

## Transferring claims costs: Negligence

*Why should the costs of a claim be on your Accident Experience? It was someone else's fault!*

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 responsible for the accident. However, to ensure fairness, accountability and responsibility from employers, Section 95(2) of the *Alberta 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."

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. Once a complete application has been submitted, the other employer(s) is provided the opportunity to respond. After WCB reviews all relevant information, material and representations, a decision will be communicated to affected employers.

To initiate a request for a cost transfer, fill out the claim cost transfer form (A-638) at [www.wcb.ab.ca/pdfs/employers/A638\\_claim\\_cost\\_transfer.pdf](http://www.wcb.ab.ca/pdfs/employers/A638_claim_cost_transfer.pdf).

You can reference Section 95(2), Separate experience accounts for each employer, in the *Alberta Workers' Compensation Act* at: [http://www.qp.gov.ab.ca/documents/Acts/W15.cfm?frm\\_isbn=9780779724703](http://www.qp.gov.ab.ca/documents/Acts/W15.cfm?frm_isbn=9780779724703)