

MINORS, VOLUNTEERS, LEARNERS, APPRENTICES AND STUDENTS

	MINORS, VOLUNTEERS, LEARNERS, APPRENTICES AND STUDENTS	Section of Act	Policy (if any)	Links (if any)
AB	<p>Minors There is no bar to coverage. Compensation is based on their earnings pattern and calculated in accordance with the Act and Regulations. There are no special provisions.</p> <p>Volunteers other than Emergency Service Workers Provided they have coverage, which the employer must apply for, compensation for volunteers is based on their earnings pattern in all concurrent employment and calculated in accordance with the Act and Regulations. There are no special provisions. If the volunteer work is unpaid and the worker has no concurrent paid employment, temporary benefits are not paid as there is no basis for the calculation; however, coverage would apply to medical related items. When the accident causes permanent disability, the compensation rate for permanent disability benefits is based on the greater of:</p> <ul style="list-style-type: none"> • the temporary benefit rate adjusted by any applicable cost-of-living adjustments, and • the minimum monthly permanent disability award in effect at the time the permanent disability award is made. <p>Volunteer emergency service workers are covered as special conditions apply:</p> <p>When an emergency response volunteer as described in s.14(3) of the Act (for example, a volunteer firefighter) is injured while working in that capacity, the WCB considers the following earnings when setting the compensation rate:</p> <ul style="list-style-type: none"> • if the worker has regular employment, compensation is based on the earnings from that employment • if the worker is unemployed at the time of the accident, compensation is based on a value of service for the worker's volunteer emergency service work. The value of service is calculated using the usual rates for the type of work, and takes into consideration the hours of service provided, together with any other relevant factors. <p>Learners: The term "learner" is defined in s.1(1)(o) of the Act. A learner is a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry to which the Act applies for the purpose of undergoing testing, training or probationary work preliminary to employment in an industry to which the Act applies.</p> <p>If a learner is disabled as a result of an industrial accident, the WCB calculates compensation as though the worker's earnings were that of a beginner in that industry.</p> <p>Apprentices To be eligible for an adjustment, the worker must meet the following conditions of apprenticeship:</p> <ul style="list-style-type: none"> • there is a signed apprenticeship contract or an agreement with the employer that the worker would enter into an apprenticeship program, and • the worker must be employed in a designated trade as defined in the Apprenticeship and Industry Training Act. <p>In such cases the WCB will adjust the worker's compensation rate based on the average earnings at the time of accident of a fully qualified worker in the same trade. This adjustment is effective the month the worker would, in the normal course of events, have qualified in the trade if the injury had not occurred.</p>	<p>Workers' Compensation Act (s. 56, 67 and 68)</p> <p>Workers' Compensation Regulation (s. 1 and 7)</p>	<p>Policy 04-01, Part I and Part II, Applications 1, 2 & 3</p>	

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	<p>Students (subject to s. 7 of the General Regulations)</p> <p>To be eligible for temporary wage loss benefits, the student must have an actual earnings loss or be injured while participating in an authorized work experience program. Earnings for temporary benefits are determined as follows:</p> <ul style="list-style-type: none"> if the student is injured while participating in an authorized work experience program [as set out in s.7(1)(c)(vi) and (7)(1)(e) of the Regulations], compensation is based on the usual rate of wages for an apprentice in the trade most similar to the training provided by the program if the student is injured while in attendance at an educational facility covered under s.7(1)(c)(i - v) of the Regulations, compensation for temporary earnings loss is based on earnings from concurrent employment, if any. <p>When the accident causes permanent disability, the compensation rate for permanent disability benefits is based on the greater of:</p> <ul style="list-style-type: none"> the temporary benefit rate adjusted by any applicable cost-of-living adjustments, and the minimum monthly permanent disability award in effect at the time the permanent disability award is made. <p>If applicable, rates will be adjusted when the student reaches age 18, or when the student would have reached journeyman status if not for the accident (see Application 3, Adjustments).</p>			
BC	<p>Apprentices, learners and workers with no earnings (e.g. volunteers) are exceptions to the general rules for determining workers' short term and long term average earnings.</p> <ul style="list-style-type: none"> Apprentices or learners: The Board's determination of the amount of average earnings is based on the gross earnings for the 12-month period immediately preceding the date of injury, of a qualified person employed at the starting rate in the same trade, occupation or profession by the same employer, or if no person is so employed, by an employer in the same region. Persons working without pay are not generally considered as "workers" under the <i>Act</i>. However, there are some exceptional situations of this type which are covered and for which the <i>Act</i> or the Board has specified the earnings on which compensation is to be based: <ul style="list-style-type: none"> (a) <u>s.3(5) Volunteers</u> – minimum \$121.35 per week (2011), and no more than the maximum wage rate provided under s.33 of the <i>Act</i>. (b) <u>Volunteer firefighters, ambulance drivers, and attendants</u> – average earnings are deemed to be the same in amount as the average earnings in their regular employment or employments. See policy item #67.32 for more information. (c) <u>Sisters in Catholic Institutions</u> – if being paid wages they are treated as regular workers and compensated on the basis of their actual earnings. If no wages are being paid, their earnings are deemed to equal the amount on which their employers are being assessed (\$75.00 per month for each person) (d) <u>Emergency Services Workers</u> – average earnings are based on the earnings in the worker's ordinary employment but where the worker has no regular employment are fixed by the Board at a figure not less than \$25.00 per week nor more than the maximum under the <i>Act</i>. 	<p>Workers Compensation Act (definition of "worker", s. 3(5), s. 3(6), s. 3(7), s. 12, s. 33.2, s. 33.7)</p>	<p>RS&CM #6.20, #7.10, #67.00, #67.10, #67.30, #67.31, #67.32, #67.33, #67.34, #67.40, #67.50, C3-21.00</p>	<p>Chapter 9, Average Earnings</p>

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MB	<p>Policy 44.80.10.10, Average Earnings, sets out a framework for calculating a worker's average earnings.</p> <p>This policy states that method of calculating an individual's average earnings should reflect the worker's actual loss of earnings. In the short term, a minor's average earnings may be based on his or her earnings at the time of injury or an annual period prior to the injury. If the worker suffers a long term loss of earnings, average earnings are calculated based on policy 44.80.30.30. This policy considers the worker's probable earning capacity. After 24 months, a young worker's average earnings are increased by certain ratios based on the worker's pre-injury earnings and age.</p> <p>Policy 35.10.70 sets out the rules for calculating average earnings for volunteers with a number of exceptions. In general, the average earnings of a volunteer are the greater of actual earnings or an amount determined by the WCB as fairly representing the probable earning capacity of the worker which must not exceed the provincial average wage</p> <p>Under schedule B of policy 44.80.10.10, the average earnings of a learner would be based on his or her projected earnings for the next twelve months.</p> <p>Under Policy 44.80.30.30, the average earnings of an apprentice are calculated based on the wage rates in his or her chosen field. These wage rates are set out in the Regulations under the Apprenticeship and Certification Act. Once average earnings have reached the prevailing wage of a starting journeyperson, policy 44.80.30.30 does not apply and adjustments will be made in accordance with the indexing provisions of the Act. Under subsection 7(2) of the Act, apprentices have WCB coverage while attending classroom courses.</p> <p>Under Manitoba Regulation 545/88R, <i>Declaration of Workers in Government Employment Orders</i>, students, enrolled in certain courses and programs have WCB coverage while performing work as part of the course or program. Average earnings are set based on subsection 77(3) of the Act. Under this provision, average earnings are based on the higher of average earnings calculated under policy 44.80.10.10 or a percentage (50% or 100%) of the provincial average wage.</p>	<p>Workers Compensation Act (s. 1(1), 1(4)-(8),7(2), 9(9), 13(2), 26, 75.1, 77, 77.1)</p> <p>Manitoba Regulation 545/88R, Declaration of Workers in Government Employment Orders</p> <p>Regulations under The Apprenticeship and Certification Act</p>	<p>Policy 35.10.60, Coverage under Work Experience</p> <p>Policy 35.10.70, Coverage for Volunteers</p> <p>Policy 44.80.20, Apprentices</p> <p>Policy 44.80.30.30, Prospective Earnings: Apprentices and Youthful Workers</p>	
NB	<p>Section 37 of the <i>WC Act</i> states that WorkSafeNB shall calculate average earnings and earning capacity as may appear to the Commission best to represent the actual loss of earnings suffered by the worker by reason of the injury. The section allows WorkSafeNB to consider, if established to its satisfaction, that under normal conditions the wages of a worker injured when under age 21 would probably have increased in establishing the worker's earnings. Evidence that indicates that the average earnings would probably have increased includes (1) acceptance into an educational program at the time of accident; (2) the approaching completion of an educational or apprenticeship program; and/or (3) a job offer.</p> <p>Policy interprets that, "Depending upon the worker's individual circumstances, earnings upon which to base the loss of earnings benefit calculation may be either the entry level wage of an identified career path, or 50% of the maximum annual earnings. This means that any worker who is under 21 years of age at the time of injury, whether they are students, apprentices, or part-time/full-time workers, may qualify to have their earnings increased over time."</p> <p>Learners are considered to be "workers" entitled to coverage under the <i>Workers' Compensation Act</i> as per definition. "Learners" are individuals who do not receive remuneration for work being performed, but who are subject to the risks of an industry because of a training program supplied or required by an employer as a prerequisite to employment, including an individual who:</p>	<p>Workers' Compensation Act (Part 1; s. 37)</p>	<p>Policy No. 21-208 Workers Under 21</p> <p>Policy No. 21-010 Definition of Worker Section 2.2 and 2.3</p>	

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	<ul style="list-style-type: none"> Is required by employment to participate in an educational institution's approved program, or a government-approved work experience program; Participates in probationary on-the-job training, required by an employer before employment, to be a learner; Is attending regular classroom training and curriculum-related activities at a New Brunswick Community College (NBCC) facility; Is participating in work practicum as part of a NBCC course or program; or Is a high school student on NBCC premises for a purpose of the college. <p>Volunteers are considered to be "workers" entitled to coverage as per definition. "Volunteers" include:</p> <ul style="list-style-type: none"> Members of a municipal volunteer fire department; A person asked to give assistance at a fire or accident site by the fire chief or deputy is included as a worker; Volunteer ambulance drivers/attendants*; Volunteer/auxiliary police officers* Volunteer executive members of a labour union*. <p>*When the employer applies to have coverage for those individuals; and reports and assessments for these volunteers are submitted and paid.</p>			
NL	<p>If a person meets the definition of a worker under the Act and is injured during the course of employment, the worker is entitled to compensation in accordance with the Act. A "worker" means a worker to whom this Act applies and who is a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a person who is a learner, although not under a contract of service or apprenticeship, who becomes subject to the hazards of an industry for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment.</p> <p>Where a student is enrolled in an educational institution (as prescribed by regulation) and is participating in a work training program (as prescribed by regulation) he or she shall, while participating in the work training program, be considered to be a worker employed by the province; and, if injured while participating in a work training program and is entitled to compensation the amount payable to him or her shall be based on the current rate paid to a worker engaged in the same or similar work provided that the maximum amount payable does not exceed that set by this Act. The age for admission to a work training program shall be 15 years or over but in exceptional circumstances the commission may, at the request of the Minister of Education, rule a student to be entitled to the benefits of this section.</p> <p>The Lieutenant-Governor in Council may by regulations in relation to volunteer fire brigades or departments located in or serving a municipality and the members of the fire brigades or departments; volunteers engaged in work or measures under the Emergency Services Act; and volunteers providing community ambulance services; provide that the provisions of this Act may apply and to the extent that the regulations may provide.</p>	<p>Workplace Health, Safety and Compensation Act (s. 2(z), 40(1), 42)</p> <p>Workplace Health, Safety and Compensation Regulations (s. 14-15.2)</p>	<p>EN-19 - Arising Out of and in the Course of Employment:</p> <p>EL-01 - Earnings Loss: Benefit Calculation</p>	<p>WHSCC - Student coverage</p>
NT/ NU	<p>In the Northwest Territories and Nunavut benefits are provided to minors, volunteers, learners, apprentices, and students. Compensation to entitled volunteer workers will be made according to Policy 04.01 – Payment of Compensation. Benefits for learners, students and apprentices are calculated according to Policy 03.07 – Calculation of Temporary Compensation or Policy 06.03 – Calculation of Permanent Compensation.</p>	<p>Workers' Compensation Act (s. 4(1))</p>	<p>Policy 00.05, Determining Employer/ Worker Status</p>	<p>WSCC Policies</p>

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NS	<p>Section 45 of the <i>Act</i> gives direction for determining compensation amounts for learners (NS's definition of learner includes apprentices). It states:</p> <p>45 (1) Where the Board is satisfied that a worker's average earnings before the loss of earnings commences do not fairly represent the worker's actual loss of earnings because the worker was a learner, the Board may deem the worker's average earnings to be an amount that it determines better reflects the probable earnings of the worker had the worker, in the normal course, become qualified in the worker's trade or occupation.</p> <p>Policy 3.1.1R2 states: For purposes of establishing the long-term earnings profile (which is set after 26 weeks), the Board will generally deem the learner's earnings at the level they would have achieved within the next 12 months.</p> <p>Benefits are provided to volunteer fire fighters. Minimum and maximum compensation amounts are in Section 21 the General Regulations. It states:</p> <p>21 The gross annual earnings of a member of a volunteer fire department admitted to the operation of the Act pursuant to Section 5 of the Act shall be</p> <p>(a) a minimum of \$10 200 dollars, and</p> <p>(b) a maximum of the amount determined as maximum earnings pursuant to clause 41(c) of the Act.</p> <p>As per 41(c) of the Act, maximum gross earnings are 135.7% of the average industrial wage for the Province.</p> <p>Benefits are not provided to minors or students.</p>	<p>Workers' Compensation Act (s. 45)</p> <p>Workers' Compensation General Regulations (s.21)</p>	<p>Policy 3.1.1R2 - Calculation of Gross Earnings</p>	
ON	<p>Volunteers -- Individuals who arrange unpaid training placements on their own, with no training agency involvement, are generally considered to be volunteers. While volunteers are not generally covered by the WSIB, they may be entitled to take legal action against the employer in the event of an injury.</p> <p>Learners</p> <ul style="list-style-type: none"> Placed by a training agency with an employer (placement host) to obtain work skills and experience Participates, however minimally, in the employer's activities (i.e., includes job shadowing). Not paid by the employer (i.e., not under a contract of service or apprenticeship) Earnings based on actual income at the time of injury (training allowances, social assistance, insurance benefits, funds from employer, wages from concurrent employment), or earnings to be received from an accepted job offer, scheduled to start after placement, or Ontario minimum wage, if no actual income. <p>Apprentices</p> <ul style="list-style-type: none"> Registered under the Trades Qualification and Apprenticeship Act (specified construction trades) or the Apprenticeship and Certification Act (all other trades). Signed a contract of apprenticeship for training and instruction in a trade, through or from an employer and employer's business is covered under the WSIA either compulsorily, or by registering for coverage by application Includes high school students participating in the Ontario Youth Apprenticeship Program (The provincial government pays for the cost of coverage for participants) Coverage is provided during the work placement but not during classroom courses. Earnings based on the average earnings of a typical journeyman employed by the employer at the time of the accident and in the same trade as the apprentice, even if it is higher than the apprentice's actual wages <p>Students</p> <ul style="list-style-type: none"> Pursuing formal education on a full-time or part-time basis (doesn't include learners or apprentices). Employed by an employer for the purposes of the employer's industry, and receiving wages under a contract of service with an employer whose business is covered under the WSIA either compulsorily, or has registered for coverage by application. Coverage is provided during the paid employment work, but not during classroom courses Initial pre-injury earnings based on actual earnings from all employers at time of injury. 	<p>Workplace Safety and Insurance Act (s. 53(4))</p> <p>Ontario Regulation 175/98, s. 16 for determination of average earnings</p>	<p>Learners:</p> <p>12-04-04</p> <p>12-04-05</p> <p>12-04-06</p> <p>12-04-07</p> <p>18-02-08</p> <p>18-04-10</p> <p>Apprentices:</p> <p>12-04-13</p> <p>12-04-07</p> <p>18-02-08</p> <p>Students:</p> <p>18-02-08</p>	<p>Types of Workers: Questions and Answers - Students, Apprentices, and Learners</p>

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PE	<p>Compensation is payable to minors, learners, apprentices and students in accordance with the wage loss benefit provisions. The Act does provide that where an apprentice suffers an injury arising out of and in the course of instruction, the rate of wages that would have been payable to the apprentice under the agreement of apprenticeship if he or she had been working for his or her employer at the time of the accident shall be deemed to be the rate of wages for the apprentice. The Act provides that the Board may adjust a worker's wage loss benefits where the Board is satisfied that a worker's average earnings before the accident do not fairly represent the worker's earning capacity because the worker was an apprentice in a trade or occupation or because of a worker's age. Benefits are payable to volunteer firefighters (the Act does not cover other volunteers) in accordance with an agreement with the Province.</p>	<p>Workers Compensation Act (s. 1 (1)(2), 9 (2), 44)</p>	<p>POL-94, Learners</p>	
QC	<p>Student under section 10, worker who is a full-time student or child under paragraph 3 of section 11:</p> <p>The income replacement indemnity of a student under section 10 ARIAOD, a worker who is a full-time student or a child under paragraph 3 of section 11 ARIAOD is:</p> <ul style="list-style-type: none"> - up to the age of 18, \$94 per week; - from the age of 18, based on the gross annual income determined on the basis of the minimum wage then in effect; - from the age of 21, revised upwards if he or she shows to the Commission that he or she would probably have earned a higher income at the end of his or her studies if he or she had not suffered an occupational injury. <p>The student or child can show to the Commission that, during the 12 months preceding the date of his or her disability, he or she earned an income warranting a higher indemnity. (section 80 ARIAOD).</p> <p>Volunteer:</p> <p>The income replacement indemnity of a volunteer worker under section 13 is:</p> <ul style="list-style-type: none"> - up to the age of 18, \$94 per week; <p>based on the annual income determined on the basis of the minimum wage in effect when the occupational injury occurred, if the worker has no paid employment with an employer and is not registered at the Commission (section 82 ARIAOD).</p>	<p>Act respecting Industrial accidents and occupational diseases (s. 80 and 82)</p>		
SK	<p>Apprentices and on-the-job training:</p> <ul style="list-style-type: none"> • Where a worker suffers an injury for which compensation is payable while undergoing training or instruction of a kind satisfactory to the board, initial compensation benefits will be based on the worker's earnings at the time of injury. <ul style="list-style-type: none"> ○ Where an injury prevents a worker from completing an apprenticeship or on-the-job training program, a worker's probable earnings rather than past earnings will be used to establish compensation benefits. ○ The board may increase the compensation to an amount that represents what the worker would have otherwise been entitled to under the <i>Act</i> had he/she completed that training or instruction. ○ Increases to the worker's benefits will be based on probable earnings as outlined in the pre-injury employer's salary grid or agreement, or if unavailable, from local labour market statistics. <p>Students in work-based learning assignments:</p> <ul style="list-style-type: none"> • Special coverage under the <i>Act</i> is extended to those students participating in a work-based learning assignment that is sponsored, in whole or in part, by Saskatchewan Learning or Saskatchewan Advanced Education and Employment. This is subject to this policy and the Memorandums of Understanding (MOU) executed between WCB and each education department. 	<p>Workers' Compensation Act, 1979, Section 51</p> <p>Workers' Compensation Act, 1979, Section 12</p>	<p>POL 21/2001</p> <p>POL 06/2007</p>	

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	<ul style="list-style-type: none"> • Under Section 12 of the <i>Act</i>, WCB deems students to be workers while in the course of completing a work-based learning assignment. Both Saskatchewan Learning and Saskatchewan Advanced Education and Employment must hold a signed Work-Based Learning Consent and Agreement for all participating students. • Coverage is provided for an injury on the education institution's premises only if it arises out of and in the course of a work-based learning assignment. • No earnings loss payment will be made during training programs or school terms unless actual loss of earnings is demonstrated. If there is loss of earnings, calculation of wage loss benefits will be based on: <ul style="list-style-type: none"> ○ All earnings from a student's employment in industries covered by the <i>Act</i>. ○ Where there are no covered earnings, the provincial minimum wage for a 40-hour work week will be used for the first 24 months of earnings loss, and two-thirds of the average weekly wage for the period exceeding 24 months. <p>Volunteer Fire Fighters:</p> <ul style="list-style-type: none"> • The <i>Act</i> defines a member of a municipal volunteer fire brigade as a worker, and that volunteer fire fighters sponsored by a Saskatchewan municipality are in the course of employment while performing fire-fighting duties. • Volunteer fire fighters must be registered with their municipality. The municipality is designated as the employer, and will be responsible for maintaining records of volunteer fire fighters eligible for coverage. • Coverage starts at the time the volunteer fire fighter is first notified of the fire. Travel from the residence to the fire station and the site of the fire, and return, are covered; personal side-trips are excluded. Coverage is also in effect while attending fire fighter training. • Any remuneration (excluding expense reimbursement) over \$1,000 paid for fire fighting services is to be reported as assessable earnings. • If there is loss of earnings, the calculation of wage loss benefits for claims will be based on: <ul style="list-style-type: none"> ○ All earnings from the volunteer's employment in industries covered by the <i>Act</i>; ○ Where there are no covered earnings, the provincial minimum wage for a 40-hour work week will be used for the first 24 months of earnings loss, and two-thirds of the average weekly wage for the period exceeding 24 months. <p>Other volunteers:</p> <ul style="list-style-type: none"> • The <i>Act Exclusion Regulations</i> state that voluntary workers are not covered, except those in mine rescue work, members of the Emergency Measures Organization or a municipal fire brigade. 	<p>Workers' Compensation Act, 1979, Section 2(t)</p> <p>Workers' Compensation Act Exclusion Regulations, Section 3(bb)</p>	<p>POL 04/2006</p>	
YT	<p>Benefits may apply based on the <i>Workers' Compensation Act</i>. Apprentices are considered workers as are minors. Each would be considered on a case by case basis.</p>	<p>Workers' Compensation Act (s. 6(1),(2) and (3))</p>		

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