

Chapter: Employer Assessments

Legislative authority: sections 83, 84, 85

Prevention statement

Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the '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.

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.

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

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.

Effective date: July 1, 2022

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 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:

- i. six consecutive months if in Canada; or
- ii. 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.

An application to the board is not required unless the period of time a worker will be working outside Yukon will exceed these time periods.

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 in Yukon under this Act.

If electing to make a claim in Yukon, a worker must notify the board within 30 days of the date the worker's work-related injury arose. 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 in Yukon.

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.

History

EA-14 Coverage for Workers Outside Yukon, effective July 1, 2014; revoked July 1, 2022