

Alternative Assessment Procedure for Interjurisdictional Trucking

Background

All provincial Workers' Compensation Boards in Canada require that an out-of-province trucking firm operating in their province pay a proportionate assessment for each driver who travels in or through the province. Calculating the amount of the assessment has been difficult because each board has different rules for determining employment relationships.

To address this issue, the Canadian Trucking Association and the Association of Workers' Compensation Boards of Canada reached a three-year trial agreement called the Alternative Assessment Procedure (AAP). The payment of assessments has been simplified under this agreement. Yet, the rights, benefits, and protection employers and workers now receive in each province remains unchanged. Under the AAP, a trucking firm can elect to pay assessments to the Workers' Compensation Board in the province where the worker resides. The firm must still register in each of the other jurisdictions in which it operates. However, it is not required to pay assessments in these jurisdictions. The agreement has not required legislative changes, so the statutory protection, such as a worker's right to benefits and the employer's bar to lawsuit, are still provided in each province.

A trial agreement ran from 1995 through 1997. In late 1997, the agreement was extended to December 31, 1998. However, Saskatchewan elected to not participate fully. As a result, the Saskatchewan Board is not recognized by the WCB of British Columbia for AAP purposes.

The agreement has now been extended indefinitely. Saskatchewan remains excluded from this agreement.

Your options

A firm engaged in interjurisdictional trucking has two options:

1. Continue to report interjurisdictional trucking earnings and pay assessments based on a percentage of kilometres driven in each province/territory, or
2. Pay all assessments for any worker to the Workers' Compensation Board in which the worker resides (with the exception of Saskatchewan^{*}). If the trucking firm wishes to participate in the Alternative Assessment Procedure, a completed application form must be forwarded to the Workers' Compensation Board of British Columbia. Under this alternative system, an injured worker can elect to claim benefits in either the province of residence or the province of injury.

^{*} The Saskatchewan Workers' Compensation Board has elected not to participate in the Alternative Assessment Procedure. All trucking firms are still required to report to the Saskatchewan Board. Any earnings that have to be reported to the Saskatchewan Board do not have to be reported to the B.C. Board.

Example

The following two examples explain the alternative assessment procedure:

ABC Trucking Ltd. is located in British Columbia and hauls freight from B.C. to Ontario. All of the firm's drivers and other workers reside in B.C. ABC's trucks drive 60 percent of their kilometres in British Columbia and 10 percent in the other four jurisdictions. ABC Trucking is registered in B.C., Alberta, Saskatchewan, Manitoba, and Ontario.

Current method

ABC Trucking Ltd. uses kilometres travelled by its trucks to pro-rate the earnings of its drivers, and pays assessments to five provinces/territories.

Optional method

ABC Trucking Ltd. can choose to participate in the Alternative Assessment Procedure for Interjurisdictional Trucking. The firm would report all its drivers' earnings to the British Columbia WCB - **THE ASSESSING BOARD**. The firm must maintain registrations with all the other compensation boards of jurisdictions/ provinces in which they travel. No assessments will be paid to these boards as they are considered **REGISTERING BOARDS**.

Getting Started

Once you have chosen to join the Alternative Assessment Procedure, you should do the following:

- Based on the residency of your workers, determine which WCB(s) will be **ASSESSING BOARDS** and which will be **REGISTERING BOARDS**. Then, complete the application for Alternative Assessment Procedure for Interjurisdictional Trucking, review the terms of the application, and return it to the WCB's Assessment Department, PO Box 5350, Station Terminal, Vancouver, B.C. V6B 5L5.
- Upon receipt of your completed application form, the British Columbia WCB will be aware of which Boards are **ASSESSING BOARDS** and which are **REGISTERING BOARDS**. The British Columbia WCB will contact the **REGISTERING BOARDS** to confirm your information.
- Please note, any earnings reported to the Saskatchewan Workers' Compensation Board need not be reported to the British Columbia WCB.
- ***Please note: The right of election of an injured worker remains unchanged. Therefore, a British Columbia resident injured outside the province continues to have the right of election. This means the worker can either file a claim within the jurisdiction where the injury occurred or with the British Columbia WCB.***

Contacts

If you have questions or require clarification, please contact the WCB of B.C.'s Employer Service Centre toll free in Canada at 1 888 922-2768, local 6181, or 604 244-6181 between the hours of 8:30 a.m. to 4:30 p.m. (Pacific Standard Time), Monday through Friday. The fax number for the Employer Service Centre is 604 244-6490.

**APPLICATION FOR ALTERNATIVE ASSESSMENT PROCEDURE
FOR INTERJURISDICTIONAL TRUCKING**

Legal Name: _____
 Trade/Company Name: _____
 Contact Person: _____
 Street: _____
 City/Province/Postal Code: _____
 Telephone Number: _____
 Fax Number: _____
 WCB Account Number. _____

NAME OF AUTHORITY HOLDER AND/OR PRINCIPAL _____

Please check the boxes that apply to your operations and enter the account number.

	Truckers/Workers Traveling in/through	Truckers/Workers Residing in	Employer Account Number
Alberta	<input type="checkbox"/>	<input type="checkbox"/>	_____
British Columbia	<input type="checkbox"/>	<input type="checkbox"/>	_____
Manitoba	<input type="checkbox"/>	<input type="checkbox"/>	_____
New Brunswick	<input type="checkbox"/>	<input type="checkbox"/>	_____
Newfoundland	<input type="checkbox"/>	<input type="checkbox"/>	_____
Northwest Territories	<input type="checkbox"/>	<input type="checkbox"/>	_____
Nova Scotia	<input type="checkbox"/>	<input type="checkbox"/>	_____
Ontario	<input type="checkbox"/>	<input type="checkbox"/>	_____
Prince Edward Island	<input type="checkbox"/>	<input type="checkbox"/>	_____
Quebec	<input type="checkbox"/>	<input type="checkbox"/>	_____
Saskatchewan*	<input type="checkbox"/>	<input type="checkbox"/>	_____
Yukon	<input type="checkbox"/>	<input type="checkbox"/>	_____

*Saskatchewan Workers' Compensation Board is not party to this agreement and existing reporting requirements apply.

Terms and conditions

1. This procedure only applies to interjurisdictional trucking.
2. The assessing WCB will notify the registering WCBs on behalf of the applicant. Additional information will be provided to the registering WCBs upon request.
3. The election to claim benefits from the jurisdiction of residence or the jurisdiction of injury is not affected by this procedure.
4. Applicants may not opt out of the procedure part way through a calendar year. However, they may opt out for the following year by providing two (2) months' written notice (by October 31).

I/We apply to pay assessments under the Interjurisdictional Agreement - Alternative Assessment Procedure for Interjurisdictional Trucking to the Workers' Compensation Board of British Columbia
 I/We agree to abide with the provisions in the Alternative Assessment Procedure for the Interjurisdictional Trucking Industry.

Authorized Signature: _____

Date: _____

General information

This procedure applies only to those truckers who would normally require coverage in more than one Canadian jurisdiction. It eliminates the need to pro-rate earnings between provinces for interprovincial truckers by allowing an employer to report all of the earnings in the province in which the worker and the operations are based. Participation is **OPTIONAL** provided the requirements are met. The earnings of workers who do not participate in interprovincial trucking will continue to be reported in the province in which they are employed.

Definitions

Alternative Assessment Procedure: an employer engaged in interjurisdictional trucking pays all assessments for a calendar year in respect of a worker to one board, and an independent operator pays all assessments for a calendar year to one board.

Assessing Board: the board to which an electing employer or independent operator elects to pay assessments.

Electing Employer: an employer who elects to have this procedure apply.

Independent Operator: a person who has personal coverage in at least one jurisdiction and participates in interprovincial trucking.

Registering Board: a board, other than the assessing board, at which the employer is typically required to register.

Requirements for electing employers

- Provide written notice to all assessing and registering board(s) as to which board(s) the assessment will be paid.
- Provide information as required by the registering and assessing boards as requested.
- Maintain registrations with all applicable boards.
- Consent to the disclosure of information between the registering and assessing boards.

Coverage for workers

There will be no change to the existing workers' compensation coverage for workers of electing employers and Section 8(1) of the *Workers Compensation Act* of British Columbia will still apply. Section 8(1) states:

"8.(1) Where the injury of a worker occurs while he is working elsewhere than in the province which would entitle him or his dependents to compensation under this part if it occurred in the Province, the board shall pay compensation under this part if

- (a) a place of business of the employer is situate in the Province;*
- (b) the residence and usual place of employment of the worker are in the Province;*
- (c) the employment is such that a 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 employment by the same employer within the Province and has lasted less than six months, but not otherwise."*