

Chapter 13

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT

(Assented to November 3, 2000)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Workers' Compensation Act* is amended by this Act.**
2. **The definition of "Year's Maximum Insurable Remuneration" in subsection 1(1) is amended by striking out "and is equal to \$60,000" and substituting "and is equal to \$63,350".**
3. **Subsections 7.1 (4) and (5) are repealed and the following substituted:**

Chairperson and vice-chairperson

(4) The chairperson and the vice-chairperson of the appeals tribunal are the persons designated as the chairperson and the vice-chairperson under the *Workers' Compensation Act* (Northwest Territories).

Power of vice-chairperson

(5) The vice-chairperson may exercise the powers of the chairperson generally during the temporary absence of the chairperson or in respect of a particular matter if the chairperson is unable to act in respect of that matter.

Acting vice-chairperson

(6) The chairperson of the appeals tribunal may designate a member of the appeals tribunal to serve as acting vice-chairperson and exercise the powers of the vice-chairperson generally during the temporary absence of the vice-chairperson or in respect of a particular matter if the vice-chairperson is unable to act in respect of the matter.

Panels of the appeals tribunal

(7) The appeals tribunal may only hear an appeal if it is constituted as a panel consisting of three members, comprising the chairperson, vice-chairperson or acting vice-chairperson and two additional members so that the panel as a whole is comprised of one member appointed under each of paragraph 7.1(1)(a) and subparagraphs 7.1(1)(b)(i) and (ii) of the *Workers' Compensation Act* (Northwest Territories).

Continuation of term or designation

(8) Notwithstanding the expiration of the term of office of a member of the appeals tribunal, or the expiration of a designation mentioned in subsection (4) or (6), the member, at his or her discretion, may continue

- (a) to hold office as a member of the appeals tribunal, or
- (b) to serve in and exercise the powers pertaining to the designated capacity,

as the case may be, to complete his or her duties in respect of a matter commenced, but not concluded, before the expiration of his or her term of office or designation.

4. **Subsection 7.7(4) is repealed.**
5. **(1) Subsection 28(1) is amended by striking out "until she or he marries".**
(2) Subsection 28(2) is repealed.
6. **Subsection 35(2) is amended by striking out "or remarries".**
7. **Section 36 is repealed.**
8. **The following section is added after section 85:**

SPECIAL PAYMENT

Special Payment

85.1 (1) Notwithstanding anything in this Act as it read before the coming into force of this section or any predecessor of this Act, the Board shall make one lump sum special payment out of the Accident Fund, in an amount determined under subsection (2), to each person who

- (a) applies to the Board for the special payment in a form acceptable to the Board;
- (b) provides proof satisfactory to the Board that he or she is eligible under subsections (3) and (4); and
- (c) provides the Board with a release in a form acceptable to the Board.

Determination of application and amount

(2) The Board shall

- (a) hear and determine an application for a special payment; and
- (b) determine the amount of a special payment, which may vary between applicants, on such basis as the Board considers appropriate.

Eligibility

- (3) Subject to subsection (4), a person is eligible for a special payment if
 - (a) before April 17, 1985, the person was entitled, under this Act or any predecessor to this Act, to compensation in respect of the death of a worker;
 - (b) before April 17, 1985, the person married or remarried and for that reason ceased to be entitled to the compensation referred to in paragraph (a); and
 - (c) the person is alive on the date an application for the special payment is made to the Board.

Discontinuance of pending proceedings

(4) Where a person who is otherwise eligible to receive a special payment has commenced or is participating in a proceeding or a complaint of any kind with respect to the termination of that person's entitlement to compensation in respect of the death of a worker, the person is not eligible for a special payment unless the person discontinues or consents to the discontinuance of the proceeding or complaint.

Special payment in lieu of other compensation

(5) The acceptance by a person of the special payment provided by this section is in lieu of any other compensation to which the person may be entitled, under this Act or any predecessor to this Act, in respect of the death of a worker.

9. Section 86 is amended by

- (a) **striking out "Every claim" in subsection (2) and by substituting "Subject to subsection (4), every claim"; and**
- (b) **adding the following after subsection (3):**

Effect of marriage or remarriage

(4) Notwithstanding this Act as it read before the coming into force of this subsection or any predecessor to this Act, where a person married or remarried on or after April 17, 1985 and for that reason ceased to be entitled, under this Act or any predecessor to this Act, to compensation in respect of the death of a worker, the marriage or remarriage of that person is deemed not to have, and never to have had, any effect on the person's entitlement to compensation under this Act or any predecessor to this Act.

10. (1) Section 2 comes into force on January 1, 2001.

(2) Section 4 comes into force on a day to be fixed by order of the Commissioner.