

Policy interpretation and application

Our Policy Manual does not currently have an overarching policy that outlines:

- general direction on how to interpret or apply our policies
- foundational concepts affecting interpretation and application clearly stated together in one policy

What we propose

We drafted a new policy that provides information on policy interpretation and application, including:

Foundational concepts	The draft policy defines the following foundational concepts: binding nature of policy, exclusive jurisdiction, and merits and justice
Retroactive vs prospective	The draft policy clearly states that policy changes (and statutory presumptions) are prospective, not retroactive, unless explicitly stated otherwise in legislation or policy
How dates are applied	The draft policy defines how the following dates are applied in policy: effective dates, issue dates, supersedes dates, and coming into force
Previous versions and rescinded policy	The draft policy outlines that when a policy is revised or rescinded, the previous version is still available as previous versions and rescinded policies may still apply

Why we need this new policy

The proposed policy provides transparency and clarity for all users of our Policy Manual, including all system partners, the Appeals Commission, and internal WCB staff.

We want to hear from you

Please see the following draft policy attached at the end of this document for additional details.

- Draft Policy 01-00, Policy interpretation and application

We welcome your feedback, ideas, and suggestions

This posting will be open for consultation until September 29, 2025.

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REFERENCE:

[*Workers' Compensation Act, RSA 2000, Sections 6, 13.2, 17, 24, 24.1, and 24.2*](#)
[*Interpretation Act*](#)

POLICY:

This policy, Policy 01-00, provides guidance on how to interpret and apply policies in WCB-Alberta's *Policies and Information Manual* (Policy Manual).

WCB-Alberta (WCB) has *exclusive jurisdiction* to administer workers' compensation in Alberta.

The Alberta *Workers' Compensation Act* (*WCA*) provides the framework for administering workers' compensation in Alberta. Policies describe how WCB interprets and applies the *WCA* and its corresponding regulations.

The policies in this Policy Manual are approved by WCB's Board of Directors and are *binding*.

Each policy or policy application has an *effective date*. The effective date is the date a policy or policy application *comes into force*.

Policy effective dates are not *retroactive*, they are *prospective*, except when specifically stated otherwise.

Statutory presumptions are also not retroactive, except when specifically stated otherwise in legislation.

When a policy is revised, the revised policy *supersedes* and replaces the current version, which then becomes the *previous version*. The revised policy is given a new *issue date* when it is published. The previous version of the policy continues to apply for adjudication of any matters during the relevant time period before the effective date of the revised policy, except when specifically stated otherwise.

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If a policy is *rescinded*, except when specifically stated otherwise, the rescinded policy remains valid for the time preceding its rescission. This means the rescinded policy continues to apply for adjudication of matters arising during the period it was in effect.

Each matter before WCB is decided on the *merits and justice* of the case.

WCB gathers relevant information and weighs evidence to make decisions. WCB is not obligated to pursue specific evidence or lines of inquiry requested by a party. WCB retains full discretion to determine what evidence is necessary for the fair investigation and adjudication of a claim.

Effective date:

This policy is effective [Month Day, Year] and applies to decisions made on or after that date, regardless of date of accident, except when noted otherwise in a specific policy section(s).

INTERPRETATION

1.0 Policy Manual

Under section 6 of the *WCA*, WCB's Board of Directors has the authority to create policies. These policies are published in WCB's Policy Manual.

The electronic Policy Manual posted on WCB's website is the official record of WCB's policies. The Policy Manual contains policies approved by WCB's Board of Directors. The manual is updated as amendments are approved by the Board of Directors and serves as the final authority for interpreting and applying policies. Policies are binding on all decision-makers (including WCB, DRDRB, and the Appeals Commission).

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2.0 Exclusive jurisdiction

Under section 17 of the *WCA*, WCB has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under the *WCA* or associated regulations. The actions and decisions of WCB on such matters are final and conclusive and are not subject to question or review in any court. This means that WCB has sole authority to determine all questions or matters arising under the *WCA*, subject only to the available review and appeal mechanisms established by legislation. For information on reviews and appeals, see Policy 01-08, Part II, Application 3.

Policy is intended to fill in gaps where legislation allows discretion or is silent on a matter.

All policies in this Policy Manual must be consistent with the *WCA* and should be interpreted to accomplish that goal.

Since WCB has exclusive jurisdiction to administer workers' compensation in Alberta, if both the *WCA* and WCB policy are silent on a specific topic, WCB makes decisions that are consistent with:

- the overall structure of the system and the general principles of the *WCA*
- available evidence
- a reasonable interpretation of legislation and policy in effect when the decision was made

3.0 *Workers' Compensation Act*

In the Policy Manual, references to the *WCA* mean the *Workers' Compensation Act* being Chapter W-15, Revised Statutes of Alberta, 2000, and amendments thereto.

4.0 Binding nature of policy

The policies in this Policy Manual are approved by WCB's Board of Directors and are binding. Under section 13.2 of the *WCA*, the Appeals Commission is bound by the policies in WCB's Policy Manual. This means that the

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Binding nature of policy (continued)

policies in WCB's Policy Manual are a form of subordinate legislation and have legal force.

Note: WCB also has procedures that guide WCB staff through the decision-making process and outline the process for completing business tasks. Procedures are not binding and do not have the same legal authority as policies.

5.0 Effective dates

The effective date is the calendar date a policy or policy application comes into force. When the Board of Directors creates a new policy or amends an existing policy, an effective date is given. The effective date indicates when and how a new or revised policy applies.

The two most common types of effective dates are **date of accident** and **date of decision**.

Date of accident: For some policies, the Board of Directors specifies that a new or revised policy applies to any accident that occurs on or after a specified date. If the date of accident is before the effective date, the previous version of the policy is used to adjudicate the claim.

Date of decision: At times, the Board of Directors may determine that a new or revised policy applies to all new decisions made by WCB on or after a specified date. When this type of effective date is used, both decisions on existing claims and new claims arising on or after the effective date will be made in accordance with the new or revised policy. The use of this type of effective date:

- may result in changes to future benefits or services for existing claims, but
- does not result in any adjustments to benefits previously paid on existing claims as the policy does not apply to decisions already made on existing claims.

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Effective dates (continued) Some policies identify another effective date that is in addition to and/or in place of date of accident or date of decision.

In rare circumstances, the Board of Directors may determine that a new or revised policy applies retroactively - that is, to decisions that were made and/or accidents that occurred as of a specific date in the past. A retroactive policy changes the applicable policy for a period that has already passed. If this type of effective date is used, it must be specifically stated in policy. Policy and legislation are not to be applied retroactively unless retroactive application is specifically stipulated in the policy or legislation itself.

6.0 Coming into force

Policy is a form of subordinate legislation. As indicated in the *Interpretation Act*, a new or revised policy has effect (comes into force) immediately at the beginning of the day of the effective date.

When a policy is revised, the revised policy comes into force on its effective date and the previous (archived) version remains in effect for the relevant period before the revision. For more information, see definitions of effective dates and previous versions.

For example, if a policy is revised with an effective date of June 1, 2020, applying to all accidents on or after that date:

- the revised policy comes into force on June 1, 2020
- the previous version of the policy is archived
- claims with dates of accident prior to June 1, 2020, are adjudicated under the archived policy (not the revised policy)

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Coming into force
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- claims with a date of accident on or after June 1, 2020, are adjudicated under the new or revised policy.

7.0 Retroactive vs prospective In general,

- retroactive application means applying a new rule to a past transaction that was completed before the rule was created. For example, re-adjudicating claims based on a newly implemented or revised policy is considered retroactive application.
- prospective application means the rule is effective going forward. For example, applying a new or revised policy only on or after its effective date is prospective application.

Except when specifically stated otherwise in policy, WCB policies are applied prospectively, not retroactively.

For example:

- **Prospective application:** A revised policy is published January 1, 2024, with an effective date of January 1, 2024, applying to all decisions made by WCB on or after that date, regardless of the date of accident. The previous version of the policy is archived. Decisions made before January 1, 2024, were adjudicated under the archived policy (not the revised policy). Decisions made on or after January 1, 2024, are adjudicated under the new or revised policy, even for existing claims. This may result in changes to future benefits or services for existing claims but does not affect past decisions already made on existing claims. This means no adjustments are made to any benefits previously paid.
- **Retroactive application:** A revised policy is published February 1, 2020, with an effective date

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Retroactive vs prospective (continued)

of July 1, 2000, explicitly stating that it applies retroactively to claims arising from accidents that occurred on or after July 1, 2000. If an existing or previously denied claim has a date of accident on or after July 1, 2000, it may be adjudicated under the revised policy. If the revised policy results in a benefit increase or premium decrease, the worker, dependant, or employer may be entitled to an adjustment of benefits or premiums.

Under the *Interpretation Act*, legislation is presumed to apply only from its effective date, meaning it is generally not applied retroactively unless explicitly stated.

8.0 Statutory presumptions

A statutory presumption is a presumption created by legislation, either under an act or regulation. In the context of workers' compensation, statutory presumptions are primarily used to presume a worker's injury or disease arose out of and occurred in the course of employment, provided that the criteria outlined in the *WCA* or regulation are met (for further detail refer to Policy 02-01). Statutory presumptions are interpreted using the same rules that apply to all other legislation and policies.

9.0 Supersedes

Supersedes means to take the place of. When a policy is revised, the revised policy supersedes/replaces the current policy as of the effective date of the new policy. When a revised policy is published, it receives a new issue date. The previous version of the policy is identified in the supersedes date at the bottom of the policy document. Except when specifically stated otherwise, the previous version of the revised policy remains applicable for adjudicating matters related to periods before the effective date of the revised policy.

10.0 Previous version

Previous versions of policy are archived and publicly available. When a policy is revised, WCB publishes the revised policy (which becomes the current policy) in the Policy Manual and archives the previous version. A list of

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Previous version (continued)

links to previous versions (from 1997 to the present) is included at the end of each policy document. The previous version remains applicable if it was in effect during the relevant time period. That is, except when specifically stated otherwise, the archived version is used for adjudication purposes for periods before the revised policy's effective date.

For details on changes between the current and previous versions of a policy, refer to the History of Policy Changes, which provides the most recent policy update, a list of revised policies, and a brief description of the changes. Previous policy updates (formerly called transmittals) are also archived, allowing users to track changes made to any previous version of a policy.

11.0 Issue date

The issue date is the date the policy is published. It is different than the effective date which is the date the policy comes into force.

12.0 Rescinded policy

Occasionally, policies are rescinded, which is similar to the repeal of legislation.

A rescinded policy may still apply to decisions made after its rescission if it was in effect during the relevant time period. Except when specifically stated otherwise, a rescinded policy is used for adjudication purposes for periods when it was in effect.

Previous versions of policies that were restructured or rescinded can be found in Document History.

13.0 Merits and justice

Under section 17(4) of the *WCA*, each matter before WCB is decided on the merits and justice of the case.

WCB is not bound by precedent and is not required to follow previous decisions when making decisions. This principle applies to decisions made by WCB, its internal Dispute Resolution and Decision Review Body (DRDRB),

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**Merits and justice
(continued)**

and the external Appeals Commission. Each decision is assessed independently, considering the specific circumstances and applicable legislation, policies, and regulations. Note: The DRDRB is part of WCB.