall serve on the worker or the deceased worker’s dependant requesting the examination:

- (a) one or two lists setting out the names of all physicians who practise in the city named in the request and who are specialists in the classes of injuries for which compensation has been claimed; or
- (b) on the request of the worker or deceased worker’s dependant requesting the examination:
  - (i) one list of specialists as described in clause (a); and
  - (ii) one list setting out the names of all chiropractors who practise in the city named in the request.

“(1.1) The board may exclude from the list mentioned in clause (1)(a) or subclause (1)(b)(ii) the names of physicians or chiropractors, as the case may be, who:

- (a) provided a certificate mentioned in subsection 59(3);
- (b) provided a recorded opinion adverse to the opinion stated in the certificate;
- (c) examined or treated the worker or acted as a consultant in the treatment of the worker; or
- (d) repeatedly refused or failed to respond to requests to sit on a medical review panel”.

**(2) Subsection 61(4) is repealed and the following substituted:**

“(4) If a selected person refuses to sit on a medical review panel or fails to respond to the request to sit on a medical review panel pursuant to subsection (3), the board shall instruct the worker or the deceased worker’s dependant to select another person in the order of preference from the same list from which the person who refused or failed to respond was selected”.

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**Section 62 amended**

**14 Subsection 62(1) is amended by striking out** “clause 60(1)(a) or (b), as the case requires,” **and substituting** “subsection 60(1)”.

**Section 66 amended**

**15 Subsection 66(2) is repealed and the following substituted:**

- “(2) The amount of an award for a permanent functional impairment must:
- (a) in the case of decisions made before January 1, 2003, be at least \$1,100 and not more than \$22,600;
  - (b) in the case of decisions made on or after January 1, 2003 and before January 1, 2025, be at least \$2,200 and not more than \$45,200;
  - (c) in the case of decisions made on or after January 1, 2025 and before January 1, 2026, be at least \$2,500 and not more than \$55,200;
  - (d) in the case of decisions made on or after January 1, 2026 and before January 1, 2027, be at least \$3,000 and not more than \$65,200;
  - (e) in the case of decisions made on or after January 1, 2027 and before January 1, 2028, be at least \$3,500 and not more than \$75,200; and
  - (f) in the case of decisions made on or after January 1, 2028, be at least \$4,000 and not more than \$82,200.

“(2.1) On and after January 1, 2029, the amounts specified in clause (2)(f) shall be adjusted annually by the percentage increase in the Consumer Price Index”.

**Section 67 amended**

**16 Subsection 67(2) is repealed and the following substituted:**

- “(2) The annual amount of an independence allowance must not exceed:
- (a) 10% of the maximum amount of an award established pursuant to section 66 in the case of a worker whose permanent functional impairment is first determined before January 1, 2003;
  - (b) 5% of the maximum amount of an award established pursuant to section 66 in the case of a worker whose permanent functional impairment is first determined on or after January 1, 2003, but before January 1, 2025; or
  - (c) \$2,260 in the case of a worker whose permanent functional impairment is first determined on or after January 1, 2025.

“(3) On and after January 1, 2026, the amount specified in clause (2)(c) shall be adjusted annually by the percentage increase in the Consumer Price Index”.

**Section 70 amended**

**17 The following subsection is added after subsection 70(5):**

“(6) Notwithstanding any other provision in this Act, the board may determine the average weekly earnings of a worker who is a secondary or post-secondary student in accordance with criteria prescribed in the regulations”.

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New section 79.1

**18 The following section is added before section 80:**

**“Definition for Division**

**79.1** In this Division, ‘**post-secondary institution**’ includes a regional college, institute, private vocational school, university and any other educational institution that is not administered pursuant to *The Education Act, 1995*”.

Section 80 amended

**19 Clause 80(2)(b) is amended by striking out “within Canada”.**

Section 93 amended

**20 Subsections 93(2) and (3) are repealed and the following substituted:**

“(2) If a worker dies of a condition for which no benefits are payable pursuant to sections 80 to 86 and that worker received compensation for a period exceeding 24 consecutive months before the day of the worker’s death, the board:

(a) shall pay a monthly allowance, equal to the monthly amount of compensation that was being paid to the worker, for 12 months following the day of the death of the worker:

(i) to the worker’s surviving dependent spouse; or

(ii) if the worker died leaving no dependent spouse, to the worker’s dependent children or any other persons recognized by the board as being dependants; and

(b) may provide the surviving dependent spouse the same counselling and vocational assistance as would be provided to a worker in order to enable the dependent spouse to enter the labour force and become self-sufficient.

“(3) Compensation is to be paid to the persons mentioned in subsections (1) and (2) in any share that the board may determine”.

Section 141 amended

**21(1) Clause 141(1)(b) is amended by striking out “notify the employer” and substituting “serve on the employer written notice”.**

**(2) Subsection 141(3) is repealed.**

Section 173 amended

**22 Subsection 173(4) is repealed and the following substituted:**

“(4) The board shall provide any medical report that the worker, worker’s representative or worker’s dependant has requested pursuant to subsection (2) to the worker’s or worker’s dependant’s physician instead of providing it to the worker, worker’s representative or worker’s dependant if the board is of the opinion that knowledge of the information could reasonably be expected to endanger the mental or physical health or the safety of the worker or another person”.

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Section 174 amended

**23 Subsections 174(4) to (10) are repealed and the following substituted:**

- “(4) If a request is made pursuant to subsection (2), the board shall:
- (a) serve written notice on the worker or the worker’s representative of the request and of the information that it will grant access to; and
  - (b) inform the worker or the worker’s representative that an objection may be made to the release of the information within the period specified in the notice.
- “(5) On the expiration of the period mentioned in clause (4)(b), the board shall, after consideration of any objections:
- (a) decide what information it will grant the employer or the employer’s representative access to; and
  - (b) serve written notice on the worker or the worker’s representative of all information it has granted an employer or employer’s representative access to.
- “(6) The board shall not grant the employer or the employer’s representative access to any information until the expiration of the period mentioned in clause (4)(b).
- “(7) An employer may request the board to reconsider its decision with respect to the information the board has granted access to within 15 business days after the date of that decision”.

New section 178.1

**24 The following section is added after section 178:**

“Service of documents

- 178.1(1)** Any notice, order or other document that is required to be served pursuant to this Act or the regulations may be served:
- (a) by personal service on the person by delivery of a copy of the document or notice;
  - (b) by sending a copy of the document or notice by registered or certified mail to the last known address of the person or to the address of the person as shown in the records of the board;
  - (c) by personal service at a place of employment on the person’s manager, agent, representative, officer, director or supervisor;
  - (d) by any method set out in *The King’s Bench Rules* for the service of documents;
  - (e) by sending a copy of the document or notice by electronic transmission if an address for service has been provided by the person to be served;
  - (f) by any other means prescribed in the regulations.

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(2) A notice, order or document served by ordinary mail or registered mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or that the person received it at a later date.

(3) A notice, order or document served by electronic transmission is deemed to have been received on the second business day after it is sent.

(4) A notice, order or document sent by a means prescribed in the regulations is deemed to have been received on the number of business days prescribed in the regulations from the date on which the notice, order or document was sent.

(5) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid notice, order or document”.

**Section 183 amended**

**25(1) Subsection 183(1) is amended by striking out “or section 164” and substituting “, section 164 or subsection 174(3)”.**

**(2) Subsection 183(2) is amended in the portion preceding clause (a) by striking out “provide notice to the employer” and substituting “serve written notice on the employer”.**

**Section 187 amended**

**26 Subsection 187(1) is amended:**

**(a) by adding the following clauses after clause (a):**

“(a.1) for the purposes of clause 2(1)(l), prescribing persons as employers;

“(a.2) for the purposes of clause 2(1)(ii), prescribing persons as workers”;

**(b) by repealing clause (c);**

**(c) by adding the following clauses after clause (e.1):**

“(e.2) for the purposes of clause 59(3)(c), prescribing what constitutes sufficient particulars;

“(e.3) for the purposes of subsection 70(6), prescribing criteria”; **and**

**(d) by adding the following clause after clause (h):**

“(h.1) for the purposes of section 178.1:

(i) prescribing other means by which a notice, order or other document may be served; and

(ii) prescribing the number of business days in which a notice, order or document is deemed to have been received”.

**Coming into force**

**27** This Act comes into force by order of the Lieutenant Governor in Council.





FOURTH SESSION  
**Twenty-ninth Legislature**  
SASKATCHEWAN

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**BILL**

No. 138

An Act to amend *The Workers'*  
*Compensation Act, 2013*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don McMorris

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