

MINISTRY OF ADVANCED EDUCATION, INNOVATION & TECHNOLOGY

POLICY

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

Authority

The legal authority to provide WorkSafe BC coverage to post-secondary students attending specific programs at eligible institutions resides within the *Workers Compensation Act*:

3(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 results 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.

Eligible Students

1. Students are eligible if they are participating in the ‘practicum’ component of a program offered by a public post-secondary institution, regardless of the source of funding for the program.

A practicum is defined as:

- An assigned unpaid and supervised practical work experience which takes place at the host employer’s premises or place of business; and
- A required component of a program which:
 - is included in the program description in a public post-secondary institution’s course calendar; and
 - must be successfully completed by the student as a requirement for program completion and/or graduation.

Please note special ineligible situations to which WorkSafe BC coverage does not extend to:

- workplaces created specifically for the purpose of experiential training/simulated work experience while attending a program established by an institution; and
- out-of-province practicums.

2. Also eligible are Industry Training Authority (ITA)-registered apprentices who are attending classroom, lab or shop instruction for the technical training component of their apprenticeship program at an eligible institution.

An apprenticeship is defined as 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.

Apprentices are registered with the ITA, sponsored by an employer, and generally laid off to attend the technical training (post-secondary) component of their apprenticeship.

For more information on eligible students, please refer to the attached document issued by the Ministry of Advanced Education on April 1, 2013 entitled “*Clarification of WorkSafe BC Coverage*”.

Eligible Institutions include:

1. Public post-secondary institutions:

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|---|-----------------------------------|
| • BC Institute of Technology | • Northwest Community College |
| • Camosun College | • Okanagan College |
| • Capilano University | • Royal Roads University |
| • College of New Caledonia | • Selkirk College |
| • College of the Rockies | • Thompson Rivers University |
| • Douglas College | • University of Northern BC |
| • Emily Carr University of Art & Design | • University of the Fraser Valley |
| • Justice Institute of BC | • Vancouver Community College |
| • Kwantlen Polytechnic University | • Vancouver Island University |
| • Langara College | |
| • Nicola Valley Institute of Technology | |
| • North Island College | |
| • Northern Lights College | |

Eligible for WSBC Coverage effective July 1, 2013

- Simon Fraser University
- University of British Columbia
- University of Victoria

2. Industry Training Authority-designated public or private post-secondary training institutions.

Notes:

Where WorkSafe BC coverage is unavailable due to the above eligibility requirements:

- Institutions are to encourage all students to have their own medical insurance, such as coverage under the BC Medical Services Plan.
- Institutions are also encouraged to participate in the Student Accident Insurance Plan which is available by contacting the University, College and Institute Protection Program.

**Procedures for Submitting WorkSafeBC Claims for Injured
Practicum or Apprenticeship Students at eligible public post-secondary institutions
and at ITA-designated public or private post-secondary institutions**

Documentation

- WorkSafeBC “Employers Report of Injury or Occupational Disease” (Form 7) at <http://www.worksafebc.com>.

Completion Guidelines

- Institution completes Form 7.
- Record the institution’s information in the Employers Information section.
- Leave the WorkSafeBC account number, Classification Number and Operating Location Number blank (the Ministry will complete this information).
- Record the injured student’s information in the Workers Information section.
- Clearly indicate whether the injured student was on a practicum or attending apprenticeship technical training, and include the name of their program.
- Complete the remainder of the form, as indicated, and sign the last page.
- Encrypt the form and email the protected document to the Ministry contact information provided below.
- Call the Ministry contact and provide the password to open the encrypted document.

Authorization

1. *Institution* - The Signature and Report Date (bottom of the third page) should be signed and dated by the institution’s Occupational Health and Safety representative.
2. *Ministry* - **The Ministry must authorize the claim before it will be processed by WorkSafeBC** (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).
 - If approved, the Ministry will provide the claim package to WorkSafeBC for processing and a copy of the authorized Form 7 to the institution for its records.
 - If not approved, the Ministry will advise the institution of the results.

For further information on this process, or to discuss or submit claims, please contact:

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