

# Individually Liable Employers (Self-Insurers)





## Individually Liable Employers (Self-Insurers)

A Workers' Compensation Board/Commission may designate certain employers as being individually liable. Most are not charged the capital cost of a pension but pay for the costs on a monthly basis. Sometimes employers of this type are referred to as "self-insurers" or "by deposit" employers. Employers so designated will reimburse the Board/Commission for the cost of benefits provided to their injured workers and pay an administration fee. They may also be asked to maintain a deposit or a guarantee with the Board/Commission to cover such costs and expenses.

The following tables describe individually liable employers (or self-insurers) for each province and territory.

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## Newfoundland and Labrador

The following table describes individually liable employers (or self-insurers) in Newfoundland and Labrador.

Newfoundland and Labrador	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	Newfoundland and Labrador provides for WorkplaceNL to enter into agreements with self-insurers as far as paying for the compensation benefits granted to their workers.
List of individually liable employers:	Government of Canada, Government of Newfoundland and Labrador (departmental basis), Marine Atlantic Inc., Terra Transport, Memorial University.
Section of Act:	<a href="#">Workplace Health, Safety and Compensation Act</a> (section 110)
Policy:	N/A

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## Prince Edward Island

The following table describes individually liable employers (or self-insurers) in Prince Edward Island.

Prince Edward Island	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	Prince Edward Island affords self-insured coverage treatment to a defined group of public sector employers.
List of individually liable employers:	Government of Canada, U.P.E.I. Faculty, Air Canada, , CNR, CN Marine, Volunteer Firefighters – PEI EMO
Section of Act:	<a href="#">Workers Compensation Act</a> (section 63)
Policy:	N/A

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## Nova Scotia

The following table describes individually liable employers (or self-insurers) in Nova Scotia.

Nova Scotia	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	The Board may, by regulation, establish a schedule of self-insured employers. Such employers are individually liable and pay the cost of all compensation and other expenditures made by the Board in respect of their workers, the administrative costs incurred by the Board with respect to these claims, and the cost of any statutory obligations that apply to the self-insured employer. The Board may require self-insured employers to provide financial security with respect to the cost of future obligations incurred by such employers.
List of individually liable employers:	Government of Canada, Government of Nova Scotia, N.S. Crown corporations and agencies which have their liabilities guaranteed by the Province.
Section of Act:	<a href="#">Workers' Compensation Act</a> (section 134)
Policy:	N/A

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## New Brunswick

The following table describes individually liable employers (or self-insurers) in New Brunswick.

New Brunswick	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	New Brunswick states that the province, if it submits to the operation of the Act, may pay a portion of the administration expenses and may make an advance to the WCB in respect of compensation payable for provincial employees. The section on medical aid makes mention of "an employer individually liable" and furnishing medical aid, but the Act does not provide any other information about individually liable employers.
List of individually liable employers:	Government of Canada, Government of New Brunswick (including Education), Hospital Corporations, Marine Atlantic Inc., Via Quebec/ Atlantic, Canadian National Railway.
Section of Act:	<a href="#">Workers' Compensation Act</a> (sections 28, 41)
Policy:	N/A

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## Quebec

The following table describes individually liable employers (or self-insurers) in Quebec.

Quebec	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	<p>The Quebec Act includes a section regarding “individually liable employers”. This applies specifically to interprovincial and international railway and sea transport businesses. Quebec requires that an insurance contract, a surety contract or a guarantee contract be maintained and be sent to the Commission, or an irrevocable letter of credit in favour of the Commission. In order to ensure prompt payment of benefits, the Commission may pay to the beneficiary the benefits due and claim the amount of the benefits from the employer. The Commission makes an assessment of the costs incurred in order to apply the section of the Act to determine the percentages which apply to the cost of the benefits due for each employer. This percentage is determined through settlement and may vary according to the situations which are also determined through settlement. The Commission may set a minimum contribution amount. In addition, there is a provision in order to collect a maximum of 25% of the required costs for the application of the Act, in order to pay for the costs of the individually liable employers who disappear or are insolvent.</p> <p>In Quebec, the individually liable employer may, with the Commission approval, sign an agreement with the beneficiaries relative to the method of payment of their benefits. Also, a final decision allowing a claim payable by an individually liable employer becomes enforceable as if it was a final judgment and without appeal from this court and has the full effects following the deposit at the registry of the competent court by the CSST or by the beneficiary involved.</p>
List of individually liable employers:	Government of Canada, and interprovincial and international railway and sea transport businesses.
Section of Act:	<ul style="list-style-type: none"> <li>• <a href="#">Act respecting industrial accidents and occupational diseases</a> (sections 17, 332-348)</li> <li><a href="#">Act respecting occupational health and safety</a> (section 170)</li> </ul>
Policy:	N/A

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## Ontario

The following table describes individually liable employers (or self-insurers) in Ontario.

Ontario	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	<p>Ontario sets out which employers are individually liable for compensation and health care costs in Schedule 2 of <a href="#">Ontario Regulation 175/98</a>. A number of references to benefits "payable by an employer individually" or "in the case of Schedule 2 employers" are found throughout the Ontario Act. Ontario extends individual liability status to municipalities, school boards, public utilities and others and thus has considerably more self-insurer accounts than other Workers' Compensation Boards/Commissions.</p> <p>A Schedule 1 (compulsory industries) worker or employer may recover from a Schedule 2 employer and vice versa.</p> <p>The WSIB has authority to add, upon application, an individually liable employer to those who are collectively liable (Schedule 1). However, Schedule 1 employers may not be added to Schedule 2.</p> <p>Provision is made for individually liable employers to contribute a share of the WSIB's administrative costs.</p> <p>Specific authority to require an individually liable employer to contribute a commuted amount or lump sum payment for a worker, as well as the capital value of a pension, is contained in the Act, as is authority to require a deposit. A larger deposit, or the capital value of increases in compensation, is also set out as a requirement.</p>
List of individually liable employers:	Government of Canada, Government of Ontario, approximately 600 active accounts in the categories of: municipalities, school boards, libraries, airlines, international airlines, railways, shipping companies, telephone companies, public utilities.
Section of Act:	<ul style="list-style-type: none"> <li>• <a href="#">General Regulations, Ontario Regulation 175/98</a> (Schedule 2)</li> <li>• <a href="#">Government Employees Compensation Act (Canada)</a></li> </ul>
Policy:	<a href="#">Policy 12-01-04, Schedules 1 &amp; 2</a>

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## Manitoba

The following table describes individually liable employers (or self-insurers) in Manitoba.

Manitoba	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	<p><a href="#">For assessment purposes, Section 73 of <i>The Workers Compensation Act (the Act)</i> groups employers into four broad classes (Classes B to E). Employers in Class E are subject to the collective liability provisions of the Act, while employers in Classes B to D are individually liable for the claim costs of their workers plus their share of administrative expenses of the workers' compensation system.</a></p> <p>On June 1, 2022, the Act was amended to replace the term “self-insured employer” with “individually assessed employer”. <a href="#">Although the Act only expressly describes Class B employers as "individually assessed", employers in Classes C and D are also identified as individually assessed employers.</a></p> <p><a href="#">Unlike the employers in Classes C and D, Class B employers are required to provide the WCB with security in order to defer paying the WCB an amount equal to the estimated future cost of claims attributable to them.</a></p> <p>The federal government and its agencies are also self-insured, but are separate from Manitoba-covered employers. The <a href="#">Manitoba</a> WCB administers the federal <i>Government Employees Compensation Act</i> for the federal government.</p>
List of individually liable employers:	<p><a href="#">Class B – CNR, CPR, Air Canada and Via Rail</a></p> <p><a href="#">Class C – Government of Manitoba and its agencies</a></p> <p><a href="#">Class D – City of Winnipeg</a></p> <p>Government of Canada and its agencies</p>
Section of Act:	<ul style="list-style-type: none"> <li>• <a href="#">Workers Compensation Act</a> (sections 73(2), 76.2, to 76.7, 78, 79, 81)</li> </ul> <p><a href="#">Manitoba Regulation 278/91, Individually Assessed Employers Regulation</a></p>
Policy:	<p><a href="#">Policy 35.20.50 Requests for Individually Assessed Employer Status</a></p>



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## **Saskatchewan**

The following table describes individually liable employers (or self-insurers) in Saskatchewan.

Saskatchewan	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	N/A
List of individually liable employers:	Government of Canada.
Section of Act:	No reference
Policy:	N/A

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## Alberta

The following table describes individually liable employers (or self-insurers) in Alberta.

Alberta	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	N/A
List of individually liable employers:	Government of Canada.
Section of Act:	No reference
Policy:	N/A

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## British Columbia

The following table describes individually liable employers (or self-insurers) in British Columbia.

British Columbia	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	Deposit accounts are required to pay to the Board the cost of all compensation benefits distributed to their workers plus a share of the administration costs rather than an assessment rated on payroll.
List of individually liable employers:	Government of Canada, Government of B.C., various ministries, boards, and operations associated with the Government of B.C., Air Canada, Canadian Airlines International Ltd, Canadian Pacific Railway Company, Canadian Pacific Express and Transport, Canadian National Railway Company, Via Rail Canada Incorporated, Burlington Northern Sante Fe Railroad Co, BC Rail Ltd., Teck Metals Ltd, Mt Washington Ski Patrol Ski Association, and Workers' Compensation Board of British Columbia.
Section of Act:	<a href="#">Workers Compensation Act</a> (sections 241 and 244)
Policy:	<a href="#">Assessment Manual Item AP5-244-4 – Classification – Deposit Accounts</a>

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## Yukon

The following table describes individually liable employers (or self-insurers) in Yukon.

Yukon	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	N/A
List of individually liable employers:	Government of Canada is administered by Alberta.
Section of Act:	No reference
Policy:	<a href="#">Current Policies</a>

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## Northwest Territories & Nunavut

The following table describes individually liable employers (or self-insurers) in Northwest Territories and Nunavut.

Northwest Territories and Nunavut	Individually Liable Employers (Self-Insurers)
Individually liable employers – general information:	N/A
List of individually liable employers:	Government of Canada is administered by Alberta.
Section of Act:	No reference
Policy:	<a href="#">Policy Manual</a>

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