

## STRUCTURE OF CANADIAN WORKERS' COMPENSATION ACTS

|                                     | AB                   | BC                | MB                      | NB <sup>1</sup>   | NL                | NT/NU             | NS                   | ON                | PE                   | QC                | SK                | YT               |
|-------------------------------------|----------------------|-------------------|-------------------------|-------------------|-------------------|-------------------|----------------------|-------------------|----------------------|-------------------|-------------------|------------------|
| French and English?                 | Eng. Only            | Eng. Only         | Yes <sup>2</sup>        | Yes <sup>2</sup>  | Eng. Only         | Yes <sup>2</sup>  | Eng. only            | Yes <sup>2</sup>  | Eng. only            | Yes <sup>3</sup>  | Eng. only         | Yes <sup>2</sup> |
| Regulations a separate doc?         | Yes                  | Yes <sup>4</sup>  | No                      | Yes               | Yes               | Yes               | Yes                  | Yes               | Yes                  | Yes <sup>5</sup>  | Yes <sup>5</sup>  | N/A <sup>6</sup> |
| Regulations included with Act?      | No                   | No                | Yes                     | No                | No                | No                | No                   | No                | No                   | No                | No                | No               |
| Industry exclusions in Regulations? | Yes                  | No                | Yes <sup>8</sup>        | Yes               | Yes               | No                | Yes                  | Yes               | Yes                  | No                | Yes               | N/A              |
| Industry inclusions in Regulations? | No                   | No                | N/A                     | No                | Yes               | No                | Yes                  | Yes               | Yes                  | No                | Yes               | N/A              |
| Industrial diseases in Regulations? | Yes                  | Yes               | No <sup>9</sup>         | Yes <sup>10</sup> | Yes               | No                | Yes                  | Yes               | No                   | No                | No                | N/A              |
| Benefits included in Regulations?   | No                   | Yes               | Yes <sup>11</sup>       | No                | Yes               | No                | Yes                  | Yes               | Yes                  | Yes <sup>12</sup> | No                | N/A              |
| Other inclusions in Regulations?    | Yes <sup>13,14</sup> | Yes               | Yes <sup>13,14,15</sup> | Yes <sup>16</sup> | Yes <sup>13</sup> | Yes <sup>13</sup> | Yes <sup>13,17</sup> | Yes <sup>18</sup> | Yes <sup>19,20</sup> | Yes               | Yes <sup>13</sup> | N/A              |
| Industry exclusions in Schedules?   | Yes                  | No                | N/A                     | N/A               | No                | N/A               | N/A                  | No                | N/A                  | No                | N/A               | N/A              |
| Industry inclusions in Schedules?   | No                   | No                | N/A                     | N/A               | No                | N/A               | N/A                  | Yes               | N/A                  | No                | N/A               | N/A              |
| Industrial diseases in Schedules?   | Yes                  | Yes               | N/A                     | N/A               | Yes               | N/A               | N/A                  | Yes               | N/A                  | Yes               | N/A               | N/A              |
| Other inclusions in Schedules       | N/A                  | Yes <sup>21</sup> | N/A                     | N/A               | Yes <sup>22</sup> | N/A               | N/A                  | N/A               | N/A                  | Yes <sup>23</sup> | N/A               | N/A              |

See '[Regulations / Schedules to Workers' Compensation Legislation](#)' for complete lists of all Regulations and Schedules associated with each jurisdiction's workers' compensation legislation.

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

1 N.B. is currently working with two Acts: (a) *Workers' Compensation Act*, and (b) *Workplace Health, Safety and Compensation Commission Act*.

2 Side by side.

3 Separate publication.

4 There are 12 regulations, amended numerous times.

5 You can find all the regulations on the Quebec Government website at this address: <http://www3.publicationsduquebec.gouv.qc.ca/loisreglements/loisrefondues.en.html>

6 Saskatchewan has two Regulation documents. The first discusses payroll statements, assessments, sub-contractors, etc. The second is now also included with the Act and it deals specifically with excluded industries and occupations.

7 Yukon does not have regulations; however section 128 of the *Workers' Compensation Act* allows for regulations.

8 All, industries, employers and workers are covered unless specifically excluded by regulation (Manitoba Regulation 196/2005, *Excluded Industries, Employers and Workers Regulation*). This Regulation was amended by Manitoba Regulation 153/2006 and 169/2008, *Excluded Industries, Employers and Workers*.

9 The Act contains a rebuttable presumption for certain types of cancer, heart injury and firefighting.

10 Regulation 84-66 – General Regulation – Workers' Compensation Act contains a list of industrial diseases but the decision making criteria is outlined in Policy No. 21-111 Conditions for Entitlement – Occupational Diseases.

11 Indexed benefits (Manitoba Regulation 171/2010); benefits payable under group life insurance plan (Manitoba Regulation 187/2005); compensation for emergency services work (Manitoba Regulation 70/89); and declared workers (Manitoba Regulation 545/88R).

12 Income replacement benefits, physical injury scale, medical assistance, standards and scale of personal home care, travel and accommodation expenses, gross annual income table of suitable employment.

13 Assessment rules and penalties. In Northwest Territories and Nunavut, YMIR, harvester's YMIR, form of Notice of Accident, worker travel to medical appointments, subsistence allowance, medical escorts, rendering medical accounts and late medical accounts, funeral expenses, deductions from gross annual remuneration, replacement of worn clothing due to prosthesis use, requirements and penalties regarding municipal corporation building permits, penalties for failure by an employer to give notice of an accident, honorarium for Governance Council Directors and Appeals Tribunal members. In NL coverage for volunteer firefighters and volunteer ambulance attendants, coverage for commercial fishers, payments to surviving spouses, and early and safe RTW and re-employment obligations for construction industry.

14 Declaration of workers in Government employment.

15 Appeal Commission Rules of Procedure (Manitoba Regulation 279/91).

16 New Brunswick has regulations concerning Penalty for violations of the Act, the interest rate for unpaid assessments, funding of safety associations, permanent physical impairment rating schedule, exclusion of workers and pension fund requirements.

17 The compensability of chronic pain is provided for in the Chronic Pain Regulations.

18 Other regulations include matters such as First Aid Requirements, Firefighters, Pension benefits for WSIB employees, and Re-employment regulations for construction sector and prescribed Return to Work Form.

19 First Aid Requirements.

20 The regulations contain provisions dealing with minimum assessments, the duty of an employer to maintain a workplace, penalties and appeals.

21 Non-traumatic Hearing Loss.

22 Description of Process.

23 Benefits.

*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](#).