

**POLICY NUMBER: POL-74**

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**Chapter:**  
**CLAIMS**

**Subject:**  
**WORKER**

**Effective Date:**  
**December 13, 2001**

**Last Updated On:**  
**February 8, 2017**

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**PURPOSE STATEMENT:**

The purpose of this policy is to explain who may be eligible for compensation as a worker under the *Workers Compensation Act*.

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**REFERENCE:**

*Workers Compensation Act* R.S.P.E.I.1988, Cap. W-7.1, Section 1 (1)(z).  
*Workers Compensation Act* R.S.P.E.I.1988, Cap. W-7.1, General Regulations, Section 2.  
Workers Compensation Board Policy, POL-22, Personal Coverage  
Workers Compensation Board Policy, POL-94, Learners  
Workers Compensation Board Policy, POL-125, Optional Coverage

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**DEFINITION:**

In this policy:

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**POLICY:**

1. The term “worker” includes:
    - a person who enters into or works under a contract of service or apprenticeship;
    - a learner or student;
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- a member of a municipal volunteer fire brigade; and
  - in respect of any industry, a person while he or she is actually engaged in rescuing or protecting or attempting to rescue or protect life or property.
2. The term worker does not apply to persons or employees of industries excluded from the *Workers Compensation Act*. This includes:
- a) artists, entertainers or performers;
  - b) circus operations, traveling shows and trade shows;
  - c) clergy;
  - d) demonstrating and exhibiting;
  - e) employment by a person in respect of a function in the private residence of that person;
  - f) carriers employed in delivering newspapers or other publications;
  - g) peddling or door-to-door sales;
  - h) salespersons who are not restricted to selling goods for one manufacturer or supplier;
  - i) selling or similar canvassing on streets;
  - j) sports professionals, sports instructors, players and coaches;
  - k) volunteer workers;
  - l) outworkers, being persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale in their own home or on other premises not under the control and management of the person who gave out the articles or materials;
  - m) elected officials of a city, town or municipality;
  - n) presidents, vice-presidents, directors and other officers of a company unless such person is admitted under the Act and in that event the officer shall be deemed to be a worker for the purposes of the Act;
  - o) transportation by taxi; and
  - p) fishing.
3. The following may also be considered “workers” if they have personal coverage or optional coverage with the Workers Compensation Board, as set out in Workers Compensation Board policies, POL-22, “Personal Coverage” and POL-125, “Optional Coverage”:
- a self-employed employer;
  - an officer or director of a corporation if there is an inclusion in the payroll statement a statement of desire for them to be covered;
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- an independent contractor; and
  - those persons and industries designated as excluded from the *Workers Compensation Act*.
4. Persons who attend union meetings, collective bargaining sessions, and other union business during normal working hours are covered as “workers” under the *Workers Compensation Act*.

The employer in these cases is:

- a) the union, if the union is either paying the worker directly or is reimbursing the employer for the time that the worker is attending the meeting; or
  - b) the employer, if the worker is maintained on the employer’s payroll and is not reimbursed by the union.
5. A worker who travels on the business of the employer continues to be covered for the time related to work while away. Workers are not considered to be in the course of employment when attending events of a personal nature.

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**HISTORY:**

February 8, 2017 - Amended to reflect to the inclusion of farming under the *Workers Compensation Act*, effective January 1, 2017.

November 2, 2016 - Non-substantive changes. Policy reviewed Director and Chief Executive Officer; no other revisions required.

November 26, 2009 - The policy was reviewed as a result of the 60 month policy review process. Section #1 has been amended to ensure consistency with the Act. In addition, several sections have been removed as the content is also covered in Workers Compensation Board policy, POL04-23, “Arising Out Of And In The Course Of Employment”.

May 26, 2003 - Amended to ensure the term “worker” is consistent with the definition provided in the *Workers Compensation Act*.

Board of Directors Approval Date: December 13, 2001

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