

Individually Liable Employers (Self-Insurers)¹

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

	Individually liable employers – general information	List of individually liable employers ²	Section of act (if any)	Policy (if any)
AB	N/A	Government of Canada.	No reference	N/A
BC	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.	Government of Canada, Government of B.C., Permanent Boards and Commissions of B.C., Air Canada, Canadian Pacific Ltd., and associated companies, Canadian National Railways, Via Rail, Burlington Northern, Workers' Compensation Board of British Columbia.	<u>Workers Compensation Act</u> (s. 37)	<u>Assessment Manual Item AP1-37-5</u>
MB	In Manitoba, the WCB, by regulation, may establish schedules of self-insurers and provincially-funded industries comprised of individually-liable employers mentioned in the Act. It may defer the collection of funds for the future cost of claims. There is a provincial guarantee if the provincially-funded industries or government agencies are unable to pay the future costs.	Government of Canada, Canada Post Corp., Province of Manitoba, Manitoba Liquor Control Commission, Manitoba Workers' Compensation Board, Manitoba Hydro, Manitoba Public Insurance, City of Winnipeg, Air Canada, Canadian Pacific Railways, Canadian National Railways, Via Rail.	<u>Workers Compensation Act</u> (s. 73, 76, 76.1, 76.2) <u>Manitoba Regulation 278/91, Self-Insured Employers</u>	<u>Policy 35.20.50 Requests for Self insurance</u>

- 1 A WCB/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 WCB/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 WCB/Commission to cover such costs and expenses.
- 2 All Workers' Compensation Boards/Commissions, except NWT/Nunavut and Yukon (Alberta does so for Northwest Territories & Nunavut and Yukon), administer the *Government Employees Compensation Act (Canada)* for Federal Government workers injured in their jurisdictions. The Federal Government reimburses each jurisdiction for the cost of compensation.

Source: Association of Workers' Compensation Boards of Canada – 2012

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NB	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.	Government of Canada, Government of New Brunswick (including Education), Hospital Corporations, Marine Atlantic Inc., Via Quebec/Atlantic, Canadian National Railway.	Workers' Compensation Act (s. 28, 41)	N/A
NL	Newfoundland & Labrador provides for the WCB to enter into agreements with self-insurers as far as paying for the compensation benefits granted to their workers.	Government of Canada, Government of Newfoundland and Labrador (departmental basis), Marine Atlantic Inc., Terra Transport, Memorial University.	Workplace Health, Safety and Compensation Act (s. 110)	N/A
NT/ NU	N/A	Government of Canada is administered by Alberta.	No reference	N/A
NS	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.	Government of Canada, Government of Nova Scotia, N.S. Crown corporations and agencies which have their liabilities guaranteed by the Province.	Workers' Compensation Act (s. 134)	N/A

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ON	<p>Ontario sets out which employers are individually liable for compensation and health care costs in Schedule 2 of Ontario Regulation 175/98. 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 WCB'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>	Government of Canada, Government of Ontario, over 600 active accounts in the categories of: municipalities, school boards, libraries, airlines, international airlines, railways, shipping companies, telephone companies, public utilities.	<p>General Regulations, Ontario Regulation 175/98 (Schedule 2)</p> <p>Government Employees Compensation Act (Canada)</p>	N/A
PE	Prince Edward Island affords, self-insured coverage treatment to a defined group of public sector employers.	Government of Canada, U.P.E.I. Faculty, Air Canada, Marine Atlantic Ferries, CNR, CN Marine.	Workers Compensation Act (s. 63)	N/A

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QC	<p>Quebec has a chapter in its Act dealing with "Employers held personally responsible for the payment of benefits". In Quebec, an employer who is personally liable for the payment of benefits may apply to become a regular employer and, if approved, a special payment may be requested to establish a reserve to pay for the benefits owed for occupational injuries that occurred prior to the change. Quebec requires an employer who is personally liable for the payment of benefits to make and keep in force a contract of insurance, of suretyship or of warranty with a legal person, by which the person undertakes to assume payment of benefits to beneficiaries should the employer fail to do so. Proof of a contract must be filed with the Commission, or an irrevocable letter of credit in favour of the Commission. To ensure the quick payment of benefits, the Commission may pay the beneficiary the benefits owed and claim from the employer the amount of the benefits. The Commission conducts an evaluation of the expenses incurred in enforcing this chapter of the Act to determine the percentages applying to the cost of benefits owed for each employer. This percentage is determined by regulation and may vary according to the situations also determined by regulation. The Commission may set a minimum contribution. In addition, there is a provision to levy up to 25% of the total expenses incurred for enforcing the Act for employers held personally responsible who have vanished or are insolvent. Quebec also provides that the Commission shall share the costs among all employers where the worker may have been exposed to an occupational disease.</p> <p>In Quebec, the personally responsible or individually liable employer</p>	<p>Government of Canada³, Air Canada, and interprovincial and international railway and sea transport businesses.</p>	<p><u>Act Respecting Industrial Accidents and Occupational Diseases</u> (s. 17, 332-348)</p> <p><u>Act respecting occupational health and safety</u> (s.170)</p>	

3 In application of the agreement made under section 17 of the *Act respecting industrial accidents and occupational diseases* , the Government of Canada is treated somewhat similarly to a personally liable employer without being one formally.

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	may, with Commission or Board approval, enter into an agreement with beneficiaries of compensation concerning the mode of payment. In Quebec, the Commission or the beneficiaries of the compensation may file with the clerk of the court of competent jurisdiction the final decision granting an indemnity payable by a personally liable employer. Upon this filing, the decision becomes executory as if it were a final decision without appeal of the court and has all the effects of such a decision.			
SK	N/A	Government of Canada.	No reference	N/A
YT	N/A	Government of Canada is administered by Alberta.	No reference	N/A

Please note, the following self-insured employer-related statistics can be found on the [AWCBC Online Data Community](#):

- KSM 2.2: Number of New Lost-Time Injuries for Self-Insured employers
- KSM 4.2: Current Year Benefit Costs Incurred for Self-Insured employers
- KSM 5.2: Benefit Payments for All Years Paid During the Year for Self-Insured employers
- KSM 7.2: Total Benefit Liabilities for Self-Insured employers

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