



## Policy Amendment Proposal EA-03 Optional Coverage

This policy amendment proposal relating to optional coverage will reflect the issues consulted on during the engagement for the *Workers' Safety and Compensation Act* (the 'Act') and will align the amendments made in the new legislation.

The new Act comes into force July 1, 2022. The intended effective date of the proposed policy amendments will be July 1, 2022.

The proposed new Optional Coverage policy will ensure consistency with the provisions of the Act and will incorporate policies and board orders/regulations under the *Workers' Compensation Act*. Those policies and board orders/regulations under the *Workers' Compensation Act* will be revoked.

The purpose of this policy is to outline how optional coverage can be obtained by elected or appointed officials of a Yukon First Nation, proprietors, partners and volunteers of employers who are not automatically covered under the compensation provisions of the Act, and the conditions of that coverage.

### Relevant sections of the Act

The following sections of the Act are relevant:

- 77 definitions
- 79-80 optional coverage

### Proposed changes to this policy

- minor changes to section references, language and definitions
- amalgamates the following policies:
  - EA-03 Optional Coverage for Casual Employees (those working outside the employer's normal industry), persons acting in a religious function and volunteers;
  - EA-04 Optional Coverage for Sole Proprietors; and
  - EA-05 Optional coverage for Municipal or First Nation Officials.
- sets out who is eligible to purchase optional coverage based on the new definitions in the Act (optional coverage is not applicable to municipal elected officials or religious persons as they are now considered workers)



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### Board Orders/Regulations

The following board orders/regulations will be revoked as content has been incorporated into the policy amendment proposal or is no longer relevant.

- [EA-04, Optional Coverage for Sole Proprietors](#)
- [EA-05, Optional Coverage for Municipal or First Nation Officials](#)

### Current policy

[EA-03 Optional Coverage for Casual Employees \(those working outside the employer's normal industry\), persons acting in a religious function and volunteers](#)

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The Board of Directors is providing this policy amendment proposal to stakeholders seeking their input, comments, questions and suggestions.

Some questions for consideration:

1. Are there any general comments about this policy proposal?
2. Are there any gaps in this policy proposal?
3. Additional comments?

The views of our stakeholders are important to us. All feedback will be considered prior to the Board of Directors approving any amendments.

Engagement on this policy proposal closes on **February 28, 2022**. Please provide your feedback by:

1. Downloading a [fillable form](#) our website and sending it as an attachment to [Policy.Feedback@wcb.yk.ca](mailto:Policy.Feedback@wcb.yk.ca)
2. Emailing comments directly to [Policy.Feedback@wcb.yk.ca](mailto:Policy.Feedback@wcb.yk.ca)
3. Receipt in our building by February 28, 2022, by mail or drop off at  
*Yukon Workers' Compensation Health and Safety Board  
401 Strickland Street  
Whitehorse, Yukon Y1A 5N8*

By the end of March a summary of all feedback on this policy amendment proposal will be published on our website at [www.wcb.yk.ca](http://www.wcb.yk.ca)

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## Policy Amendment Proposal

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Preventing work-related injuries is the most important job in any workplace. The *Workers' Safety and Compensation Act* establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.

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### Purpose

This policy outlines how optional coverage can be obtained by elected or appointed officials of a Yukon First Nation, proprietors, partners and volunteers of employers who are not automatically covered under the compensation provisions of the Act, and the conditions of that coverage.

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### Definitions

**board** means the Workers' Safety and Compensation Board

**employer** means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

**maximum annual earnings** means the amount that is determined annually under section 77 of the Act

**partner** means a partner in a partnership

**proprietor** means a self-employed individual who carries on or engages in an industry

**volunteer** means a person who does volunteer work for which they receive no earnings or pay or only nominal earnings or pay

**worker** means a person who performs work or services for an employer under a contract of service or apprenticeship, written or oral, express or implied and as further defined in section 77 of the Act

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### Policy Statement

#### 1. General

Every association, corporation, individual, partnership, person, society or unincorporated organization, or other body having in their service one or more workers in an industry, are required to register with the board. Their workers are automatically covered by the compensation provisions of the Act.



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An application may be submitted for optional coverage for individuals who are not automatically covered by the compensation provisions of the Act, specifically, elected or appointed officials of a Yukon First Nation, proprietors, partners and volunteers of employers.

The board determines whether an individual is a proprietor or worker according to policy EA-02 Employer Registration.

An individual who is a proprietor (and not a worker of another employer) is eligible to purchase optional coverage. Workers of employers are not eligible to purchase coverage for themselves as their employer must register and pay for coverage for them.

A proprietor or partnership that hires one or more workers must register with the board regardless of whether they wish to have optional coverage for themselves.

#### **2. Optional coverage application**

To be deemed a worker under Part 4 of the Act, a proprietor or partner must submit an application for optional coverage to the board.

For volunteers of employers, the employer must submit an application for optional coverage on their behalf to the board.

For elected or appointed officials of a Yukon First Nation, the First Nation must submit an application for optional coverage on their behalf to the board.

If the optional coverage application is approved by the board, the elected or appointed officials of a Yukon First Nation, volunteers of employers, proprietors or partners are deemed workers under Part 4 of the Act, and the First Nation, employer of volunteers, proprietor or partnership are deemed to be their employer.

#### **3. Optional coverage start date and expiry**

Optional coverage takes effect when the application is approved by the board or the date specified in the application, whichever is latest.

Coverage expires on December 31 of each year, or on the date specified in the application, whichever is earliest, subject to the cancellation provisions laid out in section 7 of this policy.

#### **4. Coverage amount**

The amount of coverage purchased must closely reflect the earnings of the individual.

For volunteers, a minimum amount of 50% of the maximum annual earnings must be purchased.

The maximum amount of coverage that can be purchased for any individual is an amount equal to the maximum annual earnings for that calendar year.

The board may require documentation verifying earnings. Failure to provide verification when requested may result in a denial of coverage.



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An employer may request in writing a change in the amount of coverage. If approved by the board, the change is effective on the date the board receives the change request or the date specified by the employer in the written request, whichever is later.

### 5. Minimum assessment premium

The minimum assessment premium is \$150.

### 6. Claims for compensation for a work-related injury

In the event of a work-related injury, a worker covered by optional coverage can submit a claim and may be eligible for compensation benefits. If the claim is accepted, loss of earnings benefits will be calculated in accordance with policy [EL-01 Loss of Earnings Benefits](#).

### 7. Cancellation of optional coverage

An employer may request in writing to the board that their optional coverage be cancelled. The date of cancellation is effective on the date the board receives written notice of cancellation or the date specified in the notice of cancellation, whichever is latest.

The board may cancel optional coverage for reasons which may include:

- account not in good standing;
- providing false or misleading information to the board;
- failure to provide required information; and
- any other instance where the board determines that coverage should be cancelled.

The board will provide written notice of the cancellation.

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### Related Policies

Policy proposal relating to employer registration (underway)

[EL-01 Loss of Earnings Benefits](#)

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