

MEMORANDUM OF UNDERSTANDING

Between

Her Majesty the Queen in Right of the Province of Saskatchewan,
represented by the Minister of Immigration and Career Training or its successor
(hereinafter referred to as "**the Ministry of Immigration and Career Training**")

OF THE FIRST PART

-and-

The Workers' Compensation Board
(hereinafter referred to as "**the Board**")

OF THE SECOND PART

WHEREAS the Ministry of Immigration and Career Training desires to obtain workers' compensation coverage for bona fide participants placed in a project or activity that contains work experience;

WHEREAS the Board desires to provide coverage for such participants under terms and conditions compatible with the purposes of *The Workers' Compensation Act, 2013* ("the Act");

AND WHEREAS pursuant to the Act, the Board has ordered that any bona fide participant for whom a Consent and Agreement are completed pursuant to this Memorandum, shall be a worker for the purposes of the Act, and has determined that

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any injury sustained by such participants while engaged in work experience shall, for the purposes of section 43, be an injury sustained by the "worker".

THEREFORE, the parties agree that the following terms and conditions shall govern the provision of such coverage:

DEFINITIONS

In this Memorandum:

"approved Applicant" means an Applicant as defined in *The Employment Program Regulations* providing a project approved by the Minister of Immigration and Career Training.

"bona fide participant" means an individual who is engaged in a work experience with an approved Applicant and who is registered with the Ministry of Immigration and Career Training.

"term" means a period of time during which participants work toward completing the requirements of their work experience. Schedules may vary between projects.

"work experience" means an activity approved by the Minister of Immigration and Career Training which:

- (a) is offered by an entity listed in Schedule 'A'
- (b) provides for bona fide participants to be engaged with an employer without pay for more than one day in the performance of work normally undertaken by the employer for the purpose of learning.

But shall not include work experience which:

- a. take place outside of Saskatchewan; and/or
- b. take place in an industry or occupation excluded from coverage under the Act unless the employer has applied to the Board for inclusion under section 3 of the Act

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1. Workers Compensation for bona fide participants

The workers' compensation benefits referred to in this Memorandum shall apply to bona fide participants for whom a Consent and Agreement in a form similar to that found in Schedule "C" attached hereto has been completed by the bona fide participant and the parent or guardian of a minor participant and with respect only to injury or death occasioned during the participant's engagement in their work-integrated learning assignment.

2. Scope of this Memorandum

The parties intend that this Memorandum will ensure, subject to any changes to benefit entitlement contained in paragraph 5, that all employers, workers and dependents under the Act are eligible for compensation, benefits and rights and are subject to duties obligations and restrictions pursuant to the Act as if such bona fide participants were workers under the Act and were injured or killed in the course of their employment.

3. Responsibilities of the Ministry of Immigration and Career Training

The Ministry of Immigration and Career Training shall:

- a. update Schedule "A" annually;
- b. Provide a listing of all approved activities annually, with updated lists to be provided if changes are made;
- c. indemnify the Board, where applicable, under the terms and conditions of the attached Indemnity Agreement which forms part of this Memorandum.

4. Board Responsibilities

The Board shall:

- (a) establish and maintain such orders, decisions and Board policy,
- (b) make all determinations regarding eligibility for benefits, level of benefits and overall administration of claims submitted by or on behalf of bona fide participants, and make all payments in relation thereto as may be required to

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provide workers' compensation coverage to bona fide participants pursuant to this memorandum, and

- (c) provide an annual report to the Ministry of Immigration and Career Training on the number of claims submitted by approved Applicants on behalf of bona fide participants participating in work experience separate and apart from claims related to the Ministry of Immigration and Career Training's employees.

5. Applicant Responsibilities

The Applicants shall:

- a. provide approved work experience;
- b. maintain records of bona fide participants,
- c. advise bona fide participants participating in work experience of the details of their workers' compensation coverage,
- d. collect and maintain signed Consent and Agreement forms from all bona fide participants participating in work experience, in the form attached in Schedule "B",
- e. carry out procedures satisfactory to the Board for reporting of workplace injuries and submission of claims for bona fide participants,
- f. confirm the eligibility of a bona fide participant for whom a claim is submitted to the board, and,
- g. at the start of each project, provide reports of the number of bona fide participants participating in work experience to the Ministry of Immigration and Career Training.

6. Earnings Replacement

The Board shall pay compensation for bona fide participants as follows:

- (a) Benefits respecting loss of earnings are to be paid during the work experience term -only where there is actual loss of earnings demonstrated.
- (b) If there is a loss of earnings following termination of the work experience term which arises from injury occurring during a work-experience, the calculation of wage lost benefits will be based on:
 - i. All earnings from employment in industries covered by the Act; or

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ii. Where there are no covered earnings;

- a. For the first 24 months of demonstrated earnings loss, the provincial minimum wage for a forty-hour work week; and
- b. After wage loss benefits have been paid for a period of 24 consecutive months, two-thirds of the average weekly wage as of June in the year immediately preceding the year in which the loss of earnings or ability to earn occurs.

(c) In the event of a fatality, benefits to dependents will be based on the provisions of the Act.

7. Financial Arrangements

- (a) The Board may, in determining premiums or levies charged under the Act to the Government of Saskatchewan, take into consideration such claims as may be paid to bona fide participants pursuant to this Memorandum, in like fashion as if such participants were employees of the Ministry of Immigration and Career Training.
- (b) The Board shall assess no other premiums, levies, fees or charges against an employer or the Ministry of Immigration and Career Training with respect to this Memorandum.

8. Term and Termination

This Memorandum:

- (a) supersedes all prior memoranda and or Agreements between the Board and the Ministry or its predecessors,
- (b) shall expire five years from the date hereof, and
- (c) before expiration may be terminated without cause by one year written notice given to either party by the other.

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Execution

The Board and the Ministry of Immigration and Career Training agree to be bound by the terms and conditions of this Memorandum effective the 19 day of December, 2019.

The Ministry of Immigration and Career Training



Deputy Minister of
Immigration and Career Training

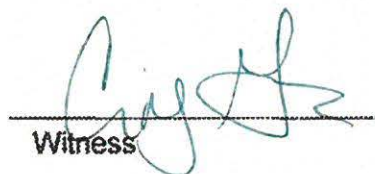


Witness

The Workers' Compensation Board



Chief Executive Officer



Witness

Schedule "A"

Bona fide participants registered with any of the following entities which are providing work experience approved by the Minister of Immigration and Career Training, are eligible for workers' compensation coverage pursuant to this Memorandum.

- a business registered pursuant to *The Business Corporations Act*;
- a public or private education institution or post-secondary training institution;
- a regional park authority constituted or continued pursuant to *The Regional Parks Act, 1979*;
- the following urban park authorities:
 - Wakamow Valley Authority;
 - Meewasin Valley Authority;
 - Wascana Centre Authority;
- a regional health authority and any affiliate within the meaning of *The Regional Health Services Act*;
- a board of education;
- the Conseil scolaire fransaskois;
- a public or regional library;
- a labour organization as defined in *The Trade Union Act*;
- ~~a farmer;~~ **ps**
- a department or agency of the Government of Canada that has an office in Saskatchewan;
- a department or agency of the Government of Saskatchewan;
- a Crown corporation of the Government of Canada that has an office in Saskatchewan;
- a Crown corporation within the meaning of *The Crown Corporations Act, 1993*.
- ~~an Indian band within the meaning of the *Indian Act* (Canada), a tribal council, the Métis Nation of Saskatchewan and entities registered pursuant to *The Non-profit Corporations Act, 1995*.~~ **ps**
- a corporation incorporated, continued or registered pursuant to *The Business Corporations Act* or *The Non-profit Corporations Act, 1995*;
- the Saskatchewan Polytechnic;
- a regional college as defined in *The Regional Colleges Act*;

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- any other applicant that is a non-profit organization, whether incorporated or not, that the minister considers appropriate.

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[Signature] *ARM*
[Signature]

Schedule "B"
Work Experience Consent and Agreement

Introduction: For the purposes of this agreement, work experience involves a participant being placed with an Applicant without pay as part of work experience.

The Workers' Compensation Board (the Board) has signed a memorandum with the Ministry of Immigration and Career Training; and has passed a policy under the authority of *The Workers' Compensation Act, 2013* (the Act) with a view to ensuring that participants pursuing unpaid work-integrated learning have workers' compensation coverage. To be eligible for coverage pursuant to this memorandum, participants must be registered with an approved project with the Ministry of Immigration and Career Training, complete their placements in Saskatchewan and complete the following consent and agreement. An eligible participant is subject to legal rights, benefits, obligations and restrictions while placed with a work-placement employer, as if the participant was a worker in the course of employment. If you have questions or concerns about this consent and agreement, please contact Immigration and Career Training at 306-787-7384.

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CONSENTS AND AGREEMENT

The participant and (if the participant is a minor) the participant's parent/guardian

- a. **consent to the participant participating** in a work experience project associated with the Applicant described as

_____ while placed with

_____ (the work-placement employer);

- b. **consent to the Minister having applied on behalf of the participant** to the Board for an Order that the participant be brought within the scope of the Act as a worker; and
- c. **agree** (in consideration of receiving workers' compensation coverage at no cost to the participant) with the work-placement employer and workers covered by the Act, the relevant post-secondary institution and with the Ministry of Immigration and Career Training and the Board, **to be subject to the legal rights**, benefits, obligations and restrictions while placed with the work-placement employer **more particularly described in the above introduction.**

Dated at _____, Saskatchewan this _____ day of

_____, 20_____.

Participant Signature

Parent/guardian
(of a participant under 18) or
Witness (for a participant 18 or
older)

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INDEMNITY AGREEMENT

Whereas the Workers' Compensation Board (the Board) has, pursuant to a request by the Ministry of Immigration and Career Training and with a view to ensuring that certain participants injured while enrolled in work experience are afforded workers' compensation coverage and are subject to the same legal rights, benefits, obligations and restrictions while engaged with an employer, as if the participant was a worker injured the course of employment,

- (1) entered a Memorandum of Understanding with the Ministry of Immigration and Career Training (the MOU).
- (2) issued an order pursuant to subsection 3(6) of *The Workers' Compensation Act, 2013* (the Act) that certain participants while engaged in work-based learning assignments shall be workers under the Act, and
- (3) passed a policy pursuant to clause 18(5.1) of the Act, determining that participants injured while engaged in work-based learning assignments shall be deemed to be injured while engaged in the course of their employment (the resolution).

Now therefore the Ministry of Immigration and Career Training, in consideration of the Board agreeing to extend coverage to participants pursuant to the MOU, hereby indemnifies the Board from all damages that the Board may sustain in any action or proceedings by an employer that is sued by a participant on the basis that the resolution is ultra vires or invalid.

Dated at Regina Saskatchewan this 5 day of December, 2019

Ministry of Immigration and Career Training



Alastair MacFadden, Deputy Minister

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Government
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Saskatchewan

Ministry of Immigration and
Career Training
Deputy Minister

1000 - 2103 11th Avenue
Regina, Canada S4P 3Z8

September 17, 2021

ICT 2019-20-047
Amendment # 01

Phillip Germain
Chief Executive Officer
Workers' Compensation Board
200 – 1881 Scarth Street
REGINA SK S4P 4L1
PGermain@wcbsask.com

Dear Phillip Germain:

Under a Memorandum of Understanding made effective December 19, 2019, between the Workers' Compensation Board and the Government of Saskatchewan, as represented by the Minister of Immigration and Career Training (the "Agreement"), to provide workers' compensation benefits for bona fide participants placed in a project or activity that includes work experience:

The Agreement shall be amended, as agreed to within section 3 of the Memorandum of Understanding, as follows:

1. Schedule A of the Agreement shall include the April 1, 2021 Updated Schedule A, herein attached to this amendment.

This amendment is to be read together with and be part of the said Agreement effective December 19, 2019, and said Agreement shall be regarded as so amended and, together with all the covenants and conditions herein contained, shall remain in full force and effect.

The provisions of this letter of amendment shall be effective immediately with your acknowledgement and consent to the provisions herein, by your execution of this letter.

Phillip Germain
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September 17, 2021

Please have the letter signed, witnessed and dated, and returned to my office as soon as possible via email to ictdmo@gov.sk.ca.

Sincerely,

Clint Repski

Clint Repski
Deputy Minister

ACKNOWLEDGEMENT AND CONSENT

The undersigned hereby acknowledges and consents to the provisions herein before set forth, dated this 19 day of September, 2021.

Cindy Glaser

Witness

Phillip Germain

Phillip Germain, Chief Executive Officer
Workers' Compensation Board

cc: Legislative and Contract Services

Schedule “A”

Participating individuals registered with any of the following entities which are providing work experience approved by the Minister of Immigration and Career Training, are eligible for workers' compensation coverage pursuant to this Memorandum.

- As per Section 2 of *The Employment Program Regulations, 2021*, applicants for financial assistance and employer-related supports must be an employer as defined in Part II of *The Saskatchewan Employment Act* and who are employers within an included industry under *The Workers' Compensation Act, 2013*.

Career Services funded Organizations with unpaid work experiences

Organization
3A Academy & Consulting Ltd.
YWCA Prince Albert Inc.
Prince Albert Multicultural Council
Regina Immigrant Women's Centre(RIWC)
Saskatchewan Abilities Council Inc.-Yorkton
Saskatchewan Abilities Council Inc.-Regina
Saskatchewan Abilities Council Inc.-Saskatoon
Keewatin Community Development Association
South Saskatchewan Independent Living Centre
YWCA Saskatoon Inc.
Humboldt and District Community Services Inc.
Regina Open Door Society
Saskatchewan Indian Institute of Technologies
Saskatchewan Intercultural Association Inc.
Saskatoon Trade and Skills Centre
Northwest School Division
Gary Tinker Federation for the Disabled Inc.
Saskatchewan Tourism Education Council
Regina Trades and Skills
Carlton Trail College
Catholic Family Services of Prince Albert Inc.
International Women of Saskatoon IWS Inc.
Learning Disabilities Association of Saskatchewan Inc.
Prince Albert & District Community Service Center Inc.
Rainbow Youth Centre Inc.
Saskatchewan Polytechnic
Saskatoon Food Bank Incorporated
The Neil Squire Society
Estevan Family Resource Centre Inc
Moose Jaw Multicultural Council Inc
Prairie Employment Program Inc.
Southeast Advocates for Employment
Regina District Industry Education Council Inc.
Zoya Shmyr Consulting-Note-has not had a contract for 2 years
Saskatoon Industry Education Council Inc.
Prince Albert Metis Women's Association Inc.
Radius Community Centre For Education And Employment Training Inc.