

Practice Directive 1-39-2 (B)

Delivery of Documents

Effective March 1, 2003

Reference *Workers Compensation Act* (the “Act”) section 39(6):

39(6) The board must notify each employer of the amount of each assessment due in respect of the employer's industry and the time when it is payable. The notice may be sent by post to the employer, and is deemed to be given to the employer on the day the notice is mailed.

Reference *Workers Compensation Act* section 221:

221(1) A document that must be served on or sent to a person under this Act may be

- (a) personally served on the person,
- (b) sent by mail to the person's last known address, or
- (c) transmitted electronically, by facsimile transmission or otherwise, to the address or number requested by the person.

(2) If a document is sent by mail, the document is deemed to have been received on the 8th day after it was mailed.

(3) If a document is transmitted electronically, the document is deemed to have been received when the person transmitting the document receives an electronic acknowledgement of the transmission.

Practice

INTRODUCTION

Section 221(1) of the *Act* does not apply to all communications between the Board and external parties: it only applies to communications respecting those documents that must be served on or sent to a person.

There can be no exhaustive list of all documents that under the *Act* must be served on or sent to a person. However, as a general rule, any decision that affects the rights of a person or which imposes an obligation or liability under the *Act* must be in writing and thereafter served on or sent to each affected person.

ADDRESS

Each registered employer and independent operator is under an ongoing obligation to keep the Employer Service Centre notified of his or her contact information, which must include a current mailing address.

MEANS OF DELIVERY

The Board's obligation to serve or deliver a document or to notify in writing may be discharged by any of personal service, regular mail, e-mail, or facsimile transmission.

E-mail or facsimile transmission may only be used where requested by the person being served or notified.¹ If an employer or independent operator provides or has provided an e-mail address or facsimile transmission number to the Employer Service Centre, it will be considered a request to be so served or notified.

DATE OF DELIVERY

If a document is delivered in person, the date of delivery is the date of service.

If an 1810,² 1820,³ or 1830⁴ form is sent by mail, the date of delivery is deemed to be the day the document is mailed.⁵

If a document other than an 1810, 1820, or 1830 form that must be served on or sent to a person is sent by mail, the date of delivery is deemed to be the 8th day after the document was mailed to the person's "last known address".⁶

If a document is transmitted electronically, the date of delivery is deemed to be the date on which the Board officer or employee transmitting the document receives an electronic acknowledgement of the transmission.⁷ It is not a requirement that the recipient acknowledge receipt; and, therefore, the page produced by the facsimile machine that shows the number dialed and that the facsimile was successfully sent or a print-out of the e-mail sent will suffice for this purpose. In either case, the page or print-out must be scanned to the applicable employer or independent operator's file.

¹ Section 221(1)(c) of the *Act* – "to the address or number requested by the person".

² Employer Payroll and Contract Labour Report.

³ Employer's Remittance Form.

⁴ Statement of Account.

⁵ Section 39(6) of the *Act*.

⁶ Section 221(3) of the *Act*.

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