

REGULATIONS

	Who makes Regulations to the Act?	Section of Act	Policy (if any)
AB	Lieutenant Governor in Council	Workers' Compensation Act (s. 153(1))	
BC	There are a number of separate sections throughout the Act requiring or allowing regulations for individual matters, but no general or gathering section. In some sections, the Board can make the regulation; in others the Lieutenant Governor must do so.		
MB	Regulations are made by the Board of Directions except where the Lieutenant Governor in Council is delegated authority to make regulations.	Workers Compensation Act (s. 1(1), 2.1, 4(5.7), 68, 77(1))	
NB	The Lieutenant-Governor in Council makes Regulations to the <i>Workplace Health and Safety Compensation Commission Act</i> , the <i>Workers' Compensation Act</i> , the <i>Occupational Health and Safety Act</i> and the <i>Firefighters' Compensation Act</i> .	Workplace Health, Safety and Compensation Commission Act (s. 26) Workers' Compensation Act (s. 6, 50, 79.4, 81) Occupational Health and Safety Act (s. 51) Firefighters' Compensation Act (s. 61)	
NL	Subject to the approval of the Lieutenant-Governor in Council, the commission may make regulations that are considered necessary for the administration of this Act and may prescribe the form and use of payrolls, records, reports, certificates, declarations and documents that may be required.	Workplace Health, Safety and Compensation Act (s. 20.6, 38, 40, 90,91,123,124)	N/A
NT/ NU	The Commissioner, on the recommendation of the Minister, may make regulations.	Workers' Compensation Act (s. 169)	
NS	Governor in Counsel, Board, Workers' Compensation Appeals Tribunal.	Workers' Compensation Act (s. 2(aa), 184, 253, 255, 255A, 274, 275(10))	
ON	The Act outlines some matters for which regulations may be made by the Lieutenant Governor in Council, and other matters for which the Board may make regulations, subject to the approval of the Lieutenant Governor in Council.	Workplace Safety and Insurance Act (s. 5.1(8), 52.1, 183)	
PE	The Board may make regulations subject to the approval of the Lieutenant Governor in Council.	Workers Compensation Act (s. 80)	
QC	The Commission, except for a draft regulation the Commission adopts under s. 24.2, 24.6, 24.8, 24.12 and sub-sections 1°, 2°, 3° to 4.1° and 14° of the first paragraph of s. 454 of the ARIAOD and s. 8.3, 8.7, 8.11 and 223 of the AROHS which must be submitted to government for approval.		

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](#).

	Who makes Regulations to the Act?	Section of Act	Policy (if any)
SK	In accordance with s. 181, "The Lieutenant Governor in Council, after consultation with the board, may make any regulations that it considers necessary to carry out the purposes of this Act and to meet cases not provided for by this Act."	Workers' Compensation Act, 1979 (s. 181)	N/A
YT	Commissioner in Executive Council	Workers' Compensation Act (s. 128)	
	Matters set out in Act for regulations	Section of Act	Policy (if any)
AB	<p>The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> (a) governing applications by persons for inclusion within the application of the Act; (b) exempting industries from the application of this Act; (c) governing the giving of notice of an accident; (d) governing the recording by an employer of the particulars of an accident or the allegation of the happening of an accident under section 33(1); (e) governing the payment for medical aid provided to injured workers, including the amount to be paid; (f) governing the rendering of accounts to the Board; (g) relating to employers' statements of wages; (h) governing the sale by auction of distrained goods; (i) respecting the amount of the penalty payable under sections 112(2) and 121(2); (j) defining "net earnings" for the purposes of this Act; (k) defining "occupational disease" for the purposes of this Act and deeming employment in specified industries or processes to be the cause of specified occupational diseases; (l) governing the legal costs and fees payable for the purposes of sections 22(11) and 34(2); (m) governing any other matter necessary to carry out this Act according to its purpose. <p>Additionally, the Lieutenant Governor in Council may, in respect of persons to whom this Act does not apply, make regulations</p> <ul style="list-style-type: none"> (a) authorizing the Board to make orders declaring that the Act applies to any class of those persons; (b) designating those classes of persons in respect of whom the Board may make an order under a regulation made under clause (a); (c) prescribing terms and conditions, or either of them, that must be met by those persons; (d) prescribing <ul style="list-style-type: none"> (i) the amount of compensation payable, or (ii) the method of determining the amount of compensation payable, to those persons. <p>The Lieutenant Governor in Council, on the advice of the Treasury Board, may make regulations and issue directives that the Lieutenant Governor in Council considers necessary in connection with the exercise or performance of the Treasury Board's powers and duties under the <i>Financial Administration Act</i> or any other Act with respect to the Board, the Appeals Commission and the Accident Fund.</p>	Workers' Compensation Act (s. 153(1), 153(2), 156(2))	

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](#).

	Matters set out in Act for regulations	Section of Act	Policy (if any)
BC	<ul style="list-style-type: none"> • Firefighters' Occupational Disease; • Fishing Industry; • Occupational Disease Recognition; • Occupational Health and Safety; and • Reports of Injuries. 	Workers Compensation Act (s. 4, 6.1, 6(4.1), 54(6), 111)	Rehabilitation Services & Claims Manual, Vol. II: <ul style="list-style-type: none"> • #26.00: The Designation or Recognition of an Occupational Disease; • #68.62: Fishers; • #93.00: Responsibilities of Claimants; • #94.00: Responsibilities of Employers; and • #95.00: Responsibilities of Physicians / Qualified Practitioners Assessment Manual:1-4-1: Fishing Prevention Manual
MB	<p>The Board of Directors may make regulations:</p> <ul style="list-style-type: none"> (a) prescribing minimum annual earnings [s. 39(6)] (b) prescribing deductions to be used in calculating net average earnings under subsection 40(3); (c) prescribing a statutory benefit to be a collateral benefit under subsection 41(1); (d) establishing benefit programs and group life insurance plans under section 43; (e) adjusting compensation pursuant to subsection 44(1); (f) prescribing the maximum annual earnings under subsection 46(2); (g) prescribing the indexing factor under section 47; (h) prescribing the annual indexing factor and biennial indexing factor under section 48; (h.1) excluding industries, employers or workers from the application of section 49.3 (obligation to re-employ); (j) establishing a schedule of provincially funded industries under section 76.1; (k) establishing a schedule of self-insured employers under section 76.2; (l) creating new classes under section 78; (m) prescribing an interest rate under subsections 80(6.1) and (6.2) (interest on under-assessment and over-assessment); (n) prescribing a minimum assessment under subsection 81(9); (p) prescribing a penalty under subsection 86(2) (failure to pay assessment); (r) prescribing a minimum of pension for commutation under section 109.4; (r.1) respecting administrative penalties under subsection 109.7(1), including <ul style="list-style-type: none"> (i) prescribing the amounts of the administrative penalties that may be imposed, and (ii) governing appeals from decisions to impose administrative penalties; (s) respecting any matter it considers necessary or advisable to carry out the intent and purposes of this Act. <p>Lieutenant Governor in Council:</p> <ul style="list-style-type: none"> • Industries, employers or workers excluded from mandatory WCB coverage [s. 2.1] • prescribing minimum periods of employment for the cancer presumptions and the minimum period of time for which a worker must be a non-smoker [s. 4(5.1 - 5.7)] • determining persons as workers [s. 77(1)] 		

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](#).

	Matters set out in Act for regulations	Section of Act	Policy (if any)
NB	<p><i>Workplace Health and Safety Compensation Commission Act:</i> The Lieutenant-Governor in Council may make regulations prescribing the forms, use of records, reports, certificates, declarations and documents required by the Commission; investment and management of funds; conflict of interest, disclosure and divestiture in relation to members of the board of directors and employees of the Commission; and for the due administration of the Act.</p> <p><i>Workers Compensation Act:</i> The Lieutenant-Governor in Council may make regulations regarding the exclusion of any industry or industries in which not more than a stated number of workers fixed by such regulation are usually employed; may make regulations dividing industries into classes, sub-classes or transfer classes; may make regulations regarding safety associations. Additionally the Lieutenant-Governor in Council may make regulations:</p> <ul style="list-style-type: none"> • prescribing penalties for the violation of any of the provisions of this Part, or for the breach of any rule, regulation or order made under the authority of this Act, • prescribing a rating schedule for the purposes of calculating an award for a permanent physical impairment under subsection 38.11(17) or 38.2(8) • prescribing a rate of interest for purposes of section 67, • providing for the management of the Pension Fund and regarding options available to workers and surviving spouses under the pension plans, and • for the due administration and carrying out of the provisions of this Act. <p><i>Occupational Health and Safety Act:</i> The Lieutenant-Governor in Council may make regulations defining words; providing for a continuing study of health and safety codes and standards and enforcement; respecting the adoption and implementation of appropriate health and safety codes, prescribing health and safety standards; training for health and safety purposes; etc.</p> <p><i>Firefighters' Compensation Act:</i> The Lieutenant-Governor in Council may make regulations regarding conditions and restrictions that the firefighter must meet with respect to a prescribed disease, establishing minimum periods of service, ratings schedules, management of funds, and maximum amounts.</p>	<p>Workplace Health, Safety and Compensation Commission Act (s. 26)</p> <p>Workers' Compensation Act (s. 6, 50, 79.4, 81)</p> <p>Occupational Health and Safety Act (s. 51)</p> <p>Firefighters' Compensation Act (s. 61)</p>	
NL	<p>Matters set out in the Act for a regulation include:</p> <ul style="list-style-type: none"> • Regulations to give effect to Part I.1 Workplace Health and Safety, • Industry Exclusions or Exemptions, • Coverage for particular workers, • Compensation where fatal accident • Method of payment • Calculation of earnings • Industrial Disease • Calculation of Payroll • Compensation for disability • Regulations Re Fishers • Penalties / Offences 	<p>Workplace Health, Safety and Compensation Act (s. 20.6, 38, 40, 65, 66, 73(2), 80(8), 90, 91, 124, 125)</p>	<p>WHSCC - Policies and procedures:</p> <ul style="list-style-type: none"> • ES-01 - Personal Coverage • EN-13 - Occupational Chest Disease • EN-14 - Asbestos Related Claims • EN-15 - Peripheral Vascular Disease • EN-16 - Scleroderma • CO-01 - Coverage for Commercial Fishers

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](#).

	Matters set out in Act for regulations	Section of Act	Policy (if any)
NT/ NU	The <i>Workers' Compensation Acts</i> of the Northwest Territories and Nunavut, respectively, explain the allowable content, form, procedures and due dates for publication of regulations.	Workers' Compensation Act (s. 169-170)	
NS	<ul style="list-style-type: none"> • Collateral Benefits [s. 2(j)] • Injuries Excluded [s. 2(p)] • Deemed Workers [s. 2(ix)] • Classes of Employers[s. 3(1), (2)] • Earnings for Volunteer Fire Departments [s. 5(4)] • Students Assessments [s. 6(6)] • Type/Class of Injuries [s. 10(6), (7)] • Occupational Disease [s. 12(3)] • Substituted Benefits/Medical Aid, Chronic Pain [s. 10H] • PMI Rating Schedule [s. 34(3)] • Firefighter Cancers [s. 35A] • "Deductions" in Calculating Earnings [s. 39(1)] • "Income" for Gross Average Earnings [s. 42(1)] • Learners – Maximum Average Earnings [s. 45(2)] • Young Workers – Maximum Average Earnings [s. 46(3)] • Maximum Compensation [s. 48(2)] • Annuities Payable [s. 52(1)] • Lump Sum Annuities [s. 56(2)] • Death Benefits [s. 59(a)] • Dependant Child Benefits [s. 59(b)] • Survivor Benefits [s. 60] • Dependant Spouses [s. 60A] • Notice of Accident [s. 86(1)] • Re-employment [s. 89(1)] • Collecting Assessments Procedure [s. 125(2)] • Interest on Assessments [s. 128(2), (4)] • Information from Employers [s. 129(1)] • Self Insured Employers [s. 134(1), (2)] • Compound Interest on Assessments [s. 145] • General Regulation Authority for Board [s. 184] • Interest & Percentage Penalties [s. 217] • Average Industrial Wage for PPD [s. 227(4)(c)] • Conditions for PPD [s. 227(4)(d)] • Supplementary Benefits for PPD [s. 227] • Duties of Auditor [s. 233] • Amendments to Former Act [s. 275] • Amendments to Former Act – Deductions [s. 275(4)(d)] • Amendments to Former Act – Appeals [s. 275(10)] • Amendments to Former Act – Benefits [s. 275(11)] • WCAT ADR Procedures/Duties [s. 255, s. 255A] • Workers' Advisors [s. 274] 	Workers' Compensation Act (s. 2(j), 2(p), 2(ix), 3(1), (2), 5(4), 6(6), 10(6), (7), 12(3), 10H, 34(3), 35A, 39(1), 42(1), 45(2), 46(3), 48(2), 52(1), 56(2), 59(a), 59(b), 60, 60A, 86(1), 89(1), 125(2), 128(2), (4), 129(1), 134(1), (2), 145, 184, 217, 227(4)(c), 227(4)(d), 227, 233, 275, 275(4)(d), 275(10), 275(11), 255, 255A, 274)	

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](#).

	Matters set out in Act for regulations	Section of Act	Policy (if any)
ON	Matters that are set out in the Act for regulations include, but are not limited to: <ul style="list-style-type: none"> - occupational disease; - temporary indexing factor; - transitional matters; - adding, deleting, or redefining classes of industries with respect to Schedules 1 and 2; - including an industry in, or excluding and industry from, a class in whole or in part; - excluding a trade, employment, occupation, calling, avocation or service from an industry for the purposes of the insurance plan; and - subdividing a class of employers into subclasses or groups according to the risk of the industry. 	<u>Workplace Safety and Insurance Act</u> (s. 15.1(8), 52.1, 183)	
PE	Regulations may be made respecting: payment of compensation, the exclusion of workers, employers or industries from the application of the WCA, books required to be kept by an employer, deductions from a worker's average earnings, deductions required by section 41, costs that may be awarded by the Appeal Tribunal, an employer's duty to cooperate in a worker's early and safe return to work, a worker's duty to cooperate in his or her early and safe return to work, the application of s. 86 and s. 86.1 to 86.11 to the construction industry, and penalties for the violation of any provision of the WCA or for the breach of any rules, regulations or orders made under the WCA. Regulations may be made to define any word or expression used in the WCA but not defined. The Board may also make such other regulations as the Lieutenant Governor in Council considers necessary for the proper administration of the WCA.	<u>Workers Compensation Act</u> (s. 80, 81)	
QC	See s. 24.2, 24.6, 24.8, 24.12 and 454 of the <u>Act respecting industrial accidents and occupational diseases</u> and s. 8.3, 8.7, 8.11, 34 and 223 of the <u>Act respecting Occupational health and safety</u> .	<u>Act respecting industrial accidents and occupational diseases</u> (s. 24.2, 24.6, 24.8, 24.12 and 454) <u>Act respecting Occupational health and safety</u> (s. 8.3, 8.7, 8.11, 34 and 223)	
SK	Section 3(2) The Lieutenant Governor in Council may, by regulation, exclude any industry, employer or worker from the provisions of this Act. Section 21.1(3) The board shall report annually to the minister in accordance with the regulations. Section 21.1(5) The board must provide information with respect to its activities, policies and future plans in accordance with the regulations. Fire Fighter occupational disease presumptions Section 114 The board may, with the approval of the Lieutenant Governor in Council, make regulations governing the payment of medical accounts and the assessment of penalties for the late filing of those accounts 124(1) Every employer shall, annually, in accordance with the regulations, prepare and submit a statement setting out the annual wage paid to their workers. 152 Penalties for non-payment of employer assessments is prescribed by the Regulations.	<u>Workers' Compensation Act, 1979</u> (s. 3(2), 21.1(3), 21.1(5), 29.1, 114, 124(1), 152)	N/A
YT	<ul style="list-style-type: none"> • Inclusion or exclusion of industries • Inclusion or exclusion of workers • Maximum and Minimum compensation rates • Death and funeral expenses • Compensation for loss of personal property 		

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](#).

	Timing – Effective Date of Regulations	Section of Act	Policy (if any)
AB	The effective date of regulations is governed by the <i>Alberta Regulations Act</i> . Regulations come into force effective the date they are filed with the Registrar, in accordance with the <i>Regulations Act</i> , unless a later date is specified.	Alberta Regulations Act (s. 2)	
BC	A regulation of the Board must specify the date on which it is to come into force, which date must be at least 90 days after its deposit under the <i>Regulations Act</i> .	Workers Compensation Act (s. 76 and s. 227)	
MB	A proclaimed regulation comes into force 31 days after it is received by the minister or on a date specified in the regulation.	Workers Compensation Act (s. 68(2.2))	
NB	Regulations come into effect from the date the regulation specifies.		
NL	Regulations are effective from the date of the publication unless the regulation itself specifies an earlier or later date.	N/A	N/A
NT/ NU	Regulations are effective from the date of publication unless the regulation itself specifies an earlier or later date.	Workers' Compensation Act (s. 170)	
NS	Specified in the Regulation.		
ON	Unless otherwise provided in a regulation or in the Act under which the regulation is made, a regulation comes into force on the day on which it is filed.	Legislation Act, 2006 (s. 22)	
PE	Regulations are effective from the date specified in the regulation.	N/A	
QC	Section 17 of the Regulations Act states: "A regulation comes into force 15 days after the date of its publication in the <i>Gazette officielle du Québec</i> or on any later date indicated in the regulation or in the Act under which it is made or approved." In spite of section 17 of the Regulations Act (chapter R-18.1), a regulation adopted under s. 24.2, 24.6, 24.8, 24.12 and sub-sections 4.2° to 13°, 15° and 16° of the first paragraph of ARIAOD section 454 or s. 8.3, 8.7, 8.11 of the AROHS comes into force on the day of its publication in the <i>Gazette officielle du Québec</i> or on any later date indicated in the regulation (s. 24.13 and 455 ARIAOD, 8.12 AROHS).		
SK	The Workers' Compensation General Regulations, 1985 are effective August 12, 1985 with more recent exceptions noted within.		N/A
YT	From the date the regulation specifies.		

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](#).

	Are Regulations published in Gazette?	Section of Act	Policy (if any)
AB	Yes, with exceptions. The Lieutenant Governor in Council may, by order, dispense with publication of a specific regulation, if the regulation: (a) has been available in printed form to all persons who are likely to be interested in it, and (b) is of a length that renders its publication in The Alberta Gazette unnecessary or undesirable.	Alberta Regulations Act (s. 3)	
BC	Yes	Workers Compensation Act (s. 226(1))	
MB	Every proclaimed regulation must be published in <i>The Manitoba Gazette</i> as soon as is practicable.	Workers Compensation Act (s. 68(2.2))	
NB	Yes, the Regulations are published in the Royal Gazette.		
NL	Regulations are to be published in Gazette.	N/A	N/A
NT/ NU	Regulations pertaining to the Northwest Territories are published in the Northwest Territories Gazette and regulations pertaining to Nunavut are published in the Nunavut Gazette.	Workers' Compensation Act (s. 170(4))	
NS	Yes.		
ON	Yes.	Legislation Act, 2006 (s.	
PE	Regulations are published in the Royal Gazette.	N/A	
QC	Yes.		
SK	N/A	N/A	N/A
YT	Yes.		

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](#).