

**POLICY NUMBER: POL-143**

---

**Chapter:**  
**CLAIMS**

**Subject:**  
**INTERJURISDICTIONAL CLAIMS**

**Effective Date:**  
**January 26, 2010**

**Last Updated On:**  
**January 26, 2010**

---

**REFERENCE:**

*Workers Compensation Act R.S.P.E.I.1988, Cap. W-7.1, Section 8, 10.*  
*Government Employees Compensation Act, R.S.C. 1985, c. G-5.*  
Interjurisdictional Agreement On Workers' Compensation.  
Workers Compensation Board Policy, POL-142, Interjurisdictional Trucking – Alternative Assessment.

---

**DEFINITION:**

In this policy:

“Adjudicating Board” means the Board or Commission to which a claim is made and which decides the question of entitlement to benefits, or the determination of assessment matters.

“Alternate Assessment Procedure” means a voluntary procedure under which employers and independent operators engaged in interprovincial trucking pay assessments to the Canadian workers compensation board or commission in the province or territory where the worker of the employer or the independent operator resides.

---

**POLICY:**

**Interjurisdictional Agreement**

1. The Workers Compensation Board of Prince Edward Island is signatory to an
-

Interjurisdictional Agreement on Workers' Compensation (IJA).

2. The intent of the IJA is:
  - a) to promote and ensure the effective, efficient, and timely administration and resolution of interjurisdictional issues that are the subject matter of the Agreement;
  - b) to facilitate the acceptance of all compensable claims so that no worker will be denied compensation benefits except in accordance with the applicable statutory authority and policy of the participating jurisdiction;
  - c) to ensure that employers are not responsible for the payment of assessments to more than one participating jurisdiction in respect of the earnings or some portion thereof of their employees who are employed in more than one jurisdiction.
3. The IJA applies to a worker who is eligible for benefits in more than one Canadian jurisdiction.
4. The IJA does not apply to:
  - employment excluded by the *Workers Compensation Act* of PEI;
  - employment excluded in other Canadian jurisdictions;
  - employment covered by the *Government Employees Compensation Act*, as amended;
  - employment for optional coverage, unless coverage is in force for both the jurisdiction of residence or usual employment and the one in which the work is undertaken or performed;
  - personal coverage, unless coverage is in force for both the jurisdiction of residence or usual employment and the one in which the work is undertaken or performed;
  - self-insured employers.

#### **Alternate Assessment Procedure**

5. The IJA includes provisions for an alternative assessment procedure (AAP) which is available to registered employers and independent operators in the interjurisdictional trucking industry only in respect of a worker or the independent operator if that Board's legislation permits coverage of that worker or independent operator anywhere in Canada. Requests from employers or independent operators to participate in AAP will

be responded to pursuant to Workers Compensation Board policy, POL-142, “Interjurisdictional Trucking – Alternative Assessment”.

### **Election Requirement**

6. Where there may be entitlement to benefits in the province of Prince Edward Island and one or more other Canadian jurisdictions, a worker or dependent must elect, within three months of the happening of the accident to claim benefits from the Workers Compensation Board of PEI or under the law of the place in which the accident happened by completing the **Interjurisdictional Election Form** (CL-52) and submitting the form to the Workers Compensation Board of PEI.
7. Where an election is not made within the three (3) months of the happening of the accident, the worker or dependent shall be deemed to have elected not to claim compensation from the Workers Compensation Board of PEI.
8. Where a worker may have entitlement to benefits in the province of Prince Edward Island and one or more other Canadian jurisdiction, the following must be considered:
  - a) the residence of the worker;
  - b) the location of the business or chief place of business of the employer;
  - c) the location where the worker usually works; and
  - d) the location where the injury took place.
9. An election form is required from a worker who files a claim for benefits with the Workers Compensation Board of PEI and the worker must meet one of the following criteria:
  - a) the worker normally lives and works outside Prince Edward Island but was injured in Prince Edward Island;
  - b) the employer’s chief place of business is in Prince Edward Island, the worker normally lives and works in Prince Edward Island but was injured outside Prince Edward Island;
  - c) the employer’s chief place of business is in Prince Edward Island, the worker normally lives outside Prince Edward Island but normally works in Prince Edward Island and is injured when temporarily outside Prince Edward Island for the purpose of employment; or
  - d) the worker lives in or outside of Prince Edward Island, the employer’s chief place of business is outside Prince Edward Island, the worker is usually employed in

Prince Edward Island but is injured when temporarily outside Prince Edward Island for the purpose of employment.

10. Where there may be entitlement to benefits in more than one Canadian jurisdiction and the claim is accepted by the Workers Compensation Board of PEI, the worker shall be required to elect not to claim benefits from any other Canadian jurisdiction in which the worker was employed.
11. The Workers Compensation Board of PEI will advise the other jurisdiction, where the worker was eligible for benefits, of the election, adjudication, and disposition of the claim.

#### **Occupational Disease**

12. Where the Workers Compensation Board is satisfied that an occupational disease is due to employment outside the province of Prince Edward Island, the Workers Compensation Board may deny the claim. At this time, a claim may be filed in another Canadian jurisdiction where the worker had occupational exposure.

#### **Aggravation Or Worsening Of A Previous Injury**

13. Where a worker who has been, or is, in receipt of benefits from a Canadian jurisdiction that is not Prince Edward Island, and who subsequently has taken up employment with a registered employer in Prince Edward Island, claims that his or her condition has recurred, worsened, or been aggravated as a result of his or her employment in Prince Edward Island, the Workers Compensation Board of PEI shall adjudicate the claim and award additional benefits to which the worker is entitled, if any, and pay the full cost of such benefits and related services as provided by the *Workers Compensation Act* of PEI and Workers Compensation Board of PEI policy.
14. Where the recurrence, worsening or aggravation of the condition did not result from the subsequent employment with the registered employer in Prince Edward Island, the Workers Compensation Board of PEI shall advise the worker the claim is not eligible for benefits under the *Workers Compensation Act* of PEI and refer the claim and all pertinent information to the original adjudicating Board.

#### **Cost Reimbursement**

15. Where a worker is entitled to benefits in more than one Canadian jurisdiction, claim

**POLICY NUMBER: POL-143**

---

costs will be borne by the jurisdiction in which the injury occurred.

16. Cost reimbursement will occur in accordance with the provisions of the IJA and are subject to the statutory and policy limitations of the reimbursing jurisdiction.

**Reconsideration of Decisions**

17. The Workers Compensation Board of PEI will only deal with reconsideration requests where the Workers Compensation Board of PEI is the adjudicating Board.
- 

**HISTORY:**

Board of Directors Approval Date: January 26, 2010