

## Interjurisdictional Implications - Workers' Compensation between Provinces and Territories

The following tables give an overview of work injuries that occur across provincial or territorial borders.

If you have a question about a specific interjurisdictional situation, please contact one of the Workers' Compensation Boards or Commissions involved. This could be the jurisdiction: (1) where an injury occurred, (2) where the employer is registered or (3) where the worker resides. Contact information for each WCB/Commission can be found at ['Boards/Commissions'](#).

You can find a copy of the Interjurisdictional Agreement between Canadian Workers' Compensation Boards/Commissions at: [Workers' Compensation Legislation & Policy](#) (see 'Interjurisdictional Implications').

### Injury Outside Home Jurisdiction

The following table gives an overview of work injuries that occur across provincial or territorial borders.

Injury Outside Home Jurisdiction <sup>1</sup>	NL	PE	NS <sup>2</sup>	NB	QC <sup>3</sup>	ON	MB	SK	AB <sup>4</sup>	BC	YT <sup>5</sup>	NT/NU
<u>Compensation payable to worker by jurisdiction if:</u>												
• it is the worker's usual place of employment or residence	Yes	Yes <sup>9</sup>	Yes <sup>6</sup>	Yes	Yes <sup>7</sup>	Yes <sup>8</sup>	Yes <sup>9</sup>	Yes	Yes <sup>10</sup>	Yes	Yes	Yes
• it is the home jurisdiction of the employer's business	Yes <sup>11,12</sup>	Yes	Yes	Yes	Yes <sup>3</sup>	Yes <sup>13</sup>	Yes <sup>14</sup>	Yes	Yes <sup>10</sup>	Yes	Yes	Yes
• work is performed in and out of jurisdiction	Yes	Yes	Yes	Yes	Yes <sup>3</sup>	Yes <sup>13</sup>	Yes <sup>9,15</sup>	Yes	Yes <sup>10</sup>	Yes	Yes	Yes
• work is a continuation of work in jurisdiction	No	Yes <sup>16</sup>	N/A	Yes	Yes <sup>3</sup>	N/A	N/A	Yes	Yes <sup>17</sup>	Yes <sup>17</sup>	Yes <sup>17</sup>	Yes <sup>18</sup>
• the worker works outside no longer than X months	N/A <sup>19</sup>	6	6	N/A	N/A <sup>3</sup>	6	6	N/A <sup>20</sup>	12	6	12	6
○ An extension is possible	Yes	Yes	N/A	N/A	N/A	Yes <sup>21</sup>	Yes	Yes <sup>22</sup>	Yes	N/A	Yes	Yes
• the worker is undergoing training or education	No	Yes	N/A	Yes	N/A	N/A	N/A	N/A <sup>23</sup>	Yes	N/A	Yes	N/A
• Injury occurred outside of province	Yes <sup>12</sup>	Yes	N/A	Yes <sup>14</sup>	Yes <sup>3</sup>	Yes <sup>13</sup>	N/A	Yes	Yes	N/A	Yes	Yes

*Source: Association of Workers' Compensation Boards of Canada – 2014*

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Injury Outside Home Jurisdiction <sup>1</sup>	NL	PE	NS <sup>2</sup>	NB	QC <sup>3</sup>	ON	MB	SK	AB <sup>4</sup>	BC	YT <sup>5</sup>	NT/NU
<u>Worker must elect where to claim</u>	N/A	Yes <sup>24,25</sup>			Yes							
• within X days	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30	N/A	30	60
• within X months	N/A	3	6	3	6	3	3	3	N/A	3	N/A	N/A
An extension is possible	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<u>Employer must notify the WCB/Commission:</u>					Yes <sup>26</sup>							
• within X days	3	3	N/A	3	N/A	3	N/A	N/A	N/A	N/A	3	N/A
• if there is no notice, employer may be liable for cost of accident	Yes <sup>27</sup>	No <sup>28</sup>	Yes <sup>29</sup>	No	N/A	N/A	N/A	N/A	N/A	N/A	Yes <sup>30</sup>	N/A
<u>Employer Liable if Worker not on Payroll</u>												
If an employer has not notified the WCB/ Commission nor included the wages of a worker working outside the province or territory on the payroll, it may be liable for the full costs of the accident	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A	N/A	N/A	Yes	N/A
<u>Non-resident</u>												
Non residents are not entitled to compensation	No	No	N/A	No	Yes <sup>3,7</sup>	<sup>31</sup>	N/A	N/A	No	N/A	Yes	No
<u>Self-insurer</u>												
An employee of a self-insurer must also notify the employer of the election choice	N/A	Yes	N/A	Yes	N/A	Yes	N/A	N/A	N/A	N/A	Yes	N/A

N/A means not applicable or not available.

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## Interjurisdictional Agreement (IJA)

You can find a copy of the Interjurisdictional Agreement between Canadian Workers' Compensation Boards/Commissions at: [Workers' Compensation Legislation & Policy](#) (see 'Interjurisdictional Implications').

The following table outlines the limitations of each jurisdiction's participation in the Interjurisdictional Agreement.

Interjurisdictional Agreement (IJA)	NL	PE	NS	NB	QC	ON	MB	SK	AB	BC	YT <sup>5</sup>	NT/NU <sup>32</sup>
There are limitations to jurisdiction's participation in the Interjurisdictional Agreement (IJA)	N/A	N/A	N/A	Yes <sup>33</sup>	Yes <sup>34</sup>	No	N/A	N/A	N/A	N/A	N/A	N/A

N/A means not applicable or not available.

**\*\*If you have a question about a specific interjurisdictional situation, please contact one of the Workers' Compensation Boards or Commissions involved. This could be: (1) the jurisdiction where an injury occurred, (2) where the employer is registered or (3) where the worker resides. Contact information for each Board/Commission can be found at [Boards/Commissions](#)'.**

- 1 If a worker suffers an occupational injury in a province or territory other than his home province or territory, he can in some cases be protected by the legislation of more than one province or territory. If such is the case, he must choose the province or territory where he will submit his claim for compensation.
- 2 In Nova Scotia, if a worker is injured in another province or territory while working for an employer whose place of business or chief place of business is outside Nova Scotia, and the worker is entitled to compensation pursuant to the law of the other province or territory, then the worker is not entitled to claim compensation in Nova Scotia (regardless of whether the worker's place of residence is inside or outside Nova Scotia) UNLESS: (i) the place where the worker usually works for the employer is in Nova Scotia; and (ii) at the time of the accident the worker was outside Nova Scotia merely for some temporary purpose connected with the worker's employment within Nova Scotia.
- 3 In Quebec, the law applies to a worker who is a victim of a work accident occurring outside Quebec or of an occupational disease contracted outside Quebec, if, when the accident occurs or the disease is contracted, the worker lives in Quebec and his employer has a place of business in Quebec. However, if the worker doesn't live in Quebec, the law remains applicable to him if he lived in Quebec at the time of his posting outside Quebec, if the duration of his work outside Quebec does not exceed five years at the moment when the accident occurred or when the occupational disease was contracted, and if his employer has at such time a place of business in Quebec. It is important to note that in all cases the worker must remain attached to his employer's place of business in Quebec.
- 4 Alberta sets out the procedures and conditions to follow for an action brought outside the home province and can withhold compensation unless the worker complies with the provision. In 2002, section 28 of the *Workers' Compensation Act* (which deals with out of province accidents) was amended in two important respects. Firstly, the section was amended to allow for coverage if the worker was a resident of Alberta or if the worker's usual place of employment was Alberta and the work outside of Alberta was a continuation of work inside the province with the same, or a related, employer. In prior legislation, the worker was required to meet both of these requirements. Other restrictions previously contained in the Act remain unchanged, these are: the nature of the employment is such that, in the normal course of the employment, the work or service performed by the worker is to be performed both in and out of the province; the employment outside of the province is to last less than 12 months. In addition to the residency/employment restrictions discussed above, both of these requirements must be met in order to qualify for compensation. The second amendment made in 2002 allows for an employer to apply for the waiver of the restrictions regarding residency, usual place of employment/continuation of prior employment and regular employment duties requiring work both in and out of the province. The WCB may now waive any or all of these requirements on such conditions as it deems appropriate. The prior provision allowing for waiver of the 12 month maximum on out of

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province employment remains in force. As such the WCB may now, upon application of the employer waive all residency and work requirements for out of province coverage on conditions or terms it considers appropriate.

- 5 Please note, Yukon's information was last updated in 2012. 2014 information was unavailable at time of publishing.
- 6 Special provision for work on boat, ship, vessel or aircraft, train, truck or other transport vehicle used to transport goods or passengers.
- 7 In many cases, the place of business of the employer to whom the worker is bound must be located in QC. If the occupational injury occurs in QC the worker is covered by the LATMP if the injury occurs outside, see note 1.
- 8 If the accident happens while the worker is employed outside Ontario, the worker is entitled to benefits if the worker resides and is usually employed in Ontario, the employer's place of business is Ontario, and the worker's employment outside of Ontario has lasted less than 6 months (or longer upon application of the employer). There are special provisions for work on a vessel that is either registered in Canada or is the chief place of business of its owner or of the person who offers it for charter is in Ontario. There are also special provisions for work on a train, an aircraft or a vessel or on a vehicle used to transport passengers or goods.
- 9 Special provision for work on boat, ship or vessel registered in Canada or owner's chief place of business in province.
- 10 Requirement may be waived upon application by employer.
- 11 If worker cannot claim under other jurisdiction.
- 12 Business has substantial connection with province.
- 13 If the accident happens while the worker is employed outside Ontario and the worker resides outside of Ontario, the worker is entitled to benefits if the employer's place of business is in Ontario, the worker's usual place of employment is in Ontario, and the accident happens while the worker is employed outside of Ontario for a temporary purpose connected with the worker's employment. If the accident happens outside of Ontario, the employer's place of business is outside of Ontario and the worker is entitled to compensation under the law of the place where the accident happens, the worker is entitled to benefits under the insurance plan only if the worker's place of employment is in Ontario and the accident happens while the worker is employed outside of Ontario for a casual or incidental purpose connected with the worker's employment. There are special provisions for work on a vessel that is either registered in Canada or is the chief place of business of its owner or of the person who offers it for charter is in Ontario. There are also special provisions for work on a train, an aircraft or a vessel or on a vehicle used to transport passengers or goods.
- 14 Away temporarily for purpose connected with work.
- 15 For work in transportation sector.
- 16 Related.
- 17 With same employer.
- 18 Criteria is met if the worker's employment involves performing work activities both inside and outside the Northwest Territories or Nunavut for the same employer.
- 19 No period specified; 12 months is current practice.
- 20 Compulsory coverage is provided for certain workers who are required to work outside the province or country for continuous periods of less than two years. Employers can also apply for optional coverage for certain workers who are required to work outside Saskatchewan for continuous periods of longer than two years but less than 5 years.
- 21 In Ontario, the six month timeframe may be extended upon application of the employer. The time limit may, pursuant to Board policy, be extended for up to three years beyond the first six months by the WSIB, upon application.
- 22 In Saskatchewan, if the employer requires the worker to be absent for more than five years continuously, the Board will not extend coverage to the worker.
- 23 Training must be in the course of employment and employer must be providing worker with payment for the training, travel, meals and/or lodging. Coverage is not extended for any deviations during this training for personal reasons.
- 24 If entitled in other jurisdiction must claim there. On vessel, claim under *Merchant Seamen Act*.
- 25 And give undertaking to not claim or bring action in other jurisdiction.
- 26 The employer shall inform the CSST by means of the fastest communication, and he must submit a report in writing, within 24 hours, of any event leading to: (a) the death of a worker, (b) injuries implying that a worker will probably not be able to fulfill his duties during 10 working days, (c) injuries suffered by several workers, and which are such that the workers will not be able to fulfill their duties during one working day, or (d) material damages of \$50,000 and more. (section 62 *OH&S Act*)
- 27 If wages not reported.
- 28 Excusable. Employer may be liable to a penalty.

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- 29 Excusable.
  - 30 Employers may be liable for any costs incurred by the board to investigate an injury, and may also receive a penalty of up to \$500.
  - 31 It would depend on whether the accident occurred inside or outside of Ontario and whether the person has a “substantial connection” as outlined in WSIB policy.
  - 32 By agreement, the WSCC administers workers’ compensation in two jurisdictions: Northwest Territories and Nunavut.
  - 33 WorkSafeNB does not subscribe to section 7 respecting repetitive strain injuries as they are adjudicated in New Brunswick as workplace injuries rather than occupational diseases.
  - 34 Since February 8, 2005, the Commission no longer participates in section 7 (occupational diseases) of the Interjurisdictional Agreement.

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