Employers’ Guide to the Government Employees Compensation Act
The number, 1-800-641-4049, offers 24-hour bilingual information on the Directorate’s programs and services and provides a single point of contact for our clients and Canadians.

You can order this publication by contacting:

**Publishing Services**
Human Resources and Skills Development Canada
140 Promenade du Portage
Portage IV, 10th Floor
Gatineau, Quebec
K1A 0J9

Fax: 819-953-7260
Online: http://www12.hrsdc.gc.ca

This document is available on demand in multiple formats (large print, Braille, audio cassette, audio CD, e-text diskette, e-text CD, or DAISY), by contacting 1 800 O-Canada (1-800-622-6232). If you use a teletypewriter (TTY), call 1-800-926-9105.

© Her Majesty the Queen in Right of Canada, 2012

**Paper**
Cat. No.: HS24-8/2011
ISBN: 978-1-100-54032-0

**PDF**
Cat. No.: HS24-8/2011E-PDF
ISBN: 978-1-100-19567-4

For information regarding reproduction rights, please contact Public Works and Government Services Canada at: 613-996-6886 or droitdauteur.copyright@tpsgc-pwgsc.gc.ca
# Table of Contents

Foreword ........................................................................................................................................ 5

**General information** .................................................................................................................. 6
    Eligibility ....................................................................................................................................... 6
    Employees in Yukon, Nunavut and NWT ....................................................................................... 6
    Employees posted abroad ............................................................................................................... 6
    Employees hired abroad .................................................................................................................. 6
    Employees on travel status ............................................................................................................. 6
    Death occurring away from home .................................................................................................. 6
    Flying accidents compensation regulations .................................................................................... 7
    Right to choose doctor .................................................................................................................... 7
    Benefits provided ........................................................................................................................... 7
    Occupational diseases .................................................................................................................. 7
    Disallowance of claims .................................................................................................................. 8
    Rehabilitation services .................................................................................................................. 8
    Review and appeals ....................................................................................................................... 8
    Information available .................................................................................................................... 8

**Responsibilities of the employer** .................................................................................................. 9
    Immediate attention ....................................................................................................................... 9
    Reporting injuries ........................................................................................................................... 9
    Statistical information .................................................................................................................... 10
    Persons locally engaged outside Canada ......................................................................................... 11
    Recurrent disability ....................................................................................................................... 11
    If pay continues .............................................................................................................................. 12
    Injury-on-duty leave ....................................................................................................................... 12
    Accident investigation report ........................................................................................................ 12
    Place of usual employment ............................................................................................................ 12

**Third party claims** ...................................................................................................................... 13
    Employee has choice of action ....................................................................................................... 13
    Notice of election ........................................................................................................................... 13
    Employee takes action .................................................................................................................... 13
    Employee claims compensation ..................................................................................................... 13
    Full information required .............................................................................................................. 14
    Addresses of the Regional Injury Compensation Units of HRSDC – Labour Program and the Federal Workers’ Compensation Service ........................................................................... 15
Pursuant to the Official Languages Act, federal employers are required to provide assistance in both official languages to employees claiming benefits.

If services are not readily available, Human Resources and Skills Development Canada provides advisory services to employees, unions and employers.
Workers’ compensation (or employees’ compensation as it is called in the federal public service), was one of the first additional employment benefits established for federal public employees. This was in 1918, the same year that the charter for civil service employment, the *Civil Service Act*, was passed. This major advance was designed, it was said at the time, to place government employees on the same footing as employees in private industry.

The original arrangement, whereby provincial workers’ compensation boards look after the treatment of injured employees and adjudicate and pay compensation claims on behalf of the Government of Canada, continues to this day. These costs are reimbursed by the employing Departments and agencies.

Human Resources and Skills Development Canada (HRSDC) – Labour Program receives, reviews and forwards claims from employees of federal departments and agencies to the appropriate provincial authority. HRSDC – Labour Program remains involved until each claimant’s case has been settled. A file is maintained on each claim and other records are kept for accounting and statistical purposes. A general advisory service is provided to employees and their unions, as well as to employers, on the interpretation and application of the legislation.

Each claim for workers’ compensation is highly personal and should be dealt with diligently and with every consideration for the person involved. Each claim is also unique and must be handled with attention to detail and be as accurate as possible. This can only be achieved if accident reports and other forms or material are carefully completed and submitted promptly.

This guide has been prepared to assist personnel and other officers in dealing with claims concerning employment injuries. Following these procedures will facilitate claims administration and ensure better service to the injured person and the employer.

*Note:*

Initial report forms for injury compensation have a variety of titles depending on the originating province. Throughout this publication the title “compensation form” is used to refer to the initial report form used by a Provincial Workers’ Compensation Board to report accidents.

These forms should be available in your personnel office, or through your health and safety officer or representative.
Eligibility
Employees of the Public Service of Canada, including those of Crown corporations and agencies, are eligible for the benefits provided by the Government Employees Compensation Act* with respect to personal injury resulting from an accident or an occupational disease in the course of their employment.

Dependants of an employee who dies because of such injuries or diseases are also entitled to benefits. Every employee should have a copy of the booklet entitled “If You Have an Accident”. It contains valuable information on this subject and can be obtained by contacting any one of the Regional Offices of the Federal Workers Compensation of HRSDC – Labour Program.

Employees in Yukon, Nunavut and NWT
Employees usually employed in the Yukon Territory, Nunavut Territory or the Northwest Territories are considered to be employed in the Province of Alberta, and their claims for compensation are handled by the Workers’ Compensation Board of Alberta.

Employees posted abroad
Compensation claims of employees appointed in Canada but assigned to work outside the country are processed by the Workplace Safety and Insurance Board (WSIB) of Ontario.

Employees hired abroad
Employees engaged locally in another country are divided into two groups for workers’ compensation purposes:

(1) employees and their dependants, in a country that has a workers’ compensation law, who are entitled to benefits because the employing department contributes to the country’s compensation fund;

(2) employees and their dependants who are not entitled to workers’ compensation under any local (national) law. To report accidents in the second group, refer to “Persons locally engaged outside Canada” under “Responsibilities of the employer”.

Employees on travel status
As a general rule, employees are covered by the Act whenever they are travelling on duty, in Canada or abroad, as long as they are engaged in work for their department or agency at the time of injury. However, coverage is not provided during any departure from the itinerary that is for personal reasons. A compensation claim is handled by the province in which the worker is usually employed.

Death occurring away from home
When an employee dies as the result of an occupational injury or disease while serving at a location other than his or her usual place of employment, and the resultant charges exceed the amount of compensation

* Referred to as “the Act” later in the text.
payable, a supplementary payment may be made with the approval of Treasury Board. The additional expenses are usually for the preparation and transportation of the body. Particulars of any such claims should be sent by the employer to the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program, as soon as possible after the accident.

**Flying accidents compensation regulations**
When injured or killed while travelling on a non-scheduled flight (a flight in an aircraft that is not a private one and that is not operated on a scheduled flight), an employee or his or her dependants may make a claim either under the *Government Employees Compensation Act* or under the provisions of the *Flying Accidents Compensation Regulations*. Any claims made under the regulations should be forwarded to the nearest office of the Veterans Review and Appeal Board. The appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program should also be notified of the accident.

**Right to choose doctor**
An injured person has the right to choose a doctor for the required treatment, but once the choice is made it must be adhered to. Permission to change doctors must be obtained in writing from the provincial workers’ compensation authority except in Quebec where there is no such restriction.

**Benefits provided**
The nature and extent of medical treatment, the type of hospital accommodation, the scale of compensation for loss of earnings in cases of disability, and the rates of benefits for the dependants of deceased employees are the same as those provided in the *Provincial Workers’ Compensation Legislations*. For example, a federal worker employed in Ontario and injured while at work qualifies for benefits available in that province.

**Occupational diseases**
In each province, occupational diseases are recognized for workers’ compensation purposes. In addition, regulations authorized by Section 8 of the Act provide a broader coverage in some instances for public service employees. Under these regulations, any disease, other than the occupational ones cited in provincial acts, that is due to the nature of the employment and peculiar to or characteristic of a particular process, trade or occupation in which the person was employed at the time the disease was contracted, may be compensated. In addition, the regulations provide for coverage of employees working abroad (other than locally-engaged employees) for diseases that result from the environmental conditions of the place outside Canada to which the employee was assigned.
Disallowance of claims

The most common reasons for disallowing a claim are the following:

• It is not clearly shown that the disability is the result of an accident, or occupational disease.
• The injury or occupational disease reported did not arise out of and in the course of employment.
• A description of an accident is given, but the disability is not the result of it.
• The injury reported is not substantiated by medical evidence.

The employer will be informed by HRSDC – Labour Program or a provincial workers’ compensation board of the decision. The question of eligibility for compensation can be determined only by the provincial workers’ compensation authorities. Departmental officials do not have any adjudication authority but must report all work place injuries and occupational diseases, other than first-aid only incidents, to the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program.

Rehabilitation services

Federal government employees are eligible for rehabilitation services provided under the Provincial Acts. These services include medical treatment and, in some provinces, vocational rehabilitation, with retraining for other work, in cases where the injury leaves the employee with a permanent disability that makes it impossible for him or her to resume his or her former occupation. Where desirable and feasible, there is specialized training in academic and commercial fields.

Occasionally an injured employee is physically incapable of resuming usual duties because of injuries resulting from the accident. If the disability is temporary, every effort should be made, as soon as he or she is well enough, to assign the employee to work that is within his or her capabilities until such time as he or she is able to resume pre-accident duties. If the employee is permanently incapacitated to an extent that will not permit resumption of former duties, he or she should be assisted in every way to obtain work appropriate to his or her remaining capabilities.

Review and appeals

All jurisdictions allow an opportunity for reconsideration of unfavourable decisions. An employee, the employer or their representatives may ask for a review of a decision by directing such a request to the appropriate provincial authority. This request should contain sufficient new or additional evidence, usually medical, to warrant a review of the claim.

Information available

For information regarding the allowance of claims or the duration of disability or incapacity as determined by a workers’ compensation authority, the employer should contact the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program.
Responsibilities of the employer

Workers’ compensation for occupational injuries and diseases is an **employee’s right**, not a privilege, and it is the responsibility of the employer and HRSDC – Labour Program to see that this right is protected.

To enable HRSDC – Labour Program to do its job effectively, **the employer must report within three days all injuries involving medical attention or lost time**. HRSDC – Labour Program determines whether the employer is covered under the *Government Employees Compensation Act* and obtains required information on employee status. Claims are checked immediately for accuracy and completeness, countersigned, then forwarded to the appropriate provincial workers’ compensation authority. The compensation authority decides whether the disablement is the result of an occupational injury or disease, and determines the benefits to be provided.

**Immediate attention**

Employees who are injured should be given immediate attention. In order to minimize the severity of the injury the first priority is first aid and/or medical care. Should the employee need to be transported to a medical facility, transportation will be provided by the employer.

**Reporting injuries**

Each employer is responsible for establishing and communicating appropriate departmental directives and instructions concerning the procedures for notification of occupational injuries or diseases. It is the responsibility of the injured employee to notify his or her immediate supervisor of the injury as soon as possible.

In cases where, as a result of a work injury, an employee has had to obtain medical treatment outside of working hours, he or she should personally notify the employer immediately upon return to work, or by some other appropriate means if he or she is unable to return to work.

Every employer is required to establish procedures and monitoring systems to ensure that all employee occupational injuries or illnesses that require professional medical care (beyond first aid) are reported to the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program within three days of their occurrence. Such injuries must be reported on the compensation form prescribed by the workers’ compensation board of the province where the injured employee is usually employed. **Compensation forms must not be sent directly to a provincial workers’ compensation authority.**

The employer is required to maintain an accurate record of the date, type of injury, etc., for all minor injuries that involve **first aid only**, that is, those which do not require the services of a medical doctor. These records are to be retained in the work place for two years. Employers are reminded that in the case of first aid, injuries should not be reported to HRSDC – Labour Program.
If the employer does not agree with the details of the accident as stated by the employee, the employee’s version must appear on the compensation form, but should be accompanied by appropriate comments regarding the employer’s view of the circumstances. In addition, the employer may request an impartial investigation by the provincial compensation board.

All compensation forms must be signed by the foreperson, supervisor, or other responsible person in charge who has first-hand knowledge of the occurrence.

The original signed compensation form and subsequent employer’s reports are to be submitted by the employer in duplicate to the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program.

**Statistical information**

Records of accidents are essential to successful occupational safety programs just as records of production costs, sales, profits and losses are essential to the successful operation of business. To improve occupational health and safety, it is necessary to have accurate records of the incidence of work injuries and illnesses. This in turn allows occupational groups, departments or agencies to identify those problem areas that require immediate attention. Therefore, the compensation form should be filled out as completely and accurately as possible.

Care should be exercised in furnishing details, especially in the following areas:

**Occupational category or group code**

For departments and agencies under Treasury Board jurisdiction and governed by the *Government Employees Compensation Act*:

The occupation of the employee as well as the occupational category or group should be given. The occupational category or group title should follow the classification found in Treasury Board Personal-Pay Input Manual (see your personnel office). Where at all possible, provide the employee’s class code abbreviation (e.g. CR-05) on the compensation form. For example, if an administrative officer is injured, provide the following details concerning the employee’s occupation:

- Occupational category or group: administrative services
- Class code: AS-02
- Occupational or job title: Administrative officer.

For departments and agencies not under Treasury Board jurisdiction (i.e. Crown corporations, etc.) but governed by the *Government Employees Compensation Act*:

The occupational title of the employee as it appears on the job description should be shown on the accident report. The occupational title should reflect the main duties of the employee, and it should conform to the occupational classifications found in the *Occupational Classification Manual*, Statistics Canada, 1980.
For example, if a statistical clerk is injured, provide the following details concerning the employee’s occupation:

- Job description or occupational title: statistical clerk.

**Other details**

Details such as an employee’s age, the date current employment started, and the employee’s wage or salary level (in cases where the injured person is or will be disabled beyond the day of the injury) should also be entered on the accident report.

Employers are required to ensure that all compensation forms furnish complete and related details of the accident and the nature of the injury. For example, it is not sufficient to indicate in a general way that an employee injured him or herself or suffered pain. It should be stated whether the injury was a contusion, bruise, laceration, strain, etc. The specific part of the body which was injured and the cause of the injury should also be identified.

**Persons locally engaged outside Canada**

As mentioned under “Employees hired abroad” persons engaged locally outside Canada are covered for workers’ compensation either by a local compensation law or, if this is not applicable, by the *Government Employees Compensation Act*. In the first category, the employing department reports the accident to the local authority according to its requirements. However, claims in the second category are reported to the Federal Workers’ Compensation Service of HRSDC – Labour Program, Gatineau, Quebec K1A OJ2, in the usual manner using Ontario Workers Compensation Board forms.

These reports should be submitted promptly enclosing medical reports, witnesses’ statements when available, and all other relevant documents, that is, medical accounts, etc. The claim is reviewed and the employer informed whether the injured person is entitled to benefits under the Act.

The claimant may request reimbursement for medical expenses by submitting receipts to the Federal Workers’ Compensation Service.

The employer should indicate on the compensation form whether the claimant will be paid for any time lost as a result of the injury.

**Recurrent disability**

An employee may be absent because of the recurrence of a disability sometime after the return to work. Subsequent absences should be reported to the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program by means of an explanatory letter or an amended compensation form. The original claim and/or file number should be quoted if available. The claim is then referred to the appropriate provincial authority. When the employee again returns to work, an Employer’s Subsequent Statement must be submitted.
If pay continues
When completing a compensation form involving time off from work, particular attention should be given to the item regarding amounts that have been paid or will be paid to the injured employee for the period of disability. If the employing department or agency intends to grant salary in the form of injury-on-duty leave, this should be indicated by stating either “Will be paid salary for period of disability” or “Will be paid salary if claim accepted by the compensation board”. The Employer’s Subsequent Statement, completed when the employee returns to work, should also state the amount paid and the period for which the employee was paid salary.

Injury-on-duty leave
Public service employees are generally entitled to this type of leave through the employment regulations or through their collective agreement, provided the claim is approved by the appropriate workers’ compensation authority. HRSDC – Labour Program is prepared to inform the employer of the workers’ compensation authority’s decision on each claim when the provincial authority does not do so directly. This service can only be provided satisfactorily when accidents are reported promptly. Failure to do so will in many cases cause a disruption in the injured employee’s pay.

When it is decided to stop granting injury-on-duty leave with pay to an employee who is still disabled, the employer should notify the appropriate Regional Office of the Federal Workers Compensation of HRSDC – Labour Program at once. The office will promptly arrange for the employee to receive the applicable workers’ compensation benefits until the claim is settled.

Accident investigation report
At least two distinct and separate procedures and reports are required where there is an accidental injury in the workplace. Some confusion exists because of the overlap of these two reports. One is generated for compensation purposes and is injury oriented, referred to in this pamphlet as the compensation form. The other report details the accident causes and recommends corrective action to make the workplace safer. This second report is an “accident investigation report”. Because of the differing purposes of these reports the employer is cautioned that a totally different approach must be used in completing the accident investigation report.

HRSDC – Labour Program can provide other pamphlets on this topic. Treasury Board also outlines the requirements for the accident investigation report in its procedures manual.

Place of usual employment
A claim for compensation is adjudicated by the province in which the employee is usually employed. For the purposes of the Act, this would be the province in which the employee has been appointed or engaged to work. For instance, an employee who is hired in Ottawa to work in Alberta would be considered to be usually employed in Alberta, whereas a person who usually works in Ottawa but who is sent to Alberta on a temporary assignment would still be considered to be usually employed in the province of Ontario. Also, the place of usual employment is not always the place of residence. For example, an employee who resides in Gatineau, Quebec, but who is employed in Ottawa, Ontario, the province of usual employment is Ontario.
Third party claims

Employee has choice of action

A workers’ compensation law principle recognized in the Act is that workers’ compensation is a substitute for common law action taken by an injured worker against his or her employer. However, when an employee’s injury is caused by a third party, that is, a person who is not the employer or employer’s servant or agent acting in the course of employment, the employee or his or her dependants have the right to elect:

(a) to claim compensation under the Act, or
(b) to bring an action against the third party.

Notice of election

The employee or dependants are required to make their choice of action by completing an “Election to claim under the Act”, which can be obtained from the Regional Office of the Federal Workers Compensation of HRSDC – Labour Program, but not from the provincial authority. The form explains that if the employee or dependants choose to claim compensation, they transfer to Her Majesty rights of claims they may have against the third party in respect of personal injuries.

In such cases, the recovery of damages from the third party is entirely a matter for HRSDC – Labour Program.

When an election to claim compensation is made, the employee must not admit liability nor accept or agree to any settlement offered by the third party. This responsibility rests with the Crown. It should be noted that election must be made within three months after the date of the accident or, in case of a fatality, within three months of the death. In exceptional cases, a further period may be allowed if requested in writing and if there are sound reasons for doing so.

Employee takes action

Under the Act, an employee is protected up to the full amount of compensation to which he or she is entitled whether he or she elects to claim compensation or to bring an action against the third party. If an employee, as a result of an action, recovers less than the amount to which he or she was entitled under the Act, he or she may be paid the difference between what was actually obtained through the action and the amount of compensation for which he or she was eligible.

If the case is to be settled out of court, then the employee must, before making a final settlement with the third party, submit the proposed settlement to HRSDC – Labour Program for approval by the Minister of Labour to be eligible for this difference. However, if the settlement is by a court judgment, then no prior approval by the Minister is required.

Employee claims compensation

In most cases, the injured employee chooses to claim compensation under the Act and thereby subrogates Her Majesty to the rights under it. Where the circumstances appear favourable, HRSDC – Labour Program endeavours by various means to obtain a settlement directly with the third party. In the more
serious and complicated cases, action for recovery may be taken in the courts by the Department of Justice. Should the amount recovered and collected from the third party exceed the amount of compensation to which the employee or his/her dependants are entitled under the Act, HRSDC – Labour Program may pay to the employee or dependants a portion of the excess. However, this payment may be deducted from any subsequent benefits to which the employee or dependants might become entitled under the Act for the same accident.

Full information required
To institute a court action or to make a demand for payment from a third party, a complete description of the incident must be supplied promptly to HRSDC – Labour Program. It is essential to a proper evaluation of the case that these details include the following:

- A written statement from the claimant which includes the time, date, place and full description of the accident.
- Statements from witnesses (photographs taken at the scene if possible).
- A police report where applicable, which is treated as confidential.
- A coroner’s report, if the accident was fatal and an inquest was held.
- Except in provinces with no-fault legislation, if an automobile accident is involved, the name and address of the owner of the car and of the driver if it was operated by someone other than the owner, the registration number, the province and year of issue, and a statement about the insurance carried on the vehicle involved.
- If injuries are caused by an accident on private property and the injured person is lawfully on the property at the time, give the particulars of the hazard or defect causing the slip, fall or other condition, or the event leading to the injuries. State if there had been a previous complaint to the owner or occupant of the premises about the hazard or defect. Describe the weather conditions if they were a factor. If, as in the case of a letter carrier, there was an attack by a dog, state whether the dog is considered vicious and had been known to attack another person. State if liability insurance is carried on the property.
Addresses of the Regional Injury Compensation Units of HRSDC – Labour Program and the Federal Workers’ Compensation Service at Headquarters.

**New Brunswick, Nova Scotia, Newfoundland and Labrador and Prince Edward Island**

Regional Office of the Federal Workers Compensation - HRSDC – Labour Program
New Brunswick Region
P.O. Box 1166
Moncton, New Brunswick
E1C 8P9
Telephone: **506-851-6640**
Fax: **506-851-6645**

**Quebec**

Regional Office of the Federal Workers Compensation - HRSDC – Labour Program
Quebec Region
Guy Favreau Complex
200 René-Lévesque Blvd. West
West Tower, 4th Floor
Montreal, Quebec
H2Z 1X4
Telephone: **514-982-2553 ext. 2606**
Fax: **514-283-6737**

**Ontario**

Regional Office of the Federal Workers Compensation - HRSDC – Labour Program
Ontario Region
Podium Building
300 Sparks Street, 3rd Floor
Ottawa, Ontario
K1A 0J6
Telephone: **613-991-4562**
Fax: **613-990-3596**

For claims of employees usually employed in the Atlantic Provinces

For claims of employees usually employed in Quebec.

For claims of employees usually employed in Ontario and those employees hired in Canada but posted abroad.
Manitoba and Saskatchewan

Regional Office of the Federal Workers Compensation
HRSDC – Labour Program
Manitoba/Saskatchewan Regions
P.O. Box 11000
Winnipeg, Manitoba
R3C 3A4
Telephone: 204-983-2413
Fax: 204-983-2117

For claims of employees usually employed in Manitoba and Saskatchewan.

Alberta, British Columbia, Nunavut, Yukon and the Northwest Territories

Regional Office of the Federal Workers Compensation
HRSDC – Labour Program
B.C. and Yukon Region
125 East, 10th Avenue
Vancouver, B.C.
V5T 1Z3
Telephone: 604-658-3599
Fax: 604-666-3166

For claims of employees usually employed in Alberta, British Columbia, Nunavut, Yukon and the Northwest Territories.

Headquarters

HRSDC – Labour Program
Federal Workers’ Compensation Service
Gatineau, Quebec
K1A OJ2
Telephone: 819-953-8001
Fax: 819-994-5368

For claims of employees locally hired abroad.