

POLICY NUMBER: POL-143

**Chapter:
CLAIMS**

**Subject:
INTERJURISDICTIONAL CLAIMS**

**Effective Date:
January 26, 2010**

**Last Updated On:
July 4, 2023**

REFERENCE:

Workers Compensation Act R.S.P.E.I.1988, Cap. W-7.1, Section 8, 10.
Government Employees Compensation Act, R.S.C. 1985, c. G-5.
Interjurisdictional Agreement on Workers' Compensation.
Workers Compensation Board Policy, POL-142, Interjurisdictional Trucking – Alternative Assessment.

DEFINITION:

In this policy:

“Adjudicating Board” means the Board or Commission to which a claim is made and which decides the question of entitlement to benefits, or the determination of assessment matters.

“Alternate Assessment Procedure” means a voluntary procedure under which employers and independent operators engaged in interprovincial trucking pay assessments to the Canadian workers compensation board or commission in the province or territory where the worker of the employer or the independent operator resides.

POLICY:

Interjurisdictional Agreement

1. The Workers Compensation Board of Prince Edward Island (WCB PEI) is signatory to an
-

Interjurisdictional Agreement on Workers' Compensation (IJA).

2. The intent of the IJA is:
 - a) to promote and ensure the effective, efficient, and timely administration and resolution of interjurisdictional issues that are the subject matter of the Agreement;
 - b) to facilitate the acceptance of all compensable claims so that no worker will be denied compensation benefits except in accordance with the applicable statutory authority and policy of the participating jurisdiction;
 - c) to ensure that employers are not responsible for the payment of assessments to more than one participating jurisdiction in respect of the earnings or some portion thereof of their employees who are employed in more than one jurisdiction.
3. The IJA applies to a worker who is eligible for benefits in more than one Canadian jurisdiction.
4. The IJA does not apply to:
 - employment excluded by the *Workers Compensation Act* of PEI;
 - employment excluded in other Canadian jurisdictions;
 - employment covered by the *Government Employees Compensation Act*, as amended;
 - employment for optional coverage, unless coverage is in force for both the jurisdiction of residence or usual employment and the one in which the work is undertaken or performed;
 - personal coverage, unless coverage is in force for both the jurisdiction of residence or usual employment and the one in which the work is undertaken or performed;
 - self-insured employers.

Alternate Assessment Procedure

5. The IJA includes provisions for an Alternative Assessment Procedure (AAP) which is available to registered employers and independent operators in the interjurisdictional trucking industry only in respect of a worker or the independent operator if that Board's legislation permits coverage of that worker or independent operator anywhere in

Canada. Requests from employers or independent operators to participate in AAP will be responded to pursuant to WCB policy, POL-142, “Interjurisdictional Trucking – Alternative Assessment”.

Election Requirement

6. Where there may be entitlement to benefits in the province of Prince Edward Island (PEI) and one or more other Canadian jurisdictions, a worker or dependent must elect, within three months of the happening of the accident to claim benefits from the WCB PEI or under the law of the place in which the accident happened by completing the **Interjurisdictional Election Form** (CL-52) and submitting the form to the WCB PEI.
 7. Where an election is not made within the three (3) months of the happening of the accident, the worker or dependent shall be deemed to have elected not to claim compensation from the WCB PEI.
 8. Where a worker may have entitlement to benefits in the province of PEI and one or more other Canadian jurisdiction, the following must be considered:
 - a) the residence of the worker;
 - b) the location of the business or chief place of business of the employer;
 - c) the location where the worker usually works; and
 - d) the location where the injury took place.
 9. An election form is required from a worker who files a claim for benefits with the WCB PEI and the worker must meet one of the following criteria:
 - a) the worker normally lives and works outside PEI but was injured in PEI;
 - b) the employer’s chief place of business is in PEI; the worker normally lives and works in PEI but was injured outside PEI;
 - c) the employer’s chief place of business is in PEI; the worker normally lives outside PEI but normally works in PEI and is injured when temporarily outside PEI for the purpose of employment; or
 - d) the worker lives in or outside of PEI, the employer’s chief place of business is outside PEI, the worker is usually employed in PEI but is injured when temporarily outside PEI for the purpose of employment.
 10. Where there may be entitlement to benefits in more than one Canadian jurisdiction and the claim is accepted by WCB of PEI, the worker shall be required to elect not to claim
-

benefits from any other Canadian jurisdiction in which the worker was employed.

11. The WCB PEI will advise the other jurisdiction, where the worker was eligible for benefits, of the election, adjudication, and disposition of the claim.

Occupational Disease

12. Where the WCB is satisfied that an occupational disease is due to employment outside the province of PEI, the WCB may deny the claim. At this time, a claim may be filed in another Canadian jurisdiction where the worker had occupational exposure.

Aggravation or Worsening of a Previous Injury

13. Where a worker who has been, or is, in receipt of benefits from a Canadian jurisdiction that is not PEI, and who subsequently has taken up employment with a registered employer in PEI, claims that his or her condition has recurred, worsened, or been aggravated as a result of his or her employment in PEI, the WCB PEI shall adjudicate the claim and award additional benefits to which the worker is entitled, if any, and pay the full cost of such benefits and related services as provided by the *Workers Compensation Act* of PEI and WCB PEI policy.
14. Where the recurrence, worsening or aggravation of the condition did not result from the subsequent employment with the registered employer in PEI, the WCB PEI shall advise the worker the claim is not eligible for benefits under the *Workers Compensation Act* of PEI and refer the claim and all pertinent information to the original adjudicating Board.

Cost Reimbursement

15. Where a worker is entitled to benefits in more than one Canadian jurisdiction, claim costs will be borne by the jurisdiction in which the injury occurred.
16. Cost reimbursement will occur in accordance with the provisions of the IJA and are subject to the statutory and policy limitations of the reimbursing jurisdiction.

Reconsideration of Decisions

17. The WCB PEI will only deal with reconsideration requests where the WCB PEI is the adjudicating Board.

POLICY NUMBER: POL-143

HISTORY:

July 4, 2023 – non-substantive changes for clarity and readability.

Board of Directors Approval Date: January 26, 2010