



MEMORANDUM

To: Occupational Health & Safety Representatives
BC Post-Secondary Institutions

Date: December 12, 2022
Our Ref. 125845

Re: WorkSafeBC coverage for post-secondary apprenticeship and practicum students

Dear Institutional Representatives:

A revised *Workers Compensation Act* came into effect in 2020. There were no changes at that time to the application of the Ministry of Post-Secondary Education and Future Skills (the Ministry) policy. However, there were some administrative changes, including the reference to the Minister responsible for authority over this section of the Act. A detailed description of the changes and a current version of the Act are available on the [WorkSafeBC website](#).

The attached Ministry policy for WorkSafeBC coverage for apprenticeship and practicum students has been updated to reflect those changes, as well as references to SkilledTradesBC (formerly ITA) and to the Ministry's name which has changed since the last version of the policy document.

Questions about the Ministry's policy may be directed to Post-Secondary.WorkSafe@gov.bc.ca.

Sincerely,

Wendy J. Grondzil, CPA, CMA
Director | Financial Performance

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

Date: Revised December 12, 2022

Policy: Post-Secondary students deemed to be employees of the Crown are eligible for WorkSafeBC coverage for work-related illness or injury.

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Appendix A Public Post-Secondary Institutions

Contact:

Ministry of Post-Secondary Education and Future Skills, via email (recommended)
Post-Secondary.Worksafe@gov.bc.ca , or phone: (778) 698-9776

1. Purpose: This policy provides guidance for determining if a post-secondary student may be deemed to be an employee of the Crown.

2. Legislative Authority: *Workers Compensation Act, Section 6:*

Extending application: vocational or training programs

- 6** (1) *This section applies if the minister responsible for the School Act or the minister responsible for the College and Institute Act, as applicable, and the minister responsible for the administration of this Act approve*
- (a) a vocational or training program, and*
 - (b) a school or other location as a place at which the vocational or training program is to be provided.*
- (2) *The Board may, at the request of a minister referred to in subsection (1), deem a person or class of persons enrolled in a program approved under that subsection to be a worker or workers of the Crown in right of British Columbia.*
- (3) *In relation to a person who is deemed to be a worker under subsection (2), compensation under this Act is payable under the compensation provisions for injuries to the worker arising out of and in the course of training for that worker.*
- (4) *As limits on subsection (3), if an injury results in a period of temporary disability with no loss of earnings,*
- (a) subject to paragraph (b) of this subsection, a health care benefit only is payable, and*
 - (b) if training allowances paid by Canada or British Columbia are suspended, the Board may, for the period the Board considers advisable, pay compensation in the amount of the training allowance.*
- (5) *Admissions under this section may be made at the time, in the manner, subject to the terms and conditions and for the period the Board considers adequate and proper.*

3. Definitions:

- a. **Accelerated Credit Enrolment to Industry Training or ACE IT.** The technical training component of an industry training program for high school students. ACE IT programs are usually offered as partnerships between school districts and post-secondary institutions with onsite training at either location. ACE IT students are Youth Apprentices registered with SkilledTradesBC.
- b. **Apprenticeship.** 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. An **apprentice** and their **sponsor** register the apprenticeship agreement with SkilledTradesBC. Eligible sponsors must be legal entities or individuals who are journeypersons or equivalent. A sponsor can be an employer or a 3rd party (e.g. union or industry organization).
- c. **Foundation.** A form of pre-apprenticeship post-secondary education conducted in classroom or shop setting. A student who successfully completes the program earns a SkilledTradesBC Certificate of Completion. Foundation programs cover material

related to one or more apprenticeship programs and generally also provide credit towards completion of an apprenticeship. A Foundation student is registered with a public or private SkilledTradesBC designated training provider.

- d. **Off-site.** At a host or sponsor employer's premises or place of business.
- e. **On-site.** At the premises of the student's training institution.
- f. **Practicum.** An assigned, unpaid and supervised practical work experience, undertaken by a student enrolled at a public post-secondary institution listed in Appendix A, that is included in the program/course description in the institution's program calendar.
- g. **Student.** A person whom a post-secondary institution or training provider recognizes to be enrolled in good standing in a course or program of studies at the qualifying institution.

4. Student Eligibility Criteria:

- a. A student is eligible to be deemed an employee of the Crown if participating in either:
 - i. the **practicum component** of their program within the Province of British Columbia while enrolled at a public post-secondary institution listed in Appendix A, either:
 - 1. on-site at a workplace that is part of the institution's regular business activities or,
 - 2. off-site at an employer's place of business; or
 - 3. working from their home under the terms of a written agreement signed by both the employer and the student;
 - ii. **classroom, lab or shop instruction for the technical training component** of their **apprenticeship** program at a public or private SkilledTradesBC designated training provider within the Province of British Columbia only if the student is not otherwise considered to be an employee of an employer sponsor;
 - iii. an unpaid **off-site work experience** that is a component of their **Foundation** program at a public or private SkilledTradesBC designated training provider within the Province of British Columbia; or
 - iv. an unpaid **off-site work experience** that is a **non-secondary school** component of their Accelerated Credit Enrolment to Industry Training (**ACE IT**) program at a public or private SkilledTradesBC designated training provider within the Province of British.
- b. A student participating in one of the activities in section 4(a) and outside of the Province of British Columbia is generally not eligible and should confirm similar workplace coverage with the province or country in which they will be working. The student is also advised to obtain their own medical insurance.
- c. A student participating in one of the activities in section 4(a), but who is required to undertake some work or travel outside of the province of British Columbia, may be eligible for WorkSafeBC coverage if the circumstances meet the conditions of the *Workers Compensation Act* Section 147:

Injuries happening outside British Columbia

147 (1) *This section applies if*

(a) *a worker is injured while working outside British Columbia, and*

(b) the injury would entitle the worker or the worker's dependants to compensation under this Part if the injury occurred in British Columbia.

(2) The Board must pay compensation under this Part only if all of the following apply:

(a) a place of business of the worker's employer is located in British Columbia;

(b) the worker's residence and usual place of employment are located in British Columbia;

(c) the employment is such that the worker is required to work both in and outside British Columbia;

(d) the worker's employment outside British Columbia

(i) has immediately followed the worker's employment in British Columbia by the same employer, and

(ii) has lasted less than 6 months.

5. Ineligibility:

- a. A student is ineligible to be deemed a worker of the Crown by the Ministry of Post-Secondary Education and Future Skills if participating in:
 - i. **paid** work or paid work-based training through which WorkSafeBC coverage is available via the student's employer;
 - ii. **classroom, lab, simulator or shop instruction for the technical training component** of an **apprenticeship** program while under a contract of apprenticeship with an employer sponsor. The student should be eligible for WorkSafeBC coverage through their employer sponsor;
 - iii. a secondary school component of a program (e.g. ACE IT) and have been designated as employees of the Crown by the Ministry of Education;
 - iv. simulations that replicate workplace tools, processes or environments that permit students to learn, practice and engage in scenarios designed to prepare them for an actual workplace (e.g. practicing CPR on a training mannequin); or
 - v. classroom, lab, simulator or shop components of any **non-apprenticeship** program (e.g. **Foundation ACE IT**, science, arts).

An institution may choose to purchase student accident insurance. Advisement on additional coverage is offered by the Risk Management Branch of the Ministry of Finance. Students are advised to obtain their own medical insurance, such as coverage under the BC Medical Services Plan

6. References:

- [WorkSafeBC, Resources to support health and safety while working from home](#), April 28, 2020
- [WorkSafeBC, Rehabilitation Services and Claims Manual, Volume II](#), WorkSafeBC, Rehabilitation Services and Claims Manual, Volume II, Chapter 3, Item: C3-21.00, Extra-Employment Activities
- [WorkSafeBC, Information Sheet, "Did you know? Unpaid practicum students are eligible for workers' compensation coverage"](#), March 13, 2013
- [Work Experience Order](#), Orders of the Minister of Education, Ministerial Order 237/11 (M033/09), Authority: *School Act*, section 168 (2) (a), Effective August 16, 2011

- [Program Guide for Ministry-Authorized Work Experience Courses](#) , Ministry of Education, June 2019
- See the SkilledTradesBC website for information about Apprentice and Sponsor Registration

7. Procedures for Authorizing and Submitting WorkSafeBC Claim on Behalf of Eligible Practicum or Apprenticeship Students

Student

The student completes an Application for Compensation and Report of Injury or Occupational Disease (Form 6) and submits it directly to WorkSafeBC.

Post-Secondary Institution or Training Provider

- Download the fillable PDF – Employer’s Report of Injury or Occupational Disease” (Form 7) at <https://www.worksafebc.com/en/forms-resources>.
- Starting at the top of page 1, in the employer information section:
 - enter the WorkSafeBC claim number (if known), employer’s name, and type of business.
 - enter the WorkSafeBC account number (004002), classification number (841106) and operating location number (001).
 - complete the remaining parts of the employer information section.
- Record the injured student’s information in the worker information section. Clearly indicate whether the injured student was on a practicum or attending apprenticeship technical training and include the name of their program.
- Ensure to provide details of the location of injury/incident, including the address and name of the facility, business, etc.
- Complete the remainder of the form, as indicated.
- The signature and report date section (bottom of the third page) must be signed and dated by an appropriate representative of the institution.
- Encrypt the form, note the password to open the document, and email the protected document to the Ministry contact at Post-Secondary.Worksafe@gov.bc.ca.
- Send the password in a separate email or call the ministry contact at (778) 698-9776 and provide the password required to open the encrypted document.

Ministry

- Ministry staff reviews the claim to determine if, under this policy, the student should be considered an employee of the Crown for this case.
- If the Ministry determines that the worker is considered an employee of the Crown, the Ministry will authorize the claim and sign the form 7. 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. The Ministry will send the claim package to WorkSafeBC for processing and send an email confirmation advising the form was authorized to the institution’s Occupational Health and Safety representative.
- If not approved, the Ministry will advise the institution of the results via an email to the institutional representative who submitted the form.

Attachment: Appendix A Public Post-Secondary Institutions

Appendix A Public Post-Secondary Institutions

1. British Columbia Institute of Technology
2. Camosun College
3. Capilano University
4. Coast Mountain College
5. College of New Caledonia
6. College of the Rockies
7. Douglas College
8. Emily Carr University of Art & Design
9. Justice Institute of BC
10. Kwantlen Polytechnic University
11. Langara College
12. Nicola Valley Institute of Technology
13. North Island College
14. Northern Lights College
15. Okanagan College
16. Royal Roads University
17. Selkirk College
18. Thompson Rivers University
19. University of Northern BC
20. University of the Fraser Valley
21. Vancouver Community College
22. Vancouver Island University
23. Simon Fraser University
24. University of British Columbia
25. University of Victoria