

POLICY NUMBER: POL-94

Chapter:
CLAIMS

Subject:
LEARNERS

Effective Date:
November 27, 2002

Last Updated On:
December 20, 2016

PURPOSE STATEMENT:

The purpose of this policy is to explain how learners may be compensated for injuries that occur as part of a training or probationary work.

REFERENCE:

Workers Compensation Act, R.S.P.E.I., 1988, Cap. W-7.1, Section 1 (1) (p).

Workers Compensation Act, R.S. P.E.I., 1988, Cap. W-7, Section 1 (1) (m).

Workers Compensation Board Policy, POL-74, Worker.

Workers Compensation Board Policy, POL-86, Wage Loss Benefits.

DEFINITION:

In this policy:

“Learner” means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of the *Workers Compensation Act* for the purpose of undergoing training or probationary work, such as on the job training, as a preliminary to employment.

“Rate group” means a group to which an industry is assigned for assessment purposes.

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POLICY:

1. Learners performing unpaid training or probationary work are covered by the Workers Compensation Board for injuries arising out of and in the course of employment. The unpaid training or unpaid probationary work which a learner is performing, as part of a program offered by a recognized learning institution, is considered to be the learner's employment for the purposes of the *Workers Compensation Act*.
2. Learners who are injured as a result of an accident arising out of and in the course of employment may receive benefits, such as medical aid or wage loss benefits if there is a loss of earnings as a result of the injury.
3. For the period of time when the training or probationary work would have been in progress, learners are compensated based on any actual loss of earnings as a result of the injury. There is no actual loss of earnings for unpaid training or probationary work.

Learners who have a loss of earning capacity from other employment undertaken during training or probationary work are entitled to wage loss benefits for their loss of earning capacity related to that employment, as set out in Workers Compensation Board policy, POL-86, "Wage Loss Benefits."

4. After the date the training or probationary work would have been completed, and the learner is unable to work in that trade or occupation, wage loss benefits are payable based on the entry-level earnings had they been qualified in their established trade or occupation.
5. Compensation benefits paid to learners will be charged to the rate group of the accident employer.

HISTORY:

December 20, 2016 - Non-substantive changes to clarify entitlement to wage loss benefits from other employment and at the end of the training period.

March 26, 2009 - Amended to clarify when a learner is entitled to wage loss benefits.

November 27, 2002 - Replaces "Learners Benefits Levels" policy and practice dated November 15, 1994 and "Benefits Administration - Average Earnings, Prospective Earnings - Apprentices

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and Youthful Workers” policy and practice dated April 16, 1996.

Board of Directors Approval Date: November 27, 2002