

## General Information on Cost Transfer Requests

One of the basic tenets of workers' compensation is the principle of 'no fault' insurance. Costs of workers' claims are charged to the accident experience of their employer, regardless of who is at fault or responsible for the accident. However, to instill an influence of fairness, accountability and responsibility on employers, Section 95(2) of the Workers' Compensation Act permits a transfer of costs in whole or in part from the accident experience of one employer to another when it is determined the claim resulted from the **negligence** of another employer or their worker. Negligence is generally defined as, *'the failure to do, or not do, what a reasonable person would do, or not do, in the same or similar circumstances.'*

Transfer of costs is not automatic. Pursuant to the legislation, an employer can submit a written request to WCB for a transfer of costs. The applicant employer must clearly identify the alleged negligent employer(s), and provide sufficient information that sets out the negligent conduct or action of the other employer(s). Once a satisfactory request has been submitted, the other employer(s) is provided the opportunity to respond. No decision is reached until WCB has had an opportunity to review all relevant information, material and representations from affected employers.

### To initiate a cost transfer please provide:

**Date of accident:** \_\_\_\_\_

Name of your injured worker(s):	WCB claim number:

Legal name of alleged negligent employer(s):	Address & postal code:

How/why was the other employer(s) negligent in causing injury to your worker(s)?

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(Attach page if more space needed)

Attach pertinent supporting documents (e.g. incident/safety investigation report, police/motor vehicle accident report, photographs/diagrams, witness statements etc.)

**Submitted by:**

Name: \_\_\_\_\_ WCB account number: \_\_\_\_\_

Company name: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ Postal code: \_\_\_\_\_

**Submit request to:** Mail: Attn: Claims Audit  
Workers' Compensation Board  
PO. Box 2415  
Edmonton AB T5J2S5

Fax: (780) 498-7874  
Attn: Section 95(2)

## **Extract from the Workers' Compensation Act Section 95(2)**

Section 95(2) states:

If it appears to the satisfaction of the Board that a worker has been injured or killed due to the negligence of another employer or another employer's worker, the Board may direct that the cost of the claim shall be included in the experience account of that employer and, where the employers are in different classes, charged to the class in which that employer is included in the same manner as if that cost had been expended in respect of a worker of that employer, except that where it appears to the satisfaction of the Board that the injury to or death of the worker is due to the negligence of 2 or more persons, one of whom may be the worker who was injured or killed, the Board may direct

a) that the cost of the claim be included and charged in the experience accounts and classes of the employers who, or whose workers, were negligent, in proportion to the degree of negligence of each person involved, or

b) that the cost of the claim be included and charged in equal proportions in the experience accounts and classes of the employers involved where the Board is of the opinion that it cannot establish different degrees of negligence.