

COMPENSATION PRINCIPLES AND PRESUMPTIONS (LEGISLATION AND POLICY)

These are general presumptions/principles only. Consult each jurisdiction’s legislation/policy for exceptions.

	AB	BC	MB	NB	NL	NT/NU	NS	ON	PE	QC	SK	YT
ADJUDICATION PRESUMPTIONS AND TENETS												
Compensation is payable if the worker is injured by accident or dies as a result of an accident.	Yes, s. 24(1)	Yes, s. 5	Yes s. 4(1), 28(1)	Yes s. 7(1)	Yes ¹ , s. 43	Yes ¹	Yes	Yes	Yes	Yes	Yes	Yes
<u>Misconduct</u>												
Compensation will not be paid if the injury was due solely to the serious and wilful misconduct of the worker	Yes ² , s. 24(1)	Yes, s.5(3) ³	Yes ⁴ , s. 4(3)	Yes ^{5,6} s. 7(1)	Yes, s. 43	Yes	Yes ⁷	Yes ⁸	Yes ⁴	Yes	Yes	Yes
<u>Out of or In the Course of</u>												
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, s. 24(4)	Yes, s.5(4)	Yes, s. 4(5)	Yes s. 7(2)	Yes ¹ , s. 61	Yes ⁹	Yes ¹⁰	Yes ¹⁰	Yes	Yes	Yes	Yes
<u>Found Deceased</u>												
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.	Yes, s. 24(3)	No	--	Yes s. 7(1) & s. 7(2)	No	Yes	Yes ¹¹	No	No	N/A	Yes	Yes
OTHER BASIC PRINCIPLES												
<u>Occupational Disease</u>												
<u>See 'Occupational (industrial) disease – definitions, policy, schedules, regulation and legislation'</u>												

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

- 1 Term “injury” is used in NL and NWT/NU.
- 2 Primarily to.
- 3 Unless the injury results in death or serious or permanent disablement.
- 4 No wage loss or medical aid for first three weeks.
- 5 Or intentionally caused.
- 6 Or wholly or principally due to intoxication.
- 7 Unless the injury results in serious or permanent disablement or death.
- 8 Unless the injury results in the worker’s death or serious impairment.
- 9 The term ‘accident’ is not used in the NWT/NU.
- 10 Unless the contrary is shown.
- 11 In Nova Scotia, the presumption only applies to any worker found dead in the underground working of a coal mine.

Source: Association of Workers’ Compensation Boards of Canada – 2011

**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. For links to legislation, see: [here](#). For links to policy, see: [here](#).