

**Alberta WCB
Policies &
Information**

Chapter:
**INSURANCE COVERAGE FOR WORKERS &
EMPLOYERS**

Subject:
EMPLOYERS & WORKERS

Authorization: **BoD Resolution 2013/08/28** Date: **October 31, 2013**

APPLICATION 3: WORKERS

1. *Who is covered by workers' compensation insurance and who is not covered?*

All workers in Alberta, regardless of age, are covered when they are working in an industry to which the Act applies. Workers' compensation insurance does not cover:

- workers employed in industries designated in the General Regulations as exempt, and
- persons designated by the Act and General Regulations as exempt.

2. *Must individuals be paid in order to be covered by workers' compensation?*

No. Sections 14(5) and 103(2) refer to two different categories of individuals who provide services to an employer with nominal or no remuneration. These categories are volunteers [s.14(5)] and unpaid workers [s.103(2)]:

- Volunteers are not covered by workers' compensation unless the employer specifically applies for coverage (see Questions 3 and 4).
- Unpaid workers are covered by workers' compensation on a mandatory basis and must be reported by the employer (see Policy 06-03, Part II, Application 4, Question 2).

Other individuals who, although not receiving any remuneration, are covered by workers' compensation include learners (see Question 6), emergency response volunteers (see Question 7), and any class of persons deemed to be workers of the provincial government under s.7(1) of the General Regulations.

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3. *What is the difference between a volunteer and an unpaid worker?*

For workers' compensation purposes, volunteers and unpaid workers are defined as follows:

- volunteers are individuals who provide services with nominal or no remuneration to not-for-profit organizations
- Unpaid workers are individuals, including family members, who provide services without remuneration to any employer operating a for-profit organization to which the Act applies

For WCB purposes, a not-for-profit organization is an organization whose purpose is not to make money for members but, rather, to carry on some activity of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or the like.

4. *Is coverage available for volunteers?*

WCB may approve an application for optional coverage for volunteers when the volunteers are engaged in connection with an organized project, endeavor, or activity.

The employer must ensure that:

- a value is established for the service at an amount corresponding to an appropriate rate of pay for similar work
- the individual or organization engaging the workers in that volunteer activity controls and records the hours of work for each volunteer, and
- the value of service is included with the organization's reported insurable earnings to allow

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*Coverage for volunteers
(continued)*

appropriate premiums to be collected.

In many cases, volunteers are working in industries exempted by the General Regulations. An employer in an exempt industry who wishes to provide coverage for its volunteers must also apply for optional coverage to have the Act apply to its operations. This means that all paid employees will also be covered by WCB while the approved application remains in effect (see Policy 06-02, *Optional Coverage*, Application 1).

5. Are apprentices considered workers while attending required classes?

Apprentices are covered as workers of their sponsoring employer even when attending classes prescribed by the Apprenticeship and Industry Training Board.

Apprentices without a sponsoring employer are considered workers of the Government of Alberta under a WCB Board Order in accordance with Section 7(1)(c)(vi) of the General Regulations.

6. Who are learners?

Learners, as defined in section 1(1)(o) of the Act, are individuals who, although not under a contract of service, are exposed to the hazards of the workplace in the course of testing, training, or probationary work which is preliminary to employment in an industry to which the Act applies.

7. What are the criteria for coverage of volunteer firefighters, ambulance attendants/drivers, and emergency service workers?

Volunteer firefighters, ambulance attendants/drivers, and emergency service workers are deemed workers by an order made under s.14(3) of the Act.

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Volunteer firefighters

Volunteer firefighters are considered workers of a municipality, county, improvement district, or special area when they are:

- appointed members of the organized fire brigade of that local government, and must attend fires, fire drills and related training, or
- requested by a fire chief or deputy at the time of a fire to assist in fighting the fire.

Volunteer ambulance drivers/attendants

Volunteer ambulance drivers and attendants are considered workers of a municipality, county, improvement district, or special area when they are appointed by a local government to its ambulance service.

Emergency Service Workers

Under an agreement between the Government of Canada and the Government of Alberta, compensation costs are shared between the two levels of government. Emergency service workers are considered workers when:

- the work is authorized by or under the control of the Province of Alberta, local government (including municipalities, counties, improvement districts, towns, villages, First Nations, and Métis Settlements), or local law enforcement agency, and
- the work is designed to protect and preserve life, property, the environment, or public services in the event of an emergency, or minimize damage to these.

Emergency service workers are typically asked to

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*Emergency Service
Workers (continued)*

assist in evidence searches and emergencies such as fires, floods, tornadoes, and the search and rescue of missing persons. They are eligible to receive compensation benefits in the event of injury while:

- preventing, combatting or alleviating the effects of an emergency or disaster, or
- undergoing training in disaster services work authorized by or under the control of the Government of Alberta, a local government (including municipalities, counties, improvement districts, towns, villages, First Nations, and Métis Settlements), or a local law enforcement agency.

Emergency service workers within a National Park are considered workers of the Government of Canada.

8. *How does workers' compensation legislation provide coverage for school employees?*

Individuals employed by a school, a school board, or a school district who do not have the certification required to be teachers, are considered workers. These include clerical, custodial, support staff, and may include teachers aides. Teachers, principals, vice-principals and others with the certification required to be teachers, and who are employed as teachers, are covered only in specific instances.

Teachers are covered only while they are teaching (or performing duties related to teaching) courses in industrial education or home economics.

Principals, vice-principals and other administration staff are covered only while performing administrative duties pertaining to managing the business of the school, or while teaching industrial education or home economics

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*School Employees
(continued)*

courses. They are not covered while teaching (or performing duties related to teaching) academic courses.

If an individual with the required teaching certificate is working in a position designated as administrative under the *School Act*, that individual is a worker to whom the *Workers' Compensation Act* applies.

9. *Is workers' compensation coverage available for teachers, principals, vice principals and other administration staff who are otherwise exempt from coverage?*

WCB may approve an application to cover teachers, principals, and vice-principals while they are employed by a Board within the meaning of the *School Act*, teaching academic courses at a private school approved under the *School Act*, or a private college that is not established under the *Post-secondary Learning Act*. Academic staff of private colleges are not covered unless a special request is made by the college (see Policy 06-02, Optional Coverage).

10. *Are student teachers considered to be workers?*

Student teachers are covered as workers of the Government of Alberta under a Board Order in accordance with Section 7(1)(c) of the General Regulations.

11. *Are individuals who provide unpaid services to assist in schools covered under workers' compensation?*

All individuals providing services supporting both school administration and teaching activities, (for example, parents assisting with teachers), are considered unpaid workers, and are insurable using a value of service (see Policy 06-03, Premiums).

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12. *Are workers who are union members covered while attending union sponsored functions?*

Union members are covered while attending union-sponsored functions, provided one of the following circumstances apply:

- a) the worker is covered by the usual employer when the employer directs the worker to attend a union-sponsored function and pays the worker while the worker attends the function; or
- b) the worker is covered by the Union when the employer allows the worker to attend the function; pays the worker while the worker attends the function; and
 - the Union reimburses the employer, and
 - the Union maintains an optional WCB account and appropriate payroll records; or
- c) the worker is covered by the union when the union pays the worker to attend the function, and the union maintains an optional WCB account and appropriate payroll records.

If none of the above circumstances apply, the union member is not considered a worker while attending the function and is not covered by WCB.

When a union-sponsored function is held outside of Alberta, the conditions for coverage outside of Alberta must be met before coverage is extended to the union members attending (see Application 5, Q1).

For additional information, see Application 5, Coverage Outside of Alberta. See also Policy 06-02, Optional Coverage, and Policy 06-03, Premiums.

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- 13.** *When are trade union executives considered workers?*
- Trade union executives are considered workers only if their Union has optional coverage, and the executives are paid for their services (see Policy 06-02, Optional Coverage).
- 14.** *Are elected officials considered to be workers?*
- Elected officials such as municipal councillors, school trustees and trade union executives are not normally considered workers unless an application for coverage by resolution is approved by WCB.
- 15.** *Are Members of the Legislative Assembly (MLAs) and their constituency workers eligible for workers' compensation benefits?*
- The *M.L.A. Compensation Act* authorizes the payment of compensation to Members of the Legislative Assembly of Alberta in the event of an accident resulting in their permanent disability or death while fulfilling the duties of their office. WCB administers these claims on behalf of the employer, the Clerk of the Legislative Assembly.
- Constituency workers are covered as workers of the Legislative Assembly.
- 16.** *Are individuals in the Alberta Public Service considered to be workers?*
- Those individuals who are "appointed or employed in accordance with, pursuant to, or subject to the *Public Service Act*" are workers of the Government of Alberta and are protected by the *Workers' Compensation Act*.
- 17.** *When are members of the clergy considered to be workers?*
- When an application is made to bring the operation of a church under the Act, the application may include or exclude members of the clergy.

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18. *Are there any individuals to whom the Act does not apply and to whom optional coverage is not offered?*

WCB will not generally accept an application to cover individuals in the following industries and occupations, who are outside the scope of the Act:

- trucking conducted by an employer based outside Canada if the employer does not have an ordinary place of business in Alberta or does not employ workers resident in Alberta
- persons who ordinarily reside outside Canada and are employed by employers who are based outside Canada and carry on business in Alberta on a temporary basis
- professional athletes and playing coaches (see Policy 02-01, Arises Out of and Occurs in the Course of Employment)
- outworkers
- stuntpersons

19. *When is this policy application effective?*

This policy application (Application 3 – Workers) is effective January 1, 2014, except when noted otherwise in a specific policy section(s).

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