

# Quick facts:

## Out of Province Coverage

Assisting employers regarding exposure to liability

### WorkplaceNL Out of Province Coverage

With the increased mobility of workers across provincial and international borders, the information contained within this factsheet is to notify and assist employers regarding their possible exposure to liability for workplace accidents occurring outside Newfoundland and Labrador.

### What coverage exists for workers and employers, based on the place of work?

Workers and employers in Newfoundland and Labrador enjoy a “statutory bar” for those workplace injuries that are caused in Newfoundland and Labrador by either an employer or a worker. This means that with the exception of accidents involving any mode of transportation requiring public liability, employers and workers cannot be sued for workplace accidents that occur while working in Newfoundland and Labrador. The same is not true for accidents which occur at workplaces outside Newfoundland and Labrador to workers of Newfoundland and Labrador employers.

Despite the fact that WorkplaceNL will extend compensation coverage (payment of benefits) to workers of Newfoundland and Labrador employers working outside Newfoundland and Labrador, the “statutory bar” protection provided by Section 51 of the Workplace Health, Safety and Compensation Act (the Act) is only valid inside the boundaries of Newfoundland and Labrador. Newfoundland and Labrador is unable to enact extra-provincial legislation.



### As an employer, what do I need to consider when sending workers outside Newfoundland and Labrador to work?

Newfoundland and Labrador employers sending workers outside Newfoundland and Labrador to (1) any other Canadian province or territory or (2) any state within the United States or (3) any other international country and wishing to have protection from liability should:

#### 1. Register with Out-of-Province Board/Commission

Contact should be made with the compensation board/commission of the jurisdiction in which the work is being done, if applicable, to find out if registration in that jurisdiction is mandatory. It also needs to be determined whether or not “statutory bar” is available for the employer and workers while working there.

#### 2. Contact WorkplaceNL for Out-of-Province Worker’s Coverage

Advise WorkplaceNL of the names of the workers and the length of time that they are going to be working outside Newfoundland and Labrador so that compensation coverage (benefits only – not “statutory bar”) can be extended outside Newfoundland and Labrador for those workers.

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### 3. Report the Out-of-Province wages to WorkplaceNL

If a statutory bar is provided by the out-of-province jurisdiction, then the wages reported to that jurisdiction should be reported to WorkplaceNL and an adjustment on the assessment paid to WorkplaceNL will be made.

### 4. General Liability Insurance

In the event that the jurisdiction outside of Newfoundland and Labrador will not grant “statutory bar”, general liability insurance should be purchased.

## What conditions have to be met for Out-of-Province Coverage?

Generally, in order for coverage to be extended, the following conditions must be met:

#### 1. The employer that is registered with WorkplaceNL conducts business that has a substantial connection to an industry in the Province

A substantial connection to an industry in the province exists when an employer operates a place of business in Newfoundland and Labrador and performs its core business activities there; such as the production of products or the rendering of services in Newfoundland and Labrador. The fact that the employer is located in the province does not by itself constitute a substantial connection to the province.

#### 2. The usual place of employment of the worker is Newfoundland and Labrador

The worker will have worked within the province of Newfoundland and Labrador, for the employer with a substantial connection to the province, prior to (i.e., immediately before) being temporarily relocated outside the province by the same employer. Once the work outside the Province is completed, the worker returns to Newfoundland and Labrador to continue to work for the employer.

The worker remains on the payroll of the employer in Newfoundland and Labrador while employed outside of the Province and assessments must be paid on those wages.

Coverage will not be extended for workers who have been hired solely for the purpose of completing work outside Newfoundland and Labrador.

#### 3. The worker and/or his/her dependents are not entitled to compensation under the law of the place where the workplace injury occurs

A worker, who is covered under a mandatory workers' compensation program in a jurisdiction outside of Newfoundland and Labrador where the work is being performed, is not also entitled to coverage under the Act.

#### 4. The type of work conducted by the employer outside the Province is also conducted by the employer in the province of Newfoundland and Labrador

An employer whose staff performs work outside the province also conducts the same type of operations in the province on an ongoing basis. In addition, the employer normally continues to employ persons in the province while a worker is temporarily employed outside the province.

**Cases outside of these guidelines will be considered on an individual basis.**

## How do I obtain Out-of-Province Coverage for Workers?

Out-of-province coverage can be requested in writing by faxing the following information to the WorkplaceNL Assessment Analyst at 709.778.1110, or toll free within Canada 1.800.276.5257:

1. The name and address of the worker(s) being sent out of province
2. The employer's name and WorkplaceNL firm number
3. The duration of stay
4. The jurisdiction in which they will be working
5. Confirmation that the conditions for Out-of-Province Coverage have been met

**Contact** one of our Employer Service Advisors t 709.778.1291 or toll-free in Canada at t 1.800.563.9000

**workplacenl.ca**