

July 2005

Workers' Compensation Board Claims for Employment and Training Services Clients

Questions & Answers

What is a WCB Deeming Order?

A deeming order is an agreement between Alberta Human Resources and Employment (HRE) and the Workers' Compensation Board (WCB) which outlines who is responsible for providing Workers' Compensation coverage for HRE clients. Each HRE deeming order has its own WCB account number.

Who is covered under a WCB Deeming Order?

Individuals funded for training by HRE are deemed to be workers of the Government of Alberta (HRE) while in Alberta Works Employment and Training Services. This includes on-reserve First Nations people attending HRE funded programs on reserve.

What if training occurs with an employer whose worksite is outside of Alberta?

Coverage follows the HRE client. If a client trains with an employer in BC or Saskatchewan, and is being case-managed by a service provider or HRE, the client is covered by Alberta WCB under the deeming order.

When does HRE's responsibility for WCB coverage end?

HRE's responsibility ends when:

- the terms of the training agreement with the employer are completed, or
- the client has become an employee of the employer and is on the employer payroll, and
- there is no more direct involvement with the client such as further contribution towards wages, case management or job coaching.

Follow-up by HRE or a service provider at three, six and twelve month intervals to measure client success is not considered direct involvement or case management.

Who covers HRE clients attending training in Alberta's public institutions?

Alberta Advanced Education provides WCB coverage for individuals attending training in a public institution even though they are funded by HRE under contracted or tuition based training. Section 7(1)(c) of the WCB General Regulations deems them to be workers of the Government of Alberta (Alberta Advanced Education).

What are the Legislative Requirements for WCB Reporting?

If an HRE client (worker) sustains an injury while enrolled in and attending an HRE training or paid or unpaid work experience program, the *Workers' Compensation Act* of Alberta requires employers report the incident in writing within **72 hours** of being notified of the injury.



On the worksite, who is required to submit a report?

Once an employer becomes aware of an incident, the employer is responsible for submitting a report. The WCB considers an employer to have acquired knowledge of an incident if the employer or anyone considered by the WCB to be acting on behalf of the employer (such as supervisor or first-aid attendant) receives notice or becomes aware that a worker may have received a work-related injury.

What injuries must be reported?

The general rule is to submit a claim any time an employee sustains a work related injury and seeks medical attention whether the claim is time lost or no time lost. When in doubt, submit the claim and let WCB investigate to determine whether it is WCB or not.

The WCB Employer Handbook identifies the following work-related injuries:

- injuries causing or likely to cause the worker to be off beyond the day of the injury.
- injuries requiring modified work beyond the day of the injury.
- injuries requiring ongoing medical treatment (physical therapy, prescription medications, etc.).
- injuries resulting in a permanent disability (amputations, hearing loss, etc.).

For further information

Please see *Workers' Compensation Board Claims for Employment and Training Services Clients - Procedures*, NCN 1079 (2005/07) posted under *Directives and Fact Sheets* at www.gov.ab.ca/hre/skillsinvestment/reg or visit the Workers' Compensation Board website at www.wcb.ab.ca