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Section Title: Board and Corporate Administration – Legal  
Subject: Agents of the WCB  
Effective Date: May 1, 2023

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## **A. POLICY PURPOSE**

The Worker's Compensation Act (the Act) allows the Workers Compensation Board (WCB) to delegate some of its statutory powers to an agent or local representative.

This policy outlines the obligations and responsibilities of those who act as agents of the WCB.

## **B. POLICY**

The WCB has broad authority under section 109.5 of the Act to delegate certain statutory powers to an agent or local representative. These include paying compensation to injured workers on behalf of the WCB and the power to perform prevention activities on behalf of the WCB. Section 109.5 also empowers the WCB to limit the scope of an agent or representative's delegated authority.

Those acting as the WCB's agents under section 109.5 of the Act must carry out their delegated authority in accordance with Act and WCB policies. The same statutory and policy limits on authority apply to both the WCB and its agents. Agents must also adhere to any limitations the WCB places on their delegated authority. Agents must, in effect, conduct themselves as if they were the WCB.

For example:

- Employers acting as agents of the WCB for the purposes of paying wage loss benefits must do so in accordance with the Act and the WCB's policies.
- Employers acting as agents of the WCB may not collect overpayments unless the WCB would also have recovered the overpayment, as outlined in WCB Policy 35.40.50, Overpayments of Benefits.
- Employers carrying out prevention activities as agents of the WCB may only carry out those activities outlined in section 54.1(2) of the Act.

Agents of the WCB are expected to familiarize themselves with the Act and WCB policies. Agents who do not adhere to the Act and WCB policies when performing their duties may contravene the Act and may be subject to administrative penalties. The WCB may terminate the appointment of agents who do not perform their delegated functions in accordance with the Act and WCB policies.

## **C. REFERENCES**

*The Workers Compensation Act*, section 109.5 (on or after January 1, 1992) (section 48 prior to January 1, 1992).

### **History:**

1. Policy approved by Board Order 16/23 on April 19, 2023 (replaces repealed policy 22.30.10) to outline the obligations and responsibilities of those who act as agents of the WCB under section 109.5 of *The Workers Compensation Act*.