

Compensation Principles and Presumptions (Legislation and Policy)

The following tables describe general presumptions in workers' compensation legislation and policy including misconduct, 'out of or in the course of', and if a worker is found deceased at work. These are general presumptions/principles only. Consult each jurisdiction's legislation/policy for exceptions.

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Also see [Workers' Compensation Legislation & Policy](#) for:

- 'Occupational (industrial) disease – definitions, policy, schedules, regulation and legislation': for occupational disease presumptions.
- 'Firefighter Presumptions': for firefighter presumptions.

Adjudication Presumptions and Tenets

The following table describes general presumptions in workers' compensation legislation and policy.

| <u>Adjudication Presumptions and Tenets</u> | NL | PE | NS | NB | QC | ON | MB | SK | AB | BC | YT ¹ | NT/NU |
|--|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----------------|------------------|
| Compensation is payable if the worker is injured by accident or dies as a result of an accident. | Yes ² | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes ² |

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Source: Association of Workers' Compensation Boards of Canada – 2024

**These tables have been designed for general information purposes only. The AWCBC makes no representations as to the completeness or accuracy of the information (which is not exhaustive) and individual workers' compensation boards/commissions should be contacted for specific or additional information and clarification. See [Boards/Commissions](#) on AWCBC's website.

Misconduct

The following table describes general presumptions in workers' compensation legislation and policy related to misconduct.

| <u>Misconduct</u> | NL | PE | NS | NB | QC | ON | MB | SK | AB | BC | YT ¹ | NT/NU |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---------------------|-------------------|-----------------|-------------------|
| Compensation will not be paid if the injury was due solely to the serious and wilful misconduct of the worker | Yes ³ | Yes ⁸ | Yes ⁴ | Yes ⁵ | Yes ⁶ | Yes ⁷ | Yes ⁸ | Yes ⁶ | Yes ^{9,10} | Yes ¹⁰ | Yes | Yes ¹⁴ |

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Out of or In the Course of

The following table describes general presumptions in workers' compensation legislation and policy related to arising 'out of or in the course of'.

| <u>Out of or In the Course of</u> | NL | PE | NS | NB | QC | ON | MB | SK | AB | BC | YT ¹ | NT/NU |
|--|-------------------|-----|-------------------|-----|-----|-------------------|-----|-----|-----|-----|-----------------|-------------------|
| If an injury is caused by an accident that arose out of or in the course of the employment, it shall be presumed to have occurred in the course of the employment and vice versa | Yes ¹¹ | Yes | Yes ¹² | Yes | Yes | Yes ¹² | Yes | Yes | Yes | Yes | Yes | Yes ¹² |

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Found Deceased

The following table describes general presumptions in workers' compensation legislation and policy if a worker is found deceased at work.

| <u>Found Deceased</u> | NL | PE | NS | NB | QC | ON | MB | SK | AB | BC | YT ¹ | NT/NU |
|---|----|----|-------------------|-----|-----|----|-----|-----|-----|----|-----------------|-------|
| If a worker is found deceased at work, it is presumed the death arose out of and in the course of employment, unless the contrary is shown. | No | No | Yes ¹³ | Yes | N/A | No | N/A | Yes | Yes | No | Yes | Yes |

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Occupational Disease

See 'Occupational (industrial) disease – definitions, policy, schedules, regulation and legislation' at [Workers' Compensation Legislation & Policy](#).

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Firefighter Presumptions

See 'Firefighter Presumptions' at [Workers' Compensation Legislation & Policy](#) under 'Compensation Principles and Presumptions' heading.

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N/A means not applicable or not available. Contact individual [Boards/Commissions](#) if you require further information or clarification

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- 1 Please note, Yukon's information was last updated in 2012. 2014 information was unavailable at time of publishing.
 - 2 Term "injury" is used in NL and NWT/NU.
 - 3 Unless the injury results in serious or permanent disablement or death.
 - 4 Unless the injury results in serious or permanent disablement or death.
 - 5 Unless they result in death or serious and permanent disability.
 - 6 Unless the worker dies or his physical or psychological integrity is seriously attacked.
 - 7 Unless the injury results in the worker's death or serious impairment.
 - 8 No wage loss or medical aid for first three weeks.
 - 9 Primarily to.
 - 10 Unless the injury results in death or serious or permanent disablement.
 - 11 Unless the contrary is shown.
 - 12 Unless the contrary is shown.
 - 13 In Nova Scotia, the presumption only applies to any worker found dead in the underground working of a coal mine.
 - 14 Section 12(c) of the NT and NU Workers' Compensation Acts mean that compensation is not paid if the injury or disease does not result in serious disability, serious impairment or death.

Source: Association of Workers' Compensation Boards of Canada – 2024

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