



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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OUT OF PROVINCE CLAIMS

Can I get benefits from WorkSafeBC if I am injured while working outside British Columbia?

Generally speaking, WorkSafeBC injury claims are for injuries that occur in British Columbia, but there are exceptions.

For example, under the federal *Government Employees Compensation Act*, employees of the federal government must claim compensation where they usually work, regardless of the place of injury. Also, WorkSafeBC will accept a claim for an injury that occurred outside B.C., if you meet all the following conditions:

- your employer's place of business is located in B.C.;
- your residence and usual place of employment are located in B.C.;
- your job requires you to work both inside and outside B.C.; and
- you have been working outside B.C. for less than six months with the same employer.

Also, if your residence is outside B.C., WorkSafeBC may accept a claim for an injury that occurred outside B.C. if you perform the "productive activities" of your employment in B.C. Take for example a worker who is injured in Alberta while commuting to a B.C. workplace on a company bus. Because taking a company bus is part of the worker's employment, the injury is work-related, but because riding the bus is the non-productive part of the worker's employment, the worker is considered to be "working" in B.C.

For another example, take a worker who normally works in B.C. but is one day asked to pick up some supplies just over the border. Just before returning to the B.C. side of the border, the worker is involved in a car accident. Because the task was only incidental to the worker's normal duties, the worker is considered to be working in B.C.

In both these examples, the worker can make a claim with WorkSafeBC.



For more information:
Website: www.gov.bc.ca/workersadvisers
Toll free: 1-800-663-4261

OUT OF PROVINCE CLAIMS

If I am injured outside B.C., can I get compensation in that jurisdiction?

Possibly. Each Canadian province and territory has its own version of WorkSafeBC, and has its own rules as to who and what is covered. So do some foreign jurisdictions. Each Canadian jurisdiction has a Workers' Adviser Office, which can give you information as to what benefits that jurisdiction provides.

What if I am eligible to claim benefits in B.C. and in another jurisdiction?

You cannot claim benefits both in B.C. and in another jurisdiction. You must choose one or the other. WorkSafeBC will not accept your claim if you make a claim in the other jurisdiction.

If you want to obtain benefits from WorkSafeBC, you must file an election form within three months of the injury, or within a longer period if they grant additional time. If you do not, you will be deemed to have chosen not to claim in B.C., and you will be barred from claiming in B.C.

Also, you also have file an application for compensation within one year of the injury if you want to claim benefits from WorkSafeBC.

What if I have worked inside and outside of B.C. and I develop an occupational disease?

As with injuries, claims for occupational diseases can be made in B.C. or in another jurisdiction, but not both.

If your occupational disease is due to significant exposure in B.C., you can claim with WorkSafeBC, who will be responsible for all of your illness and disability.