

**MINISTRY OF ADVANCED EDUCATION, INNOVATION AND 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

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:

- work places created specifically for the purposes 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:

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

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 institution.

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:

Mr. Fritz Christo, Coordinator, Post-Secondary Institution Funding
Ministry of Advanced Education, Innovation and Technology
Telephone: (250) 953-4267

Clarification of WorkSafeBC Coverage

Ministry of Advanced Education, Innovation and Technology
April 1, 2013

There are specific situations when students attending specified education programs at eligible post-secondary institutions will be deemed to be “workers of the Crown” under the *Workers Compensation Act*. The Ministry of Advanced Education, Innovation and Technology (the Ministry) has developed and distributed policies and procedures (last revised October 2012) to support the implementation of this legislation. The following details are intended to provide additional information on the Ministry’s WorkSafeBC (WSBC) policy.

If unsure of coverage, institutions should contact the Ministry *prior* to entering into practicum or placement agreements with employers to ensure WSBC coverage will be extended to the students of those programs.

Apprenticeship students

Apprenticeship is 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 Industry Training Authority (ITA) and are sponsored by an employer. They are generally laid off to attend the technical training (post-secondary) portion of their apprenticeship.

Apprentices in ITA-approved apprenticeship technical training are provided WSBC coverage through the Ministry while in the classroom, shop or lab at an ITA-designated public or private post-secondary institution.

Foundation Program students

Foundation programs are pre-apprenticeship programs that are typically conducted in a classroom or shop on site at the institution. These students do not require an employer/sponsor to participate.

Foundation students are provided WSBC coverage through the Ministry only while on an off-site work experience that is a required component of their program (i.e., included in the program description of the institution’s course calendar and must be completed as a requirement for program graduation/certification).

Foundation students are not provided WSBC coverage while attending the post-secondary classroom, shop or lab components of their program.

ACE-IT Students

ACE-IT students are provided WSBC coverage through the Ministry while attending an eligible post-secondary institution and only while on an off-site work experience that is a required component of their program (i.e., included in the program description of the institution's course calendar and must be completed as a requirement for program graduation/certification).

ACE-IT students are not provided WSBC coverage while attending the post-secondary classroom, shop or lab components of their program.

The Ministry of Education provides WSBC coverage for students while on an off-site work experience /practicum during the secondary school component of their program.

Practicum/Work Experience Students

Effective January 1, 1994, WSBC coverage was extended to all students participating in the practicum or work experience component of a program offered by an eligible institution, regardless of the source of funding for the program.

Further clarification of this coverage was provided on March 29, 1994:

To be designated as a practicum for the purpose of obtaining provincial WSBC coverage for students, the practical, on-the-job training must meet the conditions/provisos of the definition as stated and expanded below.

A practicum/work experience is defined as:

1. An assigned work experience component of a program which is sanctioned by the institution;
2. A required component of the program which is included in the program description in the institutional calendar, *normally* as a credit course; and which must be successfully completed by the student as a requirement for program graduation and certification; and
3. Unpaid work activities which are supervised by the employer or a qualified designate, and which occur at the employer's regular business location.

The practicum may occur either:

- "Off-site" at the host employer's regular place of business; or
- "On-site" at the training institution's premises, but only in a work place that is part of the institution's regular business activities, such as an office administration practicum in the administration department of an institution.

Practical work experience which occurs at work places that have been established by the institution for the purpose of simulated work training for a given program does not meet the conditions of a practicum for the purposes of provincial WSBC coverage for students.

Paid Work Experience

A student who is paid by an employer while on a work experience or practicum component of their post-secondary education will be provided WSBC coverage through that employer. The Ministry is not the employer in these cases and therefore cannot provide WSBC coverage.

Out-of-Province Practicum

WCB coverage is for workers who are injured while on the job in British Columbia. Students working outside of BC should confirm coverage with the province or country in which they will be on practicum. It is advisable that students obtain their own medical insurance for out-of-country placements.