

## Client Services Policy Manual

Policy Number: **ES-14**  
Subject: **Statute of Limitations**  
Chapter: **Employer Services**

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### Policy Statement

All employers to whom the *Workplace Health, Safety and Compensation Act* applies are obligated to register with WorkplaceNL and to pay assessments levied by WorkplaceNL. WorkplaceNL has a right of action against the employer for any unpaid assessment or part thereof. The purpose of this policy is to inform parties about the applicable limitation periods to which WorkplaceNL is subject in levying and collecting assessments.

### General

#### Six Year Limitation Period

When exercising its right of action against an employer who fails to register, or in adjusting an employer account, WorkplaceNL is subject to the limitation period of six years, regardless of the employer's date of registration.

Section 6.(1) of the *Limitations Act* states:

*Following the expiration of six years after the date on which the right to do so arose, a person shall not bring an action:*

*(f) to enforce an obligation arising from a statute.*

In making this policy WorkplaceNL has not abandoned any rights it may have against an employer who negligently or intentionally withholds information relevant to his/her assessment.

#### 10 Year Limitation Period

When an employer defaults on its assessment, WorkplaceNL is authorized by Section 118 of the *Workplace Health, Safety and Compensation Act* to issue a judgment for the amount remaining unpaid against the person by whom it was payable. When enforcing such a judgment, WorkplaceNL is subject to the limitation period of 10 years.

Section 7.(1) of the *Limitations Act* states:

*Following the expiration of 10 years after the date on which the right to do so arose, a person shall not bring an action or proceeding:*

*(a) to enforce a judgment of a court in the province for the payment of money or the recovery of personal property.*

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**Reference:** *Workplace Health, Safety and Compensation Act, Section 99 to 101 and 118.  
Limitations Act, SNL 1995 Chapter L-16.1  
Part I Limitation Periods Sections 6 and 7.*

### Amendment History

*Original Effective Date*                      2005 01 01