

RIGHT OF ACTION (& SUBROGATION)

The following are sections from each jurisdiction's legislation and policy that relate to the above-noted topic:

	Legislation	Policy (if any)	Related Links (if any)
AB	Workers' Compensation Act (s. 21, 22.1, 22, 23)	Policy G-3 – Third Party Actions	
BC	Workers Compensation Act (s. 10)	Policy: Item #111.10 Injury Caused by Worker or Employer Item #111.20 Injury Not Caused by Worker or Employer Item #111.22 Form of Election Item #111.23 Election Not to Claim Compensation Item #111.25 Pursuing of Subrogated Actions by the Board	N/A
MB	Workers Compensation Act (s. 9, 9.1, 10, 12, 13, 60.8(1)(b), 68(4), 112)	Policy 22.10, Elective Rights	
NB	Workers' Compensation Act (s. 10, 11, 12)	Policy No. 46-220 Third Party Actions	
NL	Workplace Health, Safety and Compensation Act (s. 44, 44.1, 45, 46)	WHSCC - Policies and procedures: EN-08	WHSCC Brochure - Third party actions - Your right to sue
NT/ NU	Workers' Compensation Act (s. 62, 63, 64, 65, 66)	Policy 00.06, Third Party Actions	N/A
NS	Workers' Compensation Act (s. 28, 29, 30, 31, 32, 33)		
ON	Workplace Safety and Insurance Act (s. 26-31)	Policy 15-01-05, Third Party Rights of Action Policy 15-01-06, Third Party Motor Vehicle Accident Claim Costs	
PE	Workers Compensation Act (s. 11, 12, 13, 88)	POL-87 Third Party Actions	
QC	Act Respecting Industrial Accidents and Occupational Diseases (s. 438 - 453)		
SK	Workers' Compensation Act, 1979 (s. 39-44, 166-168)	POL 26/95, Determination of a Worker's Right to Bring Action	
YT	Workers' Compensation Act (s. 50, 51)		

See '[Meredith Report](#)' for history of workers' compensation.

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](#).