



*Ministry of
Advanced Education,
Skills and Training*

Policy Regarding WorkSafeBC Coverage for Post-Secondary Students Deemed to be Employees of the Crown

Date: Revised, August 31, 2018

Policy: Post-Secondary students deemed to be employees of the Crown are eligible for WorkSafe BC coverage for work-related illness or injury.

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Contact:

Ministry of Advanced Education, Skills and Training, via email (recommended)
Post-Secondary.Worksafe@gov.bc.ca , or phone: (778) 698-9776



1. Purpose: This policy provides guidance for determining if a post-secondary student may be deemed to be an employee of the Crown.

2. Legislative Authority: *Workers Compensation Act, Section 3, subsection 6:*

“Where the Minister of Education, Skills and Training and the Minister of Labour approve a vocational or training program, and a school or other location as a place of that vocational or training program, the Board may, at the request of either minister, **deem any person or class of persons enrolled in the program to be workers of the Crown in right of the Province** and compensation under this *Act* is then payable out of the accident fund for injuries arising out of and in the course of training for those workers, but where the injury resulted in a period of temporary disability with no loss of earnings,

(a) a health care benefit only is payable except as provided in paragraph (b); and

(b) where training allowances paid by Canada or the Province are suspended, the Board may, for the period it considers advisable, pay compensation in the amount of the training allowance.”

3. Definitions:

- a. **Accelerated Credit Enrolment to Industry Training or ACE IT.** The technical training component of an industry training program for high school students. ACE IT programs are usually offered as partnerships between school districts and post-secondary institutions with onsite training at either location. ACE IT students are Youth Apprentices registered with the Industry Training Authority.
- b. **Apprenticeship.** A form of post-secondary education that combines paid, work-based training, with technical training in a classroom or shop setting. Successful completion of both components, along with examinations, is required to earn a Certificate of Qualification, and be recognized as a certified tradesperson. An apprentice is registered with Industry Training Authority and is sponsored by an employer. An apprentice is generally laid off by their employer to attend the post-secondary technical training portion of their apprenticeship.
- c. **Foundation.** A form of pre-apprenticeship post-secondary education conducted in classroom or shop setting. A student who successfully completes the program earns an Industry Training Authority Certificate of Completion. Foundation programs cover material related to one or more apprenticeship programs and generally also provide credit towards completion of an apprenticeship. A Foundation student is registered with a public or private Industry Training Authority Designated Training Provider.
- d. **Off-site.** At a host or sponsor employer’s premises or place of business.
- e. **On-site.** At the premises of the student’s training institution.
- f. **Practicum.** An assigned, unpaid and supervised practical work experience, undertaken by a student enrolled at a public post-secondary institution listed in Appendix A. It is a required component of a program, or an elective course within a program which is or includes a mandatory practicum component.



- g. **Required component of program.** Means a course or activity that:
 - i. is included in the program description in the institution's course calendar, and
 - ii. must be successfully completed by the student as a requirement for program completion and/or graduation.
- h. **Student.** A person whom a post-secondary institution or training provider recognizes to be enrolled and in good standing in a course or program of studies at the institution.

4. Student Eligibility Criteria:

- a. A student is eligible to be deemed an employee of the Crown if participating in either:
 - i. an **unpaid practicum component** of a program within the Province of British Columbia while enrolled at a public post-secondary institution listed in Appendix A, either:
 - 1. on-site at a workplace that is part of the institution's regular business activities or,
 - 2. off-site;
 - ii. **classroom, lab or shop instruction for the technical training component** of an **apprenticeship** program at a public or private Industry Training Authority Designated Training Provider within the Province of British Columbia while registered as an **apprentice** with the Industry Training Authority;
 - iii. an eligible **off-site work experience** that is a required component of a **Foundation** program at a public or private Industry Training Authority Designated Training Provider within the Province of British Columbia while registered in an Industry Training Authority Foundation program; or
 - iv. an eligible **off-site work experience** that is a required **non-secondary school** component of an Accelerated Credit Enrolment to Industry Training (**ACE IT**) program at a public or private Industry Training Authority Designated Training Provider within the Province of British Columbia while registered in an ACE IT program.
- b. A student participating in one of the activities in section 4(a) and outside of the Province of British Columbia is generally not eligible and should confirm similar workplace coverage with the province or country in which they will be working. The student is also advised to obtain their own medical insurance.
- c. A student participating in one of the activities in section 4(a), but who is required to undertake some work or travel outside of the province of British Columbia, may be eligible for WorkSafeBC coverage if the circumstances meet the conditions of the *Workers Compensation Act* Section 8 (1):

"Injuries happening out of Province

8 (1) Where the injury of a worker occurs while the worker is working elsewhere than in the Province which would entitle the worker or the worker's dependants to compensation under this Part if it occurred in the Province, the Board must pay compensation under this Part if;

- (a) a place of business of the employer is situated in the Province;
- (b) the residence and usual place of employment of the worker are in the Province;



(c) the employment is such that the worker is required to work both in and out of the Province; and

(d) the employment of the worker out of the Province has immediately followed the worker's employment by the same employer within the Province and has lasted less than 6 months, but not otherwise.”

5. Ineligibility:

- a. A student is ineligible to be deemed a worker of the Crown by the Ministry of Advanced Education, Skills and Training if participating in:
 - i. a **paid** practicum, work experience, or apprenticeship through which workers' compensation coverage is available via the student's employer;
 - ii. a secondary school component of a program (e.g. ACE IT) and have been designated as employees of the Crown by the Ministry of Education;
 - iii. *experiential training/simulated work experience in workplaces created specifically for that purpose while attending a program established by an institution (e.g. simulated medical laboratory environment to provide students an opportunity to practice drawing blood from one another, or any similar situation where the work being performed would not exist if it were not for the sake of providing a learning opportunity for that program, either on or off site);* or
 - iv. classroom, shop or lab components of any **non-apprenticeship** program (e.g. **Foundation ACE IT**, science, arts). An institution may choose to purchase student accident insurance. Advisement on additional coverage is offered by the Risk Management Branch of the Ministry of Finance. Students are advised to obtain their own medical insurance, such as coverage under the BC Medical Services Plan.

6. References:

- [WorkSafeBC, Rehabilitation Services and Claims Manual, Volume II](#), Item: C3-21.00, Extra-Employment Activities, July 1, 2010.
- [WorkSafeBC, Information Sheet, "Did you know? Unpaid practicum students are eligible for workers' compensation coverage"](#), March 13, 2013.
- [Work Experience Order](#), Orders of the Minister of Education, Ministerial Order 237/11 (M033/09), **Authority:** *School Act*, section 168 (2) (a), Effective August 16, 2011.
- [Program Guide for Ministry-Authorized Work Experience Courses](#), Ministry of Education, November 2014.

7. Procedures of Authorizing and Submitting WorkSafeBC Claim on Behalf of Eligible Practicum or Apprenticeship Students

Student

The student completes an Application for Compensation and Report of Injury or Occupational Disease (Form 6) and submits it directly to WorkSafeBC.



Post-Secondary Institution or Training Provider

- a. Download the fillable PDF – Employer’s Report of Injury or Occupational Disease” (Form 7) at <https://www.worksafebc.com/en/forms-resources>.
- b. Starting at the top of page 1, in the employer information section:
 - i. enter the WorkSafeBC claim number (if known), employer’s name, and type of business.
 - ii. enter the WorkSafeBC account number (004002), classification number (841106) and operating location number (001).
 - iii. complete the remaining parts of the employer information section.
- c. Record the injured student’s information in the worker information section. Clearly indicate whether the injured student was on a practicum or attending apprenticeship technical training, and include the name of their program.
- d. Complete the remainder of the form, as indicated.
- e. The signature and report date section (bottom of the third page) must be signed and dated by the institution’s Occupational Health and Safety representative.
- f. Encrypt the form, note the password to open the document, and email the protected document to the Ministry contact at Post-Secondary.Worksafe@gov.bc.ca.
- g. Send the password in a separate email or call the ministry contact at (778) 698-9776 and provide the password to open the encrypted document.

Ministry

- a. Ministry staff reviews the claim to determine if, under this policy, the student should be considered an employee of the Crown for this case.
- b. If the Ministry determines that the worker is considered an employee of the Crown, the Ministry will authorize the claim and sign the form 7. This authorization indicates that the student should be considered an employee of the Crown for this claim and that the Crown agrees to assume the liability for claim costs. The Ministry will fax the claim package to WorkSafeBC for processing and send an email confirmation advising the form was authorized to the institution’s Occupational Health and Safety representative.
- c. If not approved, the Ministry will advise the institution of the results via an email to the institution’s Occupational Health and Safety representative.

Attachment: Appendix A Public Post-Secondary Institutions



Appendix A Public Post-Secondary Institutions

1. British Columbia Institute of Technology
2. Camosun College
3. Capilano University
4. Coast Mountain College
5. College of New Caledonia
6. College of the Rockies
7. Douglas College
8. Emily Carr University of Art & Design
9. Justice Institute of BC
10. Kwantlen Polytechnic University
11. Langara College
12. Nicola Valley Institute of Technology
13. North Island College
14. Northern Lights College
15. Okanagan College
16. Royal Roads University
17. Selkirk College
18. Thompson Rivers University
19. University of Northern BC
20. University of the Fraser Valley
21. Vancouver Community College
22. Vancouver Island University
23. Simon Fraser University
24. University of British Columbia
25. University of Victoria