

Workers' Compensation Coverage for Work-Integrated Learning Assignment

FAQs

Updated: October 31, 2022

General

Why is it important for students participating in unpaid work-integrated learning assignments to be covered by workers' compensation?

The purpose of workers' compensation is to protect students in the case of injury or death, while also protecting those organizations hosting student assignments as well as post-secondary institutions against claims or losses. Ensuring the protection of the parties (students, hosting organizations, and institutions) for the duration of a student's assignment serves to facilitate meaningful partnerships between the post secondary sector and industry so that students can continue to diversify their skillsets via work integrated learning.

Why is an agreement required to provide workers' compensation coverage to post-secondary students?

The legislative framework for Workers' Compensation Board (WCB) coverage in Saskatchewan is intended for paid work only and therefore a standalone arrangement is required to extend coverage for students.

Why is the Memorandum of Understanding (MOU) being renewed, and why is it now called an Agreement?

The current iteration of the MOU is set to expire at the end of June 2021. In order to avoid any gaps in workers' compensation coverage, it is being renewed for an additional five years. It has been termed an Agreement as it is binding for the parties (WCB and the Ministry of Advanced Education).

What is the Ministry of Advanced Education's role in this arrangement?

Under the Agreement, the ministry serves as the "employer," meaning that it bears legal and financial responsibility in the provision of WCB coverage for eligible students while engaged in work-integrated learning assignments. Student claims costs will continue to be applied to the Government of Saskatchewan's employer record, resulting in no financial implications for students, post-secondary institutions or hosting organizations.

What has been updated under the Agreement?

Clarity has been provided around the roles and responsibilities of each party. An indemnity clause has also been added to hold the Board harmless against damages or claims.

Why is a policy also being developed?

The purpose of the policy is to operationalize the Agreement, as well as to outline the roles and responsibilities of the parties in detail, so as to ensure students are covered for the duration of their work integrated learning assignments.

Eligibility

Who is eligible for coverage?

Any "participating student" (an individual who is engaged in a work-integrated learning assignment in the province of Saskatchewan and who is registered with a post-secondary institution listed in Schedules "A" and "B" of the [Agreement](#)) for whom a *Consents and Waiver of Liability* form (Schedule "C" of the [Agreement](#)) has been completed and signed, is eligible for coverage.

What is an unpaid work-integrated learning assignment?

For the purposes of workers' compensation coverage, an unpaid work-integrated learning assignment is an opportunity offered by a post-secondary institution for students to be engaged with a host organization without pay for more than one day in the performance of work normally undertaken by the host organization for the purpose of learning.

What type of benefits and assistance does the WCB provide?

The WCB provides benefits and assistance to injured workers, depending on the medical and vocational needs of the situation. Under the Agreement between the WCB and the Ministry of Advanced Education, participating students are subject to the legal rights, benefits, obligations and restrictions while placed with a host organization, as if the student was a worker in the course of employment.

Benefits may include medical treatment, hospital care, prescription drugs and medical supplies. No payment for loss of earnings will be made during a school term or a training period unless actual loss of earnings is demonstrated. In the event of a fatality, benefits to dependents will be based on the provisions of *The Workers' Compensation Act, 2013*.

Who is excluded from coverage?

Pursuant to the Agreement, workers' compensation does not apply to students undertaking work integrated learning assignments which either: take place outside of Saskatchewan or take place in an industry or occupation excluded from coverage under *The Workers' Compensation Act, 2013* (unless the host organization has applied to the Board for inclusion under section 3 of *The Workers' Compensation Act, 2013* and the Board has approved said application). Examples of excluded industries include farming and organizations operating on a First Nation. Alternative arrangements may be made in these circumstances (e.g., purchasing general liability insurance).

For further clarification, please see below.

- **Out-of-Province:**
Coverage is not provided for any work-integrated learning assignments that take place outside of the province of Saskatchewan.
- **First Nations in Saskatchewan:**
[The Workers' Compensation Miscellaneous Regulations](#) outlines a number of industries and occupations that are excluded from the provisions of the Act. Section 3(n) excludes "Indian Bands and Band Endeavors on Reserve". Therefore, unless the host organization has applied to WCB for inclusion under section 3 of the Act, and the WCB has approved the application, the host organization and any participating students would be excluded from coverage.

Prior to placing a participating student on a work-integrated learning assignment that is located on a First Nation in Saskatchewan, including Urban Reserves, confirmation in writing must be sought and received from the WCB indicating that the host organization has a WCB account.
- **Post-secondary Premises:**
Coverage is not provided for an injury occurring on a post-secondary institution's premises unless the injury arises out of and in the course of a work-integrated learning assignment.

Why is coverage not provided to students at all Saskatchewan post-secondary institutions?

Eligibility for coverage under the Agreement is limited to students registered at post-secondary institutions that receive provincial funding from the Government of Saskatchewan.

Do alternative coverage arrangements exist for students who do not meet the eligibility requirements?

Yes. Alternative coverage arrangements, such as general liability insurance, may be an option for students who are not eligible for coverage pursuant to the Agreement. The ministry has no involvement in alternative coverage arrangements.

For any questions or clarification about eligibility, please contact the WCB Employer Services Department.

Email: employerservices@wcbask.com

Telephone: 306-787-4370

Toll free: 1-800-667-7590

Roles and Responsibilities of the Parties

What are the roles and responsibilities of the WCB?

The WCB is responsible for:

- establishing and maintaining WCB policy as is necessary to give effect to the Agreement;
- making all determinations regarding eligibility for benefits, level of benefits and overall administration of claims submitted by or on behalf of participating students and making all payments in relation thereto as may be required to provide workers' compensation coverage to participating students pursuant to the Agreement; and,
- reporting the number of annual work-integrated learning claims (July 1 - June 30 inclusive) to the ministry by August 1 of each year.

What are the roles and responsibilities of the Ministry of Advanced Education?

The ministry is responsible for:

- maintaining the Agreement with the WCB, updating Schedules "A" and "B" of the Agreement as necessary;
- indemnifying the WCB under the terms and conditions of the Indemnity Agreement, which forms part of the Agreement; and,
- paying premiums or levies which may be charged in accordance with paragraph 6 of the Agreement.

What are the roles and responsibilities of post-secondary institutions?

Post-secondary institutions are responsible for:

- approving unpaid work-integrated learning assignments;
- liaising with host organizations, including communicating safety expectations and monitoring adherence to safety standards;
- maintaining appropriate records associated with unpaid work-integrated learning;
- advising participating students of the details of their workers' compensation coverage;
- for any academic program that includes a work-integrated learning assignment, obtaining a signed *Consents and Waiver of Liability* form (Schedule "C") from each participating student prior to the start of any work-integrated learning assignment(s). *The Consents and Waiver of Liability* form will apply to all work-integrated learning assignments undertaken by the student throughout the course of the academic program;
- ensuring, that in the event of an injury, students follow the necessary injury report and claim submission process outlined in section IV below (and in the "Procedures" and "Claims Submission and Reporting" sections of the policy);
- ensuring, per the definition of "work-integrated learning assignment", that no such assignments are carried out in an industry or occupation excluded from coverage under the Act, unless the host organization has applied to the Board for inclusion under section 3 of the Act and the Board has approved said application; and,
- providing an annual report to the ministry by June 30 of each year, which confirms:
 - the total number of participating students for the current academic year;
 - the number of work-integrated learning assignments undertaken in the current academic year; and,
 - that each participating student has signed a Consents and Waiver of Liability (Schedule "C" of the Agreement) for his or her respective program.

What are the roles and responsibilities of organizations hosting student assignments?

Host organizations are responsible for:

- responding to student injuries appropriately which includes:

- providing first aid for injured students if necessary; and,
- supporting injured students to access medical attention from a qualified health-care professional.
- immediately reporting and providing details of the injury to the student's post-secondary institution; and,
- reporting the injury to the WCB by completing the Employer's Initial Report of Injury (E1) form within five days of the incident and providing a copy of the submission and accompanying documents to the student's post-secondary institution.

What are the roles and responsibilities of students?

All students participating in a work-integrated learning assignment are responsible for:

- signing the Consents and Waiver of Liability form prior to the start of any work-integrated learning assignments;
- carrying out the necessary procedures for reporting workplace injuries, which includes:
 - immediately reporting the incident to the workplace supervisor/host organization and post secondary institution;
 - in consultation with their post-secondary institution, submitting the Worker's Initial Report of Injury (W1), along with a copy of the signed Consents and Waiver of Liability, to the WCB within five (5) days of the incident; and,
 - if applicable, working with the host organization and the WCB to set up a Return to Work (RTW) plan.

Claims Submission

Have there been updates to the student claims submission process?

All claims can now be submitted online. Individual student claim documents are not submitted to the ministry. All documents are to be submitted directly to the WCB.

How do you submit a claim?

Reporting for Students:

- Report an injury to the WCB using the Workers Initial Report of Injury ([W1](#)).
- Work with the host organization and the WCB in setting up a Return to Work (RTW) plan.

Reporting for Host Organizations:

- Make sure the student receives immediate and appropriate medical attention and inform the post-secondary institution.
- Immediately report and provide full details of the injury to the student's post-secondary institution.
- Report the injury to the WCB within five days of the incident, by submitting the Employer's Report of Injury ([E1](#)) form.
- Provide a copy of the [E1](#) form and all supporting documents to the student's post-secondary institution.

Form Submission:

W1 and E1 forms can be submitted by any of the following methods:

- **Online:** [W1 form](#) / [E1 form](#)
- **Email:** forms@wcbask.com (please send either a picture (JPEG) or a PDF document)
- **Mail:** 200-1881 Scarth St, Regina, SK S4P 4L1
- **Telephone:** 1-800-787-9288 (Telefile)
- **Fax:** 1-888-844-7773

Additional

Why are host organizations responsible for submitting the E1?

Having the host organization submit an E1 facilitates timely and accurate submissions. However, both the host organization and the student must report the details of any injury to the post-secondary institution immediately after it has occurred.

How do other provinces manage coverage for unpaid work placement students?

British Columbia, Alberta, Manitoba and Ontario have legislation that facilitates workers' compensation coverage for unpaid work placements. The respective governments have little involvement in the oversight of work placements and claims reporting and post-secondary institutions bear greater responsibilities in some jurisdictions.

How many student claims have been submitted to date?

Over the last five years, the WCB has processed 93 claims filed by post secondary students undertaking unpaid work placements. The WCB pays an average of \$32K per year for all student claims.

Where can I access more information?

- WCB home page: www.wcbask.com
- WCB injury reporting: www.wcbask.com/how-report-work-injury
- [The Workers' Compensation Act, 2013](#)
- [Agreement between the WCB and Ministry of Advanced Education](#)

Who can I contact with questions?

Questions about the claims submission process and premium calculation can be directed to:

The Saskatchewan Workers' Compensation Board

Telephone: 1.800.667.7590

Email: employerservices@wcbask.com

Questions about the Agreement and the Ministry of Advanced Education policy can be directed to:

Director, Technical and Indigenous Institutions
Sector Management and Relations
Ministry of Advanced Education

Telephone: 306-787-6076

Email: WIL_WCBInquiries@gov.sk.ca

