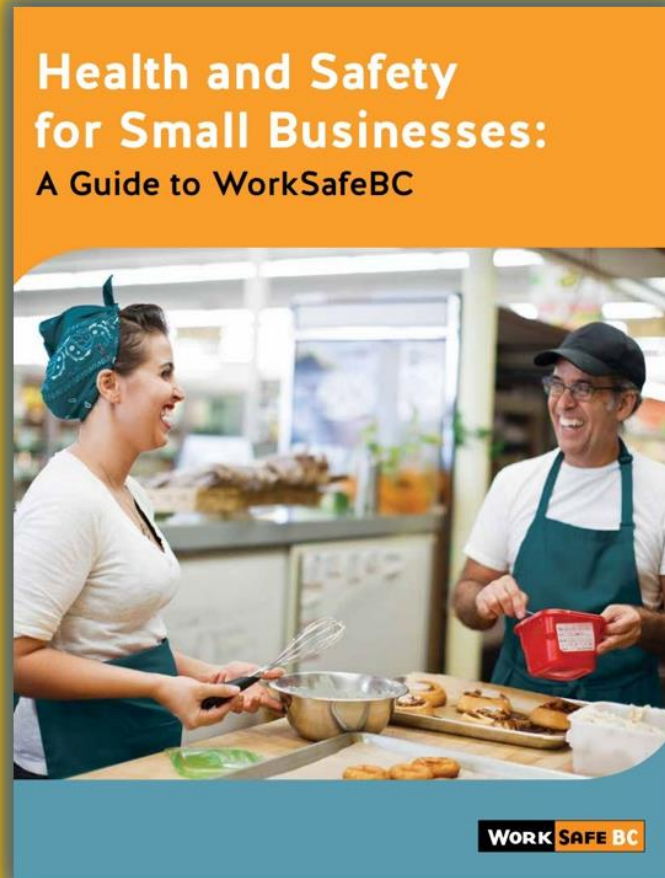


CUPE Guide for Registering for WCB Coverage for Union Members and Activists Attending Union Functions or Working for Unions in BC

Tom McKenna, National Representative



January 2023

Health and Safety for Small Businesses: A Guide to WorkSafeBC. See
<https://www.worksafebc.com/en/resources/health-safety/books-guides/health-and-safety-for-small-businesses-a-guide-to-worksafebc?lang=en>

There are two documents. See the summary Bulletin as well.

[https://cupe.sharepoint.com/sites/BritishColumbiaRegionalOffice/Health Safety/WCB/Forms and Guides/Guide CUPE Registering WCB Coverage Union Members Activists Attending Union Functions](https://cupe.sharepoint.com/sites/BritishColumbiaRegionalOffice/Health%20Safety/WCB/Forms%20and%20Guides/Guide%20CUPE%20Registering%20WCB%20Coverage%20Union%20Members%20Activists%20Attending%20Union%20Functions)
Working for Union BC 2023-01.docx cope-491*ct

I. INTRODUCTION

Meet our members

to know our leaders

Every 6 seconds a worker is injured on the job

Every 13 seconds a worker is permanently disabled

Committees and working groups

National Sector Council

Sources: Statistics Canada, CUPE, BC Federation of Labour.

CUPE Locals members and elected officials (in addition to workers hired by the Union) may be required to perform Union business or participate in Union activities. The employer may continue the employee ("worker") on paid leave, may continue the worker on paid leave with reimbursement by the Union or may allow an unpaid leave of absence (subject to the Collective Agreement etc.) with the Union paying the salary and benefits of the worker. Unions should register with the WCB in order to provide WorkSafeBC ("WCB") coverage for members, activists and book-offs for positions such as CUPE Local Presidents while attending Union functions e.g. CUPE Local General meetings, Labour Management Meetings, bargaining, conventions (National and Provincial) and education (Local, joint employer/Union, BC Federation of Labour, etc.). Coverage should also include workers such as secretarial support, Business Agents, custodians, contractors, etc.

The following general information is provided to assist in determining if WCB coverage is required and how to obtain WCB coverage as part of an overall Health and Safety Program (which all employers are required to have). Important information in this Guide is underlined. Different WCB adjudicators may render different decisions – each case is fact dependent, even within the same employer.

This information does not address nor apply to strikes, lockouts, etc. For these types of circumstances contact the CUPE BC Regional Office via both the CUPE National Representative for the CUPE Local and the CUPE Local President.

This Guide is for BC legislation, non-federal jurisdiction only. This Guide does not address WCB coverage by the CUPE BC Division or CUPE National. The reference to “worker” is the same as “employees” and “staff” for the purposes of this Guide.

This information is based upon current WCB Rehabilitation Services and Claims Manual (“Policy” or the “RSCM” / “RS&CM”), the *Workers Compensation Act* (the “Act”), WCB Practice Directives, the WCB Assessment Manual, speaking with WCB representatives and the BC Workers’ Advisers Office. This Guide is continually updated and was vetted by a number of agencies including the BC Workers’ Advisers Office, the BC Federation of Labour, WorkSafeBC, etc. However, WCB law and Policy change frequently and the WCB has given contradictory opinions on a number of issues related to this. Always review the most current law, WCB Policies and WCB Practice Directives. All information is subordinate to WCB law and Policy. This Guide should always be considered a draft working document due to continuous revisions to WCB law and Policy and intermittent updating of the Guide.

There are several Appendices as part of this Guide, as well as numerous Figures and Tables. These should be used in conjunction with the contents of the main sections of the Guide.

1 in 3 workers will have a work-related injury or occupational disease during their working life

1 in 6 workers will file a workers compensation claim

After 6 months absence from work, injured workers have a less than 50% chance of returning to their pre-injury job

Sources: Statistics Canada, DMEC, WorkSafeBC, BC Federation of Labour.

II. OVERVIEW:

Registering for WorkSafeBC insurance coverage



II.I. KEY CONSIDERATIONS AND WCB POLICY:

When Union members are on employer paid Union business, they are normally covered by the WCB, as governed by the *Workers Compensation Act*. The WCB has stated that even if a Union is not registered with the WCB, members may still be entitled to WCB benefits. However, the WCB may then seek the costs of the claim from the Union.

The key language for determining if a Union (Local) is the employer is from WorkSafeBC Assessment Policy AP1-1-5(b) (current as of January 2023):

“Union delegates attending conferences, seminars, conventions or similar events are considered workers of the union if they receive a recorded payment for attending such functions, whether it be in the form of a wage or a per diem allowance.”

Where the relevant Collective Agreement does not have language such as “the employer is responsible for any workplace injuries while a worker is on union leave” the non-Union employer e.g. the municipality for example, might not be deemed the Employer by WorkSafeBC – the Union (Local) would be deemed the employer for claims purposes. Contact the CUPE National Representative for further information.

See BC WCAT appeal decision WCAT-2011-00636, paragraphs 37, 40 and 42.

II.II. WCB POLICY CONSIDERATIONS GENERALLY:

1. Classification units and industry groups

When you register for WorkSafeBC insurance, you are assigned to a classification unit based on the products you produce, the services you provide and the processes, technology or materials you use. Some classification units aren't big enough so they combine them with classification units of similar types of industries to form an industry group. There are about 230 industry groups. The WCB determines the historical cost rate for each industry group by looking at the ratio of their claims costs to their payroll.

2. Industry groups are combined into rate groups

Next, the WCB combines industry groups into rate groups. Some industry groups are large enough to form their own rate groups, but those that are not large enough are combined with other industry groups that have a similar claim cost profile. There are about 50 rate groups.

3. Base premium rates are calculated for each rate group

Finally, the WCB calculates the appropriate base premium rate for each rate group. First, they calculate the total cost of claims for each rate group, then they divide that by the rate group's assessable payroll to determine the cost rate. The base premium rate is applied to each classification unit in the rate group. Employers in each rate group pay the costs of injuries, diseases and prevention activities for the group. As costs change, so do rates. Each year, some rates go up, some go down and some stay the same.

There are many sample scenarios for potential WCB registration for coverage:

- Members who are on leave to conduct Union business may continue to be covered under the regular employer's WCB registration if the employer continues to direct pay the worker's salary.
- **Where the Union subsequently reimburses the employer for such costs, there has been a mixed practice of the Union (Local) being deemed the employer by the WCB.** Recent cases have determined the Union (Local) was the employer. Each case is fact dependent and WCB determinations / decisions vary considerably.
- If the regular employer does not continue the worker's salary and the Union pays the member's (worker's) salary directly, coverage will often be under the Union's WCB registration (payment of remuneration such as token payments, daily allowances or reimbursement of expenses, is often not considered to be a payment of "salary").
- **When the member is not paid salary or other payments by either the regular employer or the Union, the worker may be considered a "volunteer" and may not be covered in the event of an injury. Each case varies.**

The registration process takes 20 to 30 minutes online with the WCB after the requisite payroll records are gathered. See the Section “Apply for Coverage” at <https://www.worksafebc.com/en/insurance/apply-for-coverage>. The general steps include:

- Gather payroll records for the previous five years; and
- Gather the other background information such as name of employer (CUPE Local), address, telephone number, email address, incorporation number (if applicable), business number from the Canada Revenue Agency, the name and number from the WCB account (if applicable or if the CUPE Local already has one), the names of people or businesses the CUPE Local provides services to, any major equipment model / year / make, the start date of operations, etc.; and
- Register via telephone, online or by mail. See:
 - https://online.worksafebc.com/anonymous/InternetRegistration/default.aspx?_ga=2.78216084.1
 - https://online.worksafebc.com/anonymous/InternetRegistration/default.aspx?_ga=2.78216084.163175227.1573260044-1692861506.1557254464 to log into the WCB site if you already have an account or need to create one; and
- The WCB will review the application for registration and if the CUPE Local is deemed to be eligible, the WCB will then determine the premium for coverage and the date coverage comes into effect.
- The WCB will send a letter by mail confirming the CUPE Local’s account number, Classification Unit and effective date of coverage.

Always make sure to obtain Clearance Letters from contractors and subcontractors before any services are received in order to confirm that they have registered with the WCB, are paying their premiums and are in good standing with the WCB.

In order to be absolved of any potential liability related to the contractor or subcontractor you must have a Clearance Letter from the WCB addressed to the Union / Local confirming that the contractor or subcontractor was “active and in good standing” for the entire period of the CUPE Local’s contract with the contractor or subcontractor.



ALL WORKERS, regardless of age, have 5 to 7 times the risk of injury in the first month on the job. [2]

III. IMPORTANT SOURCES OF INFORMATION TO REVIEW:

Occupational Health & Safety (OHS) <ul style="list-style-type: none">• Workers Compensation Act – Part 3• Occupational Health & Safety Regulation (OHSR)• OHS Policies• WorkSafeBC Standards <p>More ►</p>	Claims & Rehabilitation <ul style="list-style-type: none">• Workers Compensation Act – Part 1• Compensation Policies• Table of Effective Dates & Application of Published Compensation Policy• Practice Directives <p>More ►</p>	
Insurance Premiums <ul style="list-style-type: none">• Workers Compensation Act – Part 1• Assessment Policy• Classification and Rates• Practice Directives <p>More ►</p>	Workers Compensation Law <ul style="list-style-type: none">• Workers Compensation Act• Schedule B to the Workers Compensation Act• Amendments to the Act• Workers Compensation Act Regulations <p>More ►</p>	Policy & Regulation Decisions <ul style="list-style-type: none">• Board of Directors' (BOD) Decisions by Year• Panel of Administrators' (POA) Decisions by Year• Retired Workers Compensation Reporter Decisions No. 1-423 in Volumes 1 – 6 <p>More ►</p>
Public Hearings & Consultations <ul style="list-style-type: none">• Current Public Hearings & Consultations• Closed Public Hearings & Consultations• Policy & Practice Consultative Committee• Policy & Regulation Workplans <p>More ►</p>	Learn About WorkSafeBC Law & Policy <ul style="list-style-type: none">• How law (Act & Regulations) & policies are made• Sign up for regulation & policy updates• Insight e-Newsletter• Regulation, Policy & Practice Contacts <p>More ►</p>	Law & Policy Archives <ul style="list-style-type: none">• Historical Reports• Act, Regulation & Policy Archives• Practice Archives• Workers' Compensation Reporter Decisions <p>More ►</p>

WorkSafeBC Law and Policy. See <https://www.worksafebc.com/en/law-policy>

The key documents for registering as employers are summarized below:

- Unions are covered as employers under Classification unit 762041: Union. See the following Figure. It shows the 2022 classification unit description for Unions at the WCB.

Search industry classification

1 **Sector**
Service Sector

2 **Sub-Sector**
Business Services

3 **Classification Unit**
Union

Union

See more information about your classification unit, including a description of the types of employers covered, products produced, or services provided:
[Classification Unit 762041 \(PDF 41 kb\)](#).

Industries are put into rate groups to help predict claim costs and keep rates stable.
See who is in your rate group: [02](#).

Year: 2022

Rates

Year	2022	2021	2020
Rates as a percentage of assessable payroll	0.50	0.46	0.38
Max wage per worker	\$108,400	\$100,000	\$87,100

View information about your industry premium rate.

[More Details](#) ▼

To learn more:

- See how we determine each of the above cost components:
[Explanation of cost component terms](#).
- See a breakdown of the costs that we used to determine your rate group's total cost rate: [Rate group cost component](#).
- See how your rate group has performed in key areas that may affect your base rate, using data from the most recent five years: [Rate group performance](#).
- View the above information for: [2021](#), [2020](#), [2019](#).

[Previous](#)[Try another search](#)


- The RS&CM and the Assessment Manual contains WCB Policy with respect to the definitions of worker, employer, incidents and accidents and coverage. Chapter 2 of the RS&CM states that the WCB considers that a contract to provide labour, in an industry covered by the *Workers Compensation Act*, may create one of three types of relationships: workers, independent firms or labour contractors. See <https://www.worksafebc.com/en/law-policy>.
- WCB Policy items AP1-1-1 to AP1-1-5 of the *Assessment Policy Manual* (“APM”) provide definitions for these three categories – workers, independent firms or labour contractors; as well as their respective registration requirements. Section 3.1 (5) – Independent Firms - below is the applicable section for Unions. Independent Firms include incorporated companies, as well as proprietorships and partnerships. APM Policy item AP1-1-3 states, in part, that independent firms include (5) Society, cooperative, trade union or similar entity. See <https://www.worksafebc.com/en/resources/law-policy/assessment-manual/assessment-manual>.

 **Search industry classification**

1 **Sector**
Service Sector

2 **Sub-Sector**
Business Services

3 **Classification Unit**
Union

 **Union**

See more information about your classification unit, including a description of the types of employers covered, products produced, or services provided:
[Classification Unit 762041 \(PDF 41 kb\)](#).

Industries are put into rate groups to help predict claim costs and keep rates stable.
 See who is in your rate group: 02.


Year: 2022

Current Assessment Manual



Download PDF

Effective Date: Jun 1, 2022
File type: PDF (2 MB)
Asset type: Assessments Manual

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IV. PROCESS FOR OBTAINING COVERAGE:

The screenshot shows the WorkSafeBC website interface. At the top is the WorkSafeBC logo and navigation links: Forms & Resources, Law & Policy, About Us, Contact Us, and a button for Log in / Create an account. Below the navigation bar is a menu with links to Health & Safety, Insurance, Claims, and I Am a... A search bar is also present. The main content area is titled 'Apply for coverage' and includes a breadcrumb trail: Home > Insurance > Apply for coverage. The text explains that not everyone is eligible for registration and that an application must be submitted. Below this text are four links: 'The application process', 'Cost of coverage', 'Apply online, by mail, or by fax', and 'Need more information?'.

See <https://www.worksafebc.com/en/insurance/apply-for-coverage>

There are two primary forms of coverage – the standard registration for Independent Firms, as per 3.2 above and Personal Optional Protection, which is not normally used as per the WCB and is not addressed here. The Registration Form R17/12 describes the process. **Remember, it is against the law to deduct premiums from workers, either directly or indirectly.**

OneStop Business Registry

The OneStop Business Registry is a service that allows you to register with several public agencies in one step, using your business number from the Canada Revenue Agency. This service includes the following:

- WorkSafeBC — registration number
- Canada Revenue Agency — goods and services tax (GST), payroll deductions, import-export accounts
- Ministry of Finance — provincial sales tax and hotel room tax
- BC Registries and Online Services — registration for a sole proprietorship or general partnership
- Participating municipalities — municipal business licences

Visit onestop.gov.bc.ca to register your business.

As stated previously, the general process to obtain WCB coverage is as follows (see the Section “Apply for Coverage” at <https://www.worksafebc.com/en/insurance/apply-for-coverage>):

- Gather payroll records for the previous five years; and
- Gather the other background information such as name of employer (Local), address, telephone number, email address, incorporation number (if applicable), business number from the Canada Revenue Agency, the name and number from the WCB account (if applicable or if the CUPE Local already has one), the names of people or businesses the CUPE Local provides services to, any major equipment model / year / make, the start date of operations, etc.; and
- Register via telephone, online or by mail. See
 - https://online.worksafebc.com/anonymous/InternetRegistration/default.aspx?_ga=2.78216084.1
 - https://online.worksafebc.com/anonymous/InternetRegistration/default.aspx?_ga=2.78216084.163175227.1573260044-1692861506.1557254464 (the online format is the standard process); and
- The WCB will review the application for registration; and
- If the CUPE Local is deemed to be eligible, the WCB will then determine if the CUPE Local is an independent firm or meets the labour contractor criteria, the CUPE Local's Classification Unit, the premium for coverage and the date coverage comes into effect; and
- The WCB will send a letter by mail confirming the CUPE Local's account number, Classification Unit and effective date of coverage; and
- Annual reporting frequency to the WCB is the default if premiums are less than \$1,500 per year (this changes regularly and is included for illustration purposes only). If it is more than \$1,500, quarterly reporting requirements exist (these numbers are subject to change); and
- The WCB will then send the Employer Payroll Report via mail (or the CUPE Local can check the online portal at the WCB), which has to be filled in and submitted on the stated due date. This often occurs in March (the dates may be variable); and
- Payment can be made via the WCB portal, via the Fast File and Pay option, in person, at the WCB, by mail or at a financial institution. See the following Figure “Report Payroll and Pay Premiums” at <https://www.worksafebc.com/en/insurance/manage-account/report-payroll-pay-premiums>.

The following Figures illustrate the reporting process used by the WCB (links follow in Section VIII):

Manage your account

Report payroll & pay premiums

Dates and deadlines

Equipment allowance

Report shareholder earnings

Report & pay for your clients

Assessment penalties

Statement of account

Collections process

What to expect during an audit

Change your mailing address & account details

View claim costs

View your premium rate notification

Report payroll & pay premiums

As an employer, your responsibilities include reporting your payroll and paying your premiums; even if you have zero payroll or owe zero premiums, you must still report your payroll. We offer a number of convenient ways for you to do so.

Before you begin	Methods of payment
How to report payroll and pay premiums	Return your completed form

Before you begin

First, review our [dates and deadlines](#) to get a sense of when you need to report your payroll and pay premiums.

You'll need the following information:

- Your WorkSafeBC account number and payroll report ID. You'll find these on your payroll report.
- Your payroll records for the previous year or quarter, including:
 - The total wages and salaries paid to workers, including [shareholders' earnings](#).
 - The total payments to contractors and unregistered subcontractors in the previous year or quarter. In some circumstances, an [equipment allowance](#) may be claimed against unregistered subcontractors' earnings.
 - The names of workers and active shareholders who have earned more than the maximum assessable earnings for the reporting year (the maximum is listed on your form). See the [Assessable earnings guide](#) for more details.
- A credit card or your bank account information, if you want to make a payment or set up a payment method.

How to report payroll and pay premiums

If you report your payroll online, you will not need to send us a hard copy of your form. You should keep track of any transaction reference numbers for your records.

Online services account

By signing up for an online services account with WorkSafeBC, you can report payroll and pay premiums online and take advantage of the many other benefits in our online services. We are currently enhancing our online services, using feedback from employers, to make them easier and faster.

To start online reporting and pay premiums, log in to or create an account for online services and select Report payroll and pay premiums.

Log in or create an account

Fast File & Pay

If you don't have an online account, you can still use our Fast File & Pay application to report your payroll and pay your premiums online. This application may be an option for you if you don't want to sign up for an online services account to access our full range of online services, which have recently been enhanced and improved.

Before using this application, please be aware that:

- If you intend to report payroll, you will need to have your annual payroll report or quarterly remittance form on hand.
- Payroll reports are only accepted for the current reporting period.
- You cannot use this application to amend a payroll report you have already submitted.
- Payment is accepted by credit card using your Visa, MasterCard, or American Express. If you intend to make a payment, make sure you have your credit card information ready.

[Access Fast File & Pay >](#)

Methods of payment

You can make your payments in the following ways:

Online	Log in to your online services account and pay by credit card or direct debit. Please note that credit card payments are limited to \$10,000 or less.
Fast File and Pay	Online credit card payment limited to \$10,000 or less.
At your financial institution	Please allow five days for processing. Also, please note that some financial institutions require you to have a bank account at their branch in order for you to make a payment.
At your nearest WorkSafeBC office	Visit the office location closest to you to pay. All offices accept payment by cheque and money order. Our Richmond office also accepts payment by debit card, credit card and cash. Credit card and cash payments are limited to \$10,000 or less.
By mail	Please send your payment stub and write your account number on the front of your cheque. The cheque is payable to: WorkSafeBC Assessment Receivables, PO Box 9600 Stn Terminal, Vancouver BC V6B 5J5. Please allow for mailing time and five days for processing.

Return your completed form

Even if you have nil payroll, you must complete and return your entire remittance form to WorkSafeBC by the due date printed on the top right-hand corner of your form.

If you pay by mail, return the entire form, including the payment stub, in the envelope provided with your form. If you pay at your bank, be sure to send the top portion of the form in the envelope or fax it to us at 604.244.6490 by the due date.

The following four Figures (one document) from the Form R17/12 from the WCB describe the process in detail:

WorkSafeBC insurance — Protecting employers and workers

Registration

If you hire workers, you're required by law to register with WorkSafeBC. This includes incorporated companies that employ only their shareholders, and individuals who hire family members to work. If you're a B.C. resident, and you hire contractors or workers to build or renovate your home, to provide casual ongoing services such as gardening or home repairs, or to provide in-home services, you may also be required to register. You can find registration requirements online at worksafebc.com.

Completing this application

Please read the instructions carefully before completing this application. To avoid processing delays, be sure to complete it in full and to sign it before submitting it to WorkSafeBC. Return the completed application by mail or fax. You can also complete the application online at worksafebc.com. Once we've received the application, we'll review it to determine whether your firm qualifies for registration. You'll then receive a letter confirming our decision.

For more information

Please contact our employer service centre,
8:30 a.m. to 4:30 p.m., Monday through Friday.

Phone 604.244.6181 or toll-free 1.888.922.2768

Fax 604.244.6490

Mailing address ... PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5

Head office 6951 Westminster Highway
Richmond BC V7C 1C6

Regional offices ... Check the listings at worksafebc.com.

Website worksafebc.com. For more information about registration requirements, click on the Insurance tab.

the Canada Revenue Agency (CRA)). If your firm is a proprietorship or partnership, enter the full legal name(s) of the proprietor or partners.

CRA Business Number

Enter the first nine digits of your firm's CRA program account number (if applicable). If your firm does not have a business number, you can apply for one from B.C.'s OneStop online service at bcbusinessregistry.ca.

Type of firm

The majority of firms are partnerships, proprietorships, or limited companies. If your firm is applying for registration as a First Nations Band, cooperative, municipality, society, union, government agency, church, or district, select "other."

Note: Most B.C. workers are automatically covered for workers' compensation. However, proprietors and their spouses, as well as partners in a partnership, are not considered workers unless they have been granted optional coverage. If you're a proprietor or partner and you would like to be covered for workers' compensation, you must apply for Personal Optional Protection. Proprietors may also apply for coverage for their spouses. You'll find the application form online at worksafebc.com.

Section 2 — Contact information

Enter your firm's contact details, including your business address, telephone and fax numbers, and email address.

Section 3 — Worker and payroll details

Worker information

Enter the number of workers in your firm, as well as the date your first worker was hired. A worker is anyone you employ on a full-time, part-time, casual, or temporary basis, including:

- Anyone who is paid on an hourly, salaried, piecework, or profit-sharing basis
- The child of a proprietor or partner who's paid by your firm, regardless of the child's age
- A partner's spouse who works for the partnership and is paid for his or her services
- A spouse, child, or other family member of a principal or shareholder of your firm for whom earnings are reported for income tax purposes

Workers include those in administration and management, clerical staff, labourers, labour contractors who are not registered with WorkSafeBC, and active shareholders.

WORK SAFE BC

If you're registering to cover someone who works in or around your home — such as a babysitter, gardener, or labourer for home repairs — complete this section as well.

Estimate of annual payroll

Payroll includes any means by which workers, family members, shareholders, office staff, casual labour, and administrative personnel are paid. When estimating payroll, be sure to include all wages, salaries, commissions, holiday pay, bonuses, and any other means by which a worker is paid. If your firm hires subcontractors who do not have their own WorkSafeBC coverage, also include the amounts paid to them.

Section 4 — Business operations

(Go directly to section 7 if you're a resident who is hiring workers in or around your home.)

Description

Describe your firm's business operations, including the nature of the goods and/or services provided to customers. For example:

- A convenience store selling miscellaneous groceries to the general public
- An owner-operator providing dump truck services
- A software company that provides consulting services
- A drywall company that works on commercial projects

Major revenue-producing equipment

Revenue-producing equipment includes the major items your firm supplies to complete a contract. Examples include skidders, loaders, backhoes, mobile welding trucks, dump trucks, cars used in the courier industry, and trucks used in the trucking industry. Hand tools and personal crew transportation equipment — cars, pickups, and crummies, for example — do not fall within this definition.

Major materials

These are the primary materials that your firm supplies to complete a contract at a fixed price. Examples include the paint for a painting contract, drywall for a drywall contract, or lumber or concrete for a construction contract. Supplementary materials — like nails and drywall tape — do not fall within this definition.

Section 5 — Previous registration/affiliated firms

If your firm, a partner, or a shareholder has previously had an account with WorkSafeBC, select "yes," and complete this section.

For WorkSafeBC purposes, firms are affiliated when:

- One firm controls another firm, directly or indirectly, through one or more intermediaries or other means, or
- Both firms are controlled by the same person or group of people, or
- The firms are controlled by family members — immediate, extended, or equivalent

Affiliated firms are common. For example, the shareholder of a limited company also operates a proprietorship; in this case, although the firms may not be working together, the firms are

affiliated due to common control. If your firm is affiliated to other firms, list the firms, along with their contact details and, if applicable, their WorkSafeBC account numbers.

Section 6 — Trucking, taxis, or couriers

If your firm operates in the trucking, taxi, or courier industry, describe your firm's business operations and services. Also supply information about the vehicles used by your firm and if you own or lease them. If your firm works in the trucking, courier, bus line, moving, or sightseeing industry and drives into other provinces, it may be able to pay its insurance premiums in one province only. For more information, visit worksafebc.com and select "Application for alternative assessment procedure for interjurisdictional trucking and transport."

Section 7 — Residents who hire workers for home services

If you're hiring workers to provide services in or around your home, please complete this section.

Section 8 — Contractors and subcontractors

If your firm is a contractor or subcontractor, please complete this section.

Section 9 — Corporations and partnerships

Enter the contact details and social insurance numbers of partners or shareholders.

Note: Most B.C. workers are automatically covered for workers' compensation. However, proprietors and their spouses, as well as partners in a partnership, are not considered workers unless they have been granted optional coverage. If you're a proprietor or partner and you would like to be covered for workers' compensation, you must apply for Personal Optional Protection. Proprietors may also apply for coverage for their spouses. You'll find the application forms online at worksafebc.com.

Section 10 — Certification

This application must be signed by an authorized representative of the firm that is applying for registration. Be sure to include a telephone number, in case we need to contact that person for more information.

Firms that need assistance in meeting their requirements under the Occupational Health and Safety Regulation may wish to contact their industry association. Contact details for industry associations can be found at worksafebc.com.

Important protection for you and your workers

Your insurance with WorkSafeBC provides protection for your workers if they are injured on the job, and covers the cost of health care and rehabilitation services to help them get back to a normal life. Visit us at worksafebc.com for resources to help keep your workplace safe and healthy.

Registration Application

Please print. Attach additional sheets if required.

WorkSafeBC use only

Account number

1. Firm/resident information

Legal name of firm/resident		Canada Revenue Agency Business Number (first nine digits only)
Trade name (if different from legal name)		Business website
Select appropriate type of firm <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Proprietorship <input type="checkbox"/> Other <input type="checkbox"/> Individual employing worker(s) for domestic or in-home care services or for home maintenance/repairs	For proprietorships only Enter the social insurance number or date of birth of proprietor Social insurance number _____ Date of birth (yyyy-mm-dd) _____	
For corporations/societies only If you operate a corporation, enter incorporation number and date Incorporation number _____ Incorporation date (yyyy-mm-dd) _____		

2. Firm contact information

Mailing address			
Business mailing address	City	Province	Postal code
Business phone number (include area code)	Home phone number (include area code)		
Fax number (include area code)	Email address		
Physical address or operating location of business (if different from above)			
Street address	City	Province	Postal code

3. Worker and payroll details (Important: Please see instructions before completing.)

Do you employ workers? <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of workers (excluding shareholders)	Is your spouse a worker? <input type="checkbox"/> Yes <input type="checkbox"/> No	Start date of first worker (yyyy-mm-dd)
Number of shareholders (if applicable)		Estimate of annual payroll for all workers (if your firm is a corporation; in your estimate, include the earnings of shareholders who are active in your firm) \$	

4. Business operations (If you are a resident hiring workers in or around your home, please go directly to section 7.)

Describe your firm's business operations in B.C.	Start date of operations (yyyy-mm-dd)
List the major revenue-producing equipment that your firm supplies (please include the year, make, model, and serial number)	
List the major materials that your firm supplies	

5. Previous registration/affiliated firms (Please complete sections a, b, and c.)

(a) Has your firm ever been registered with WorkSafeBC (Workers' Compensation Board of B.C.) under any name? <input type="checkbox"/> Yes <input type="checkbox"/> No	Has a principal of your firm ever been the principal of another firm registered with WorkSafeBC? <input type="checkbox"/> Yes <input type="checkbox"/> No	
(b) Does your firm provide services or products to an affiliated firm? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If you answered yes to any of the above questions, list the other firm(s) in section 5(c).		
(c) List all affiliated firms currently or previously registered with WorkSafeBC (e.g., firms with common ownership, under common control, or controlled by family members.).		
Firm name	WorkSafeBC account number	Name(s) of principal(s)



Legal name of firm/resident (please enter the same name that you listed at the top of page 1)

6. For trucking, taxi, and courier industry only

What type of trucking or courier service do you provide? (e.g., gravel, log hauling, delivery service)	If trucking, do you drive into other provinces? <input type="checkbox"/> Yes <input type="checkbox"/> No
Year and make of your business vehicle registered in your name/your firm's name	Gross vehicle weight rating (GVWR)
Do you own or lease your vehicle? <input type="checkbox"/> Own <input type="checkbox"/> Lease	If leasing, please enter the name of the firm leasing the vehicle to you

7. For residents who hire workers for services in or around their homes

What type of service will you be receiving in your home? <input type="checkbox"/> Nanny or other caregiver <input type="checkbox"/> Domestic worker, such as a maid <input type="checkbox"/> Construction or repair worker(s) or contractor <input type="checkbox"/> Gardener or landscaper <input type="checkbox"/> Other (please specify)	Will this individual work for you for less than eight hours a week? <input type="checkbox"/> Yes <input type="checkbox"/> No Will this individual work on a specific project that will take 24 hours or more? (Calculate the total number of person-hours. If the total exceeds 24 — for example, you've hired three workers who will each be working nine hours for a total of 27 person-hours — select "yes.") <input type="checkbox"/> Yes <input type="checkbox"/> No Will this individual care for children before or after school for 15 or fewer hours a week? <input type="checkbox"/> Yes <input type="checkbox"/> No Is this individual with an agency that is registered with WorkSafeBC? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

8. For contractors/sub-contractors/self-employed only

If you are self-employed (contractor), list the firms/individuals that you are, or will be, hiring on a contract basis. If you are a subcontractor or are self-employed, list the firms/individuals that you are, or will be, working for.			
1. Name of firm or individual	<input type="checkbox"/> I am hiring this firm/individual <input type="checkbox"/> I am being hired by this firm/individual	Phone number (incl. area code)	
Street address	City	Province	Postal code
2. Name of firm or individual	<input type="checkbox"/> I am hiring this firm/individual <input type="checkbox"/> I am being hired by this firm/individual	Phone number (incl. area code)	
Street address	City	Province	Postal code

9. For corporations and partnerships only

Enter the contact details of partners or shareholders who are active in your firm.			
1. First name of shareholder or partner	Middle name	Last name	Phone number (incl. area code)
Street address		City	Province Postal code
Social insurance number		Date of birth (yyyy-mm-dd)	
2. First name of shareholder or partner	Middle name	Last name	Phone number (incl. area code)
Street address		City	Province Postal code
Social insurance number		Date of birth (yyyy-mm-dd)	

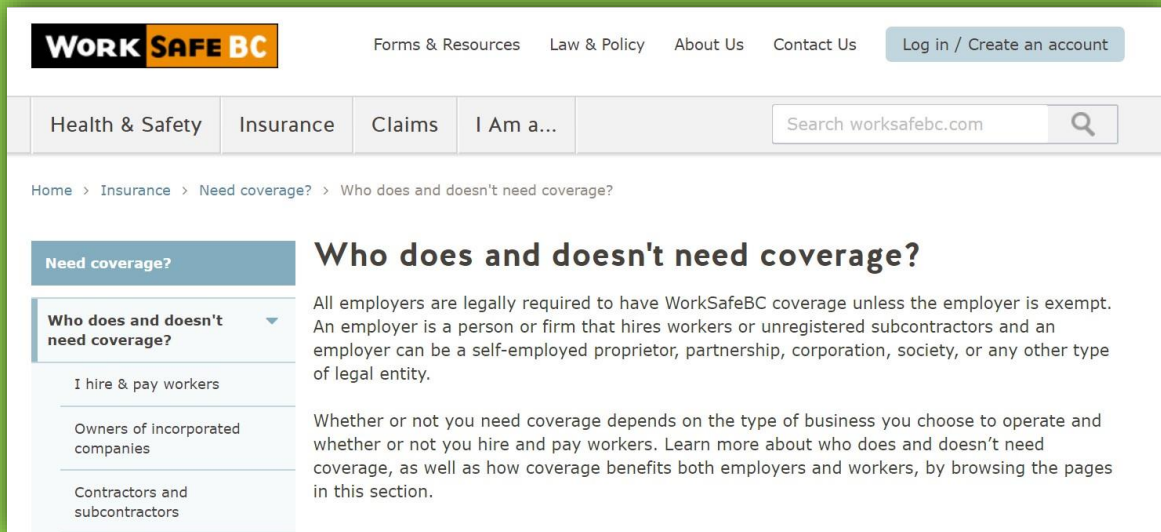
10. Certification

By submitting this form, I certify and declare the following: that I am authorized to make this application on behalf of the firm applying for coverage; I have read, or have had read to me, and I fully understand, the content, requirements, and declaration of this application; that the information provided in this application is true, complete, and accurate; and that I may be committing an offence and may be liable to prosecution if I make any false statement, provide any false or misleading information, or omit to provide any relevant information. I understand the firm is obligated to establish health and safety policies and programs in accordance with the Occupational Health and Safety Regulation. Information on this form is collected for the purposes of administering and enforcing the *Workers Compensation Act* and is collected under the authority of that Act and the *Freedom of Information and Protection of Privacy Act*.

Name (please print)	Title or relationship to firm	Phone number (incl. area code)
Signature		Date (yyyy-mm-dd)

WorkSafeBC use only		
Date (yyyy-mm-dd)	Time	WorkSafeBC representative

V. ISSUES, PROBLEMS AND CONSIDERATIONS FOR WCB CLAIMS:



There have been issues on a variety of topics in the past. These include (See <https://www.worksafebc.com/en/insurance/need-coverage/who-needs-coverage#:~:text=All%20employers%20are%20legally%20required,other%20type%20of%20legal%20entity>):

- Use of contractors.
- Workers versus members being booked off by the Union for Union activities such as education and conferences.
- Hours of work (what the WCB looks at during the claim process after an injury or incident).
- Use of motor vehicles going to or from Union functions.
- Deviations from employment (Union functions).
- Injuries during social events.
- Injuries while walking to or from Union events.
- Confusion over the true employer determination where Union's reimburse employers.

V.I. CONTRACTORS:

Unions sometimes use contractors to perform work such as repairs, plumbing, electrical, horticulture, gardening and other types of work. The question is when the contractor or subcontractor becomes a worker of the CUPE Local. See <https://www.worksafebc.com/en/insurance/need-coverage/who-needs-coverage/contractors-subcontractors>. The following is for illustration purposes only as the web information changes often and is fact dependent:

"When contractors are considered your workers

Contractors would be your workers if they do not operate as an independent business and are either not eligible for WorkSafeBC coverage or decline to purchase WorkSafeBC's optional coverage.

Below are examples of situations where a contractor would likely be your worker:

- The contractor supplies only labour
- The contractor supplies labour and minor materials such as nails, drywall tape, or putty
- The contractor supplies labour and a piece of major equipment but is not registered with WorkSafeBC

When contractors are not considered your workers

Contractors would not be your workers if they operate as an independent business.

Below are examples of when a contractor would be operating as an independent business:

- The contractor has multiple contracts with different clients
- The contractor advertises and provides services to the public (more than one client)
- The contractor provides multiple pieces of major equipment

You may even need coverage if you are a prime contractor and you subcontract all work to independent firms or to other contractors with their own coverage. Please contact our Employer Service Centre so we can discuss your specific situation.

Confirming if your contractor is registered and paying premiums

If you hire a registered contractor who is not making required payments to WorkSafeBC, you could be liable for insurance premiums relating to the work or service they provide to you. To protect your business from additional insurance premiums, always get a clearance letter before and after you receive services from a contractor to confirm whether a business, contractor, or subcontractor is registered with us and paying premiums..."

As stated above, always make sure to obtain Clearance Letters from contractors and subcontractors before any services are received in order to confirm that they have registered with the WCB, are paying their premiums and are in good standing with the WCB. In order to be absolved of any potential liability related to the contractor or subcontractor you must have a Clearance Letter from the WCB addressed to the Union / Local confirming that the contractor or subcontractor was “active and in good standing” for the entire period of the CUPE Local’s contract with the contractor or subcontractor.

VI.I. WORKERS VERSUS MEMBERS:

A common question is if CUPE Local members are booked off for an education session e.g. Introduction to Stewarding / Shop Stewards, are they workers (the term workers as opposed to employees is usually used by the WCB). The answer is that they are usually considered workers, subject to Appendices A and B below for the various circumstances and types of activities and payments that may trigger the need for a CUPE Local to register with the WCB.

VI.II. HOURS OF WORK FOR CLAIM PURPOSES:

- Where a member is performing Union activities outside of normal working hours (their normal shift) or on scheduled days of rest, they might be considered volunteers and not be covered by the WCB. The WCB has given a number of contradictory opinions on this subject however. WCB Policy 14.00 lists some of the key factors which should be referred to and relied upon in these types of WCB claims. These include (not an exhaustive list and subject to change without notice):
 - Whether the work was performed during regular working hours (recognizing that the term “regular” has been interpreted in a number of different and conflicting ways).
 - Whether the worker was directed by the employer to perform the work and by whom.
 - Whether the injury occurred on the employer’s premises and during work time.
 - The WCB has advised that claims for injuries etc. at conventions, training, etc. are generally limited to normal working hours. There are certain exceptions that are dealt with on a case-by-case basis, such as when a member normally works a night shift but has to conduct Union business during the day, or if meals are being provided (and a claim / injury occurs during that time). Again, as with most WCB issues, each circumstance is dealt with on a case-by-case basis.
 - The WCB Policy (and the WCB Assessment Manual) state that Union members who are delegates to attend conferences, conventions and similar events are considered workers of the Union if they receive a recorded payment for attending – which is normally in the form of wages.

- Whether a worker was being paid for the work being done (recognizing the term “paid” has been interpreted in different ways). The issue is the definition of “payment” (e.g. wages or salary) which has not been consistently interpreted and applied. The WCB has stated they prefer wages versus payment in the form of a per diem / allowance. See Policy AP1-1-4 of the Assessment Manual. Where a per diem /allowance is given, it must be more than a token amount, although the WCB has not provided specific guidelines as to actual amounts.
- Reimbursement of expenses does not satisfy WCB requirements, nor do honorariums if the honorarium is meant to merely reimburse expenses e.g. mileage, parking, etc. Members must either receive a per diem allowance or wages in order to avoid being categorized as a volunteer. In the past the WCB stated “It [per diems] is generally not considered by WorkSafeBC to be remuneration for work done.”
- Volunteers are usually not covered by many sections of the Act and Policy.
- Ideally, members should be paid in order to establish an employment relationship.
- Activities and / or courses that are performed or undertaken outside of employment, for the person’s own benefit, are not normally covered.
- WCB Policy states that injuries arising out of the participation in courses are only covered where the course is required for the job. Again, reference to the factors in WCB Policy 14.00 must always occur.
- Questions often arise as to what happens when Union business takes place at hours different than normally scheduled hours. Where a member is scheduled to work a particular shift, but the Union business takes place at a different time, WCB coverage will usually be provided, but there have been contradictory opinions from the WCB on this. In certain circumstances this applies to Union business occurring on days different than the normal scheduled employment.
- Members who perform Union work or activities on their own time are not covered by the WCB as this constitutes volunteer activities. The WCB will question activities that occur outside normal hours. Social activities require a high degree of discretion and are often denied. This also applies to walking / transport to and from events.
- If a Union has not obtained coverage for a member or workers, and that person is injured, the WCB may bill the Union for past assessments that should have been paid, as well as the costs of the claim itself. Please refer to Policy Items AP1-47-2 and AP1-38-1.

VII. SUMMARY:

i How Do I...

Get a clearance letter	Report payroll and pay premiums	Learn key dates and deadlines
Find my classification unit	Learn about the 2020 premium rates	Request a review of a decision

Need coverage?

- Who does and doesn't need coverage?
- Learn about employers' responsibilities
- Benefits of coverage
- Optional coverage

[More ►](#)

Know how much coverage costs

- How we set industry base premium rates
- How we classify industries
- How we classify employers

[More ►](#)

Apply for coverage

WorkSafeBC protects you against lawsuits from injured workers.

[►](#)

Manage your account

- Report payroll & pay premiums
- Change your mailing address & account details
- View claim costs
- View your premium rate notification

[More ►](#)

Why do I need a clearance letter?

- Get a clearance letter
- GoldStar clearance
- Understanding your clearance letter

[More ►](#)

News & Events

September/October issue of WorkSafe Magazine
Published on: November 05, 2019

WorkSafeBC announces 2020 rates
Published on: October 24, 2019

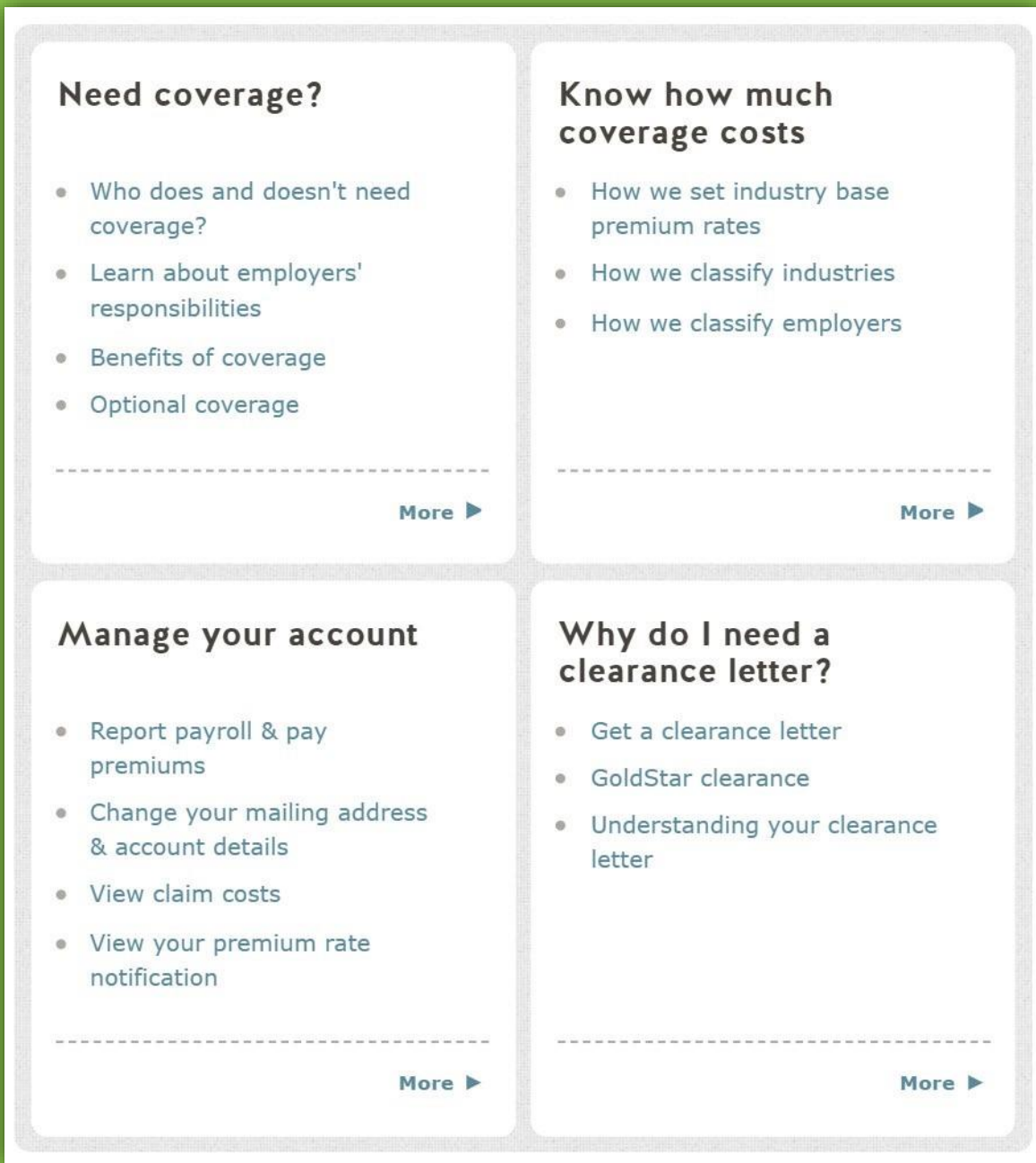
Real-time clearance updates and new insurance dashboard
Published on: October 10, 2019

New tools for quick access to injury and claim data
Published on: October 10, 2019

To summarize several important points from the above (all the points below are important and are not underlined):

- It is very important to register with the WCB in order to avoid potential liabilities incurred from injury claims.
- Ensure any contractors and sub-contractors are registered with the WCB.
- The payment of a salary (such as wage reimbursement), either in the form of “book-offs” or direct payment is a preferred method to assist in obtaining WCB coverage. CUPE Local members who are delegates to attend conferences, conventions and similar events are considered workers of the Union if they receive a recorded payment for attending, which normally must be the payment of wages, as opposed to merely reimbursing expenses or paying token per diem amounts in order to avoid being categorized as a volunteer in order to establish an employment relationship. Payment of a salary is a key factor in the WCB’s consideration of whether a person is a worker.
- CUPE Local members are on employer paid or Union paid Union business, they are normally covered by the WCB where either the employer or the Union has registered and even where the Union may not have registered. If a CUPE Local has not obtained coverage for a member, and that person is injured, the WCB may bill the Union for all past assessments that should have been paid as well as the costs of the claim itself.
- While conventions, training and advocacy e.g. shop steward activities, are covered by the WCB, the coverage may only apply to normal working hours, as stated by the WCB. Caution should be exercised when Union business occurs on days and / or hours different than the normal scheduled employment. Always review the factors set out in WCB law and Policy.
- Injuries arising from social activities are often denied e.g. Convention dances and receptions.
- Per WCB Policy, injuries that occur while on strike, such as when picketing, are not normally covered by WCB unless the member is a paid staff such as a Business Agent or is an Executive Officer on paid leave. Unions, including CUPE Locals, are otherwise not normally considered “employers” in strikes and lockouts. The WCB will always try to determine if the injury “arose out of and in the course of employment”. Strike pay is not considered “earnings” per WCB Policy e.g. Policy 68.30. Also see WCB Policy 34.32. The Review Division Decision R0059697 explains the principles related to this.
- CUPE Local members who perform Union work or activities on their own time are not covered by the WCB as this constitutes volunteer activities.

VIII. LINKS, CONTACT INFORMATION AND SOURCES OF ADDITIONAL INFORMATION:



Need coverage? <ul style="list-style-type: none">• Who does and doesn't need coverage?• Learn about employers' responsibilities• Benefits of coverage• Optional coverage <hr/> <p>More ►</p>	Know how much coverage costs <ul style="list-style-type: none">• How we set industry base premium rates• How we classify industries• How we classify employers <hr/> <p>More ►</p>
Manage your account <ul style="list-style-type: none">• Report payroll & pay premiums• Change your mailing address & account details• View claim costs• View your premium rate notification <hr/> <p>More ►</p>	Why do I need a clearance letter? <ul style="list-style-type: none">• Get a clearance letter• GoldStar clearance• Understanding your clearance letter <hr/> <p>More ►</p>

WorkSafeBC. See <https://www.worksafebc.com/en/for-employees>

VIII.I. LINKS:

Note: links change frequently and may be broken.

BC Employers' Advisors Office

<https://www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office>

CUPE BC OHS Committee

<https://www.cupe.bc.ca/committee/occupational-health-and-safety-committee/>

CUPE National Health and Safety

<https://cupe.ca/health-and-safety>

WorkSafeBC

<https://www.worksafebc.com/en/law-policy/public-hearings-consultations/current-public-hearings-and-consultations>

WorkSafeBC Employer Service Centre

<https://www.worksafebc.com/en/for-employers> and <https://www.worksafebc.com/en/contact-us>

WorkSafeBC Registration

<https://online.worksafebc.com/anonymous/InternetRegistration/default.aspx>

WorkSafeBC Employer Registration Form (1800)

<https://www.worksafebc.com/en/resources/insurance/forms/employers-registration-application-form-1800?lang=en>

VIII.II. CONTACT INFORMATION (in order of most applicable to registering with the WCB):

WorkSafeBC Employer Service Centre – Insurance and Assessments:

Hours of Operations: Monday to Friday 8:30 AM to 4:30 PM

Phone:

604-244-6181 (Lower Mainland)

1-888-922-2768 (Canada)

Fax:

604-244-6490

1-888-992-6622

WorkSafeBC (General):

Phone:

604-244-6181 (Lower Mainland)
1-888-922-2678 (Canada)

Fax:

604-244-6490

Mailing Address:

PO Box 5350 Stn Terminal
Vancouver, BC V6B 5L5

Head Office Address:

6951 Westminster Highway
Richmond, BC V7C 1C6

BC Employers' Advisors Office:

Toll Free within Canada: 1-800-925-2233
Lower Mainland: 604-713-0303

Email: <https://eao-employersseminars.labour.gov.bc.ca/>

Fax: 1-855-664-7993

Locations:

Richmond:
620 - 8100 Granville Ave
Richmond, BC V6Y 3T6

Abbotsford:
207 - 32555 Simon Avenue
Abbotsford, BC V2T 4Y2

Kamloops:
101 - 70 2nd Avenue
Kamloops, BC V2C 6W2

Kelowna:
101 - 1726 Dolphin Avenue
Kelowna, BC V1Y 9R9

Nanaimo:
404 - 495 Dunsmuir Street
Nanaimo, BC V9R 6B9




Trail:
1050 Eldorado Street
Trail, BC V1R 3V7

Prince George:
#206, 1577 7th Avenue
Prince George, BC V2L 3P5

Victoria :
Suite 400 - 3960 Quadra Street
Quadra Centre
Victoria, BC V8X 4A8

IX. APPENDICES:

Health and Safety

Share this   

What to do if you have a health and safety problem

>

Refusing unsafe work: A step by step guide

>

Find a health and safety workshop

>

National Health and Safety Committee

>

RELATED CONTENT


Gina Puntil wins National Health and Safety award

Ammonia

Ammonia fact sheet


[View all](#)

Health and safety is an essential part of our union's work. CUPE members face a wide range of hazards. We provide tools, resources and training to help members stay healthy and safe and to encourage activism. We also conduct research on current and emerging health and safety hazards.

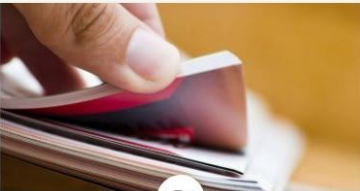


Health and Safety Committee Resource Kit

>




Celebrate health and safety activists in your local with this certificate



Health and Safety Fact Sheets

>



Violence Prevention Kit

>

CUPE Health and Safety. See <https://cupe.ca/health-and-safety>

Appendix A:

Sample Circumstances that May Trigger the Need to Register with the WCB

The following Table summarizes key information in this Guide to assist in determining when registration with the WCB for coverage may be required. This document should be reviewed in conjunction with the most current law, WCB Policy, WCB Practice Directives and the *Workers Compensation Act*.

CIRCUMSTANCES THAT MAY REQUIRE WCB COVERAGE / REGISTRATION	ACTION REQUIRED	OTHER INFORMATION
CUPE members are employed on a full time, part time, temporary or casual / auxiliary basis by the CUPE Local, district council or group of CUPE Locals.	The CUPE Local, district council or group of CUPE Locals should register with the WCB. Even where registration is not required, it is recommended.	Payment of honorariums, per diems or expenses is typically deemed to be insufficient by a majority of WCB personnel contacted. Wage replacement or direct payment of wages is preferred. See: Classification unit 762041: Union
CUPE members are booked off for CUPE Local activities e.g. shop stewards, executive officers on a full time, temporary or casual / auxiliary basis. The members are paid directly by the Local, as opposed to the CUPE Local reimbursing the employer.	The CUPE Local, district council or group of CUPE Locals should register with the WCB.	<p>Payment of honorariums, per diems or expenses is typically deemed to be insufficient. Wage replacement or direct payment of wages is preferred.</p> <p>There is a mixed practice of the WCB determining who is the real employer – the Union or the regular employer – where reimbursements occur.</p>

<p>CUPE members are booked off for CUPE Local activities e.g. shop stewards, executive officers on a full time, temporary or casual / auxiliary basis. The Local reimburses the employer.</p>	<p>The CUPE Local, district council or group of CUPE Locals should register with the WCB.</p>	<p>There is a mixed practice of the WCB determining who is the real employer – the Union or the regular employer – where reimbursements occur.</p> <p>Employers have successfully argued that where they are only being reimbursed by a Union, the Union is the employer for WCB claims purposes.</p>
<p>CUPE members attending CUPE National, CUPE BC, or other Union conventions e.g. BC Federation of Labour, either while being paid directly by the Local or being kept on payroll by the employer.</p>	<p>The CUPE Local, district council or group of CUPE Locals should register with the WCB. The members may be on employer payroll and may be eligible for WCB coverage via the employer but it is recommended the CUPE Local have its own coverage.</p>	<p>Payment of honorariums, per diems or expenses is typically deemed to be insufficient. Wage replacement or direct payment of wages is preferred.</p>
<p>CUPE members are attending educational events such as Harrison Winter School, CLC Winter School, Summer School, weekend or evening CUPE Local education, in town education, out of province.</p>	<p>The CUPE Local, district council or group of CUPE Locals should register with the WCB. The members may be on employer payroll and may be eligible. For WCB coverage via the employer but it is recommended the CUPE Local have its own coverage.</p>	<p>Payment of honorariums, per diems or expenses is typically deemed to be insufficient. Wage replacement or direct payment of wages is preferred.</p>
<p>Education, etc. (either while being paid directly by the Local or being kept on payroll by the employer).</p>	<p>For WCB coverage via the Union, it is recommended the CUPE Local have its own coverage.</p>	<p>Payment of honorariums, per diems or expenses is typically deemed to be insufficient. Wage replacement or direct payment of wages is preferred.</p>

<p>Members are attending meetings with the employer e.g. bargaining, labour / management meetings, grievance meetings, arbitrations, mediation, etc.</p>	<p>The Collective Agreement should be reviewed. Are the members on “employer book-off” or “Union book-off”? Regardless, the CUPE Local, district council or group of CUPE Locals should register with the WCB.</p>	<p>Payment of honorariums, per diems or expenses is typically deemed to be insufficient. Wage replacement or direct payment of wages is preferred.</p>
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<p>Activities such as socials, dances, sports events, BBQs, outings, tours and possibly travel to and from all of the categories of events listed in the previous sections above (especially outside of the usual working hours of the members).</p>	<p>The CUPE Local, district council or group of CUPE Locals should register with the WCB. The members may be on employer payroll and may be eligible for WCB coverage via the employer but it is recommended the CUPE Local have its own coverage.</p>	<p>The rules and Policies pertaining to this arise out of the <i>Workers Compensation Act</i> (ensure you are referring to the correct version). These rules generally state that injuries must arise out of and in the course of employment to be compensable. Each case is fact dependent.</p> <p>However, the WCB has consistently indicated any activities that fall outside the normal working hours of the worker (CUPE Local member) will be reviewed.</p> <p>Volunteering / volunteer activities are not normally compensable.</p> <p>CUPE members normally do not have set hours of work, nor days off when engaged in Union functions due to the requirements of the employer, the Union, the Local, the membership, CUPE, etc. The same applies to the “normal” days of work. Therefore, when filling out the Form 6, Form 6A (this does not go to the WCB and is an employer document) and the Form 7 in the event of an accident, members must indicate that there were not standard hours of work, days of work, days of rest.</p> <p>CUPE members must be aware that volunteer activities, or nonwork related activities, may not be compensable e.g. participating in a sports event.</p>
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		<p>Each adjudicator may render a different decision as there is no uniform consistent application of the <i>Workers Compensation Act</i> or WCB Policy in situations such as these. Identical fact patterns may result in two very different decisions by two different decision makers.</p>
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Appendix B:

Union WCB Coverage – Table of Common Types of Payments that May Trigger the Need for WCB Registration and WCB Claim Coverage (Source: WorkSafeBC)

The following Table is a **general** overview only of various **sample** circumstances in which registration with the WCB **may** be required, and coverage of CUPE Local members **may** be allowed. This Table is for illustration purposes only. Each case is fact dependent.

Type of Position:	Per Diems	Honorariums	Reimbursement of Expenses	Employer Direct Pay	Union Direct Pay	Union Reimbursement of/to Employer
Workers (such as Business Agents)	N/A as they are usually on salary.	N/A as they are usually on salary.	N/A as they are usually on salary.	Yes	Yes	Yes (Caution: the WCB has determined the Union is the employer in several decisions.)
Activists / Stewards	Maybe**	No	No	Yes*	Yes*	Yes*
Officers / Executive	Maybe**	No	No	Yes*	Yes*	Yes*
Volunteers	No	No	No	No	No	No (There are exceptions however.)
Convention	Maybe**	No	No	Yes*	Yes*	Yes*
Training / Courses	Maybe**	No	No	Yes*	Yes*	Yes*

Notes:

- * The WCB compares the normally scheduled hours of work with the times of the training, conventions and / or Union business. Actual scheduled hours are preferred. Where the time spent performing work for the Union does not coincide with the scheduled hours, the activities may be deemed to be volunteer activities. The WCB has given conflicting positions on these categories and when coverage is applicable or payable.
- ** Per Diems are often not the preferred type of proof of the employment relationship/status as an employee. The WCB prefers wage replacement or actual remuneration. Where per diems occur, they must be more than token amounts.

Sample Overview of Determination Process for Registration with WorkSafeBC, Coverage needed for Union events What happens if a member gets injured?

Determine if CUPE Local members are booked off from their regular (non-Union) employer for Union activities such as courses, meetings, conventions, bargaining, meetings with employers, meeting with members, etc. on a full time, part time, temporary, intermittent or one time basis. If “yes” see left column.

