

Policy # **35.10.40**

Section Title: Finance, Assessments and Administration - Assessments
Subject: Compensation Coverage for Union Activities
Effective Date: October 28, 2010

A. POLICY PURPOSE

In a unionized workplace, union members and elected officials are periodically required to attend to union business. Subject to the terms of the collective agreement or other workplace arrangements, the employer may continue salary, continue salary with subsequent reimbursement by the union, or provide an unpaid leave of absence. In some cases the union may pay salary (or a salary equivalent) directly to the worker. In other cases the worker participates as an unpaid "volunteer".

This policy describes when and how workers are covered for compensation when engaged in union activities. Once coverage under *The Workers Compensation Act* (the Act) is established, a claim for an accident which occurs while on union business will be adjudicated based on the Act and relevant WCB policies.

B. POLICY

1. A worker who is on approved leave of absence to conduct union business continues to be covered under the regular employer's workers compensation registration when the regular employer continues to pay the worker's salary, regardless of whether the union subsequently reimburses the employer for such costs.
 2. When the regular employer does not continue the worker's salary and the union pays the worker's salary directly, coverage will be under the union's workers compensation registration. The union must report and pay assessments on the salary paid to the worker. Payment of any non-taxable remuneration, such as token payments, daily allowances, or reimbursement of expenses, is not considered to be a payment of salary.
 3. When the worker is not paid salary by either the regular employer or the union, the worker is considered to be a "volunteer" and would not be covered. If the union or the regular employer is a non-profit or charitable agency, coverage may be purchased for volunteers as outlined in Policy 35.10.70, *Coverage for Volunteers*.
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C. REFERENCES

The Workers Compensation Act, sections 1(13), 60(2), 60(2.1), 75.1(1) to (4)

Related WCB Policies:

35.10.70, *Coverage for Volunteers*

History:

1. Policy 35.10.40, *Compensation Coverage for Union Activities*, approved by the Board of Directors on December 17, 1998, by Board Order 30/98, to be effective January 1, 1999. Policy confirms existing practice and permits continuing coverage under the employer's registration by agreement between the employer and the union where the union pays the worker directly but does not have its own voluntary registration.
2. Policy 35.10.40, *Compensation Coverage for Union Activities*, was amended by the Board of Directors on October 28, 2010, by Board Order 33/10, to incorporate the extension of compulsory coverage to unions and labour organizations and the provisions allowing coverage for volunteers.
3. Minor formatting and grammatical changes were made to the policy, June 27, 2012.
4. Reference section of the policy updated on September 18, 2017 to correct policy number for *Special Assignment Coverage* and to delete policy 44.10.50.20, *Accident Location*.
5. Minor formatting changes made to the policy January 2021.
6. The reference section of the policy was updated to correct a policy name in the history section and to remove reference to policies 44.05.20 *General Premises*, 44.10.50.10 *Transportation Controlled by Employer*, 44.10.50.50 *Travelling on the Job*, and 44.10.50.60 *Special Assignment Coverage* which were repealed September 29, 2022 by Board Order number 29/22.