



## Policy Amendment Proposal

### EA-14 Coverage for Workers Outside of Yukon

This policy amendment proposal relating to coverage outside of Yukon 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 Coverage for Workers Outside of Yukon policy will ensure consistency with the provisions of the Act and sets out the new time periods and application process to apply for extended coverage.

The purpose of this policy is to outline the conditions for coverage for workers who perform work outside Yukon (in another territory or province) or outside of Canada.

#### Relevant sections of the Act

The following sections of the Act are relevant:

- 83 work in Canada but outside Yukon
- 84 work outside of Canada
- 85 election

#### Proposed changes to this policy

- minor changes to section references, language and definitions
- amendments to reflect the following changes from the Act:
  - time periods for coverage for workers working outside Yukon and outside Canada;
  - conditions of coverage; and
  - application process for extension of time period for coverage.

#### Board Orders/Regulations

- N/A



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### Current policy

[EA-14 Coverage for Workers Outside Yukon](#)

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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 is **extended to February 28, 2022**. Please provide your feedback by:

1. Downloading a [fillable form](#) on 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 **extended to February 28, 2022**, by mail or drop off at  
*Yukon Workers' Compensation Health and Safety Board  
401 Strickland Street  
Whitehorse, Yukon Y1A 5N8*

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) (**extended to March 2022**).

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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 the conditions for coverage for workers who perform work outside Yukon (in another territory or province) or outside of Canada for a registered employer.

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### Definitions

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

**compensation** means any amount payable or services provided under Part 4 of the Act in respect of an injured worker or their dependants

**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

**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

In certain situations, for short periods of time, workers who work for a registered employer are covered by workers' compensation when they leave Yukon to work. For longer periods of time, an employer must contact the board to request an extension of the time allowable to work outside Yukon.

Both the employer and the worker are subject to the workers' compensation and workplace health and safety laws of the jurisdiction where work occurs. While workers' compensation coverage may be extended for work outside of Yukon, employers are not protected from lawsuits for injuries that occur in other jurisdictions. It is recommended that employers



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planning to send workers outside Yukon to work contact the other jurisdiction to determine their requirements.

#### 2. Qualifying for coverage for work outside Yukon

A worker who performs work outside of Yukon is covered by workers' compensation coverage if they meet the following conditions:

a. *Yukon resident or usual place of employment is in Yukon*

A worker is considered a resident of Yukon if their usual place of permanent residency is in Yukon. The board may determine permanent residency by considering the worker's social, economic and family ties to Yukon. This can include factors such as the worker's principal residence, place of registered vehicles(s) and where income taxes are paid.

A worker who is not a Yukon resident may still be covered if their usual place of employment is in Yukon for a Yukon employer and the work outside of Yukon is a continuation of that work. This means the worker has been working in Yukon for at least the same length of time as the proposed time working outside Yukon for their Yukon employer.

b. *Nature of employment inside and outside Yukon*

The work performed outside of Yukon is a continuation of work for the same employer in Yukon. This means the worker is performing similar tasks, using familiar equipment and processes and working in an environment comparable to Yukon in terms of workplace health and safety laws, environmental conditions, civil order and security and access to comparable health care services.

c. *Time period outside Yukon*

The time period of work performed outside Yukon is less than:

- six consecutive months if in Canada; or
- 14 consecutive days if outside of Canada.

The period starts when the worker leaves Yukon for employment elsewhere. Brief interruptions, such as vacations or short returns to Yukon, are included in the calculation of time spent outside Yukon.



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#### 3. Application for extension

An employer may apply to extend the time period in section 2(c) of this policy using the required form. The application must be made before the time period has elapsed. Extensions are granted on a case-by-case basis.

Coverage is not in effect until approved by the board.

#### 4. Election to claim

When a worker suffers a work-related injury outside Yukon, if they are entitled to claim compensation in the jurisdiction in which the injury occurred, the worker must elect either to claim compensation under the law of the other jurisdiction or claim compensation under this Act.

A worker must notify the board within 30 days of the date the worker's work-related injury arose of their election. If notification is not received within 30 days of the work-related injury, the worker will be deemed to have elected not to claim compensation with the board.

The 30 day requirement to report a work-related injury and claim compensation from the board may be waived by the board based on the merits and justice of each case.