
POLICY NUMBER: POL 04-66

Chapter:
CLIENT SERVICES

Subject:
LEARNERS

Authorization:
Board of Directors' Minute - November 27, 2002

Effective Date:
November 27, 2002

Last Update:
March 26, 2009

REFERENCE:

Workers Compensation Act, R.S.P.E.I., 1988, Cap. W-7.1, Section 1 (1) (p).
Workers Compensation Act, R.S. P.E.I., 1988, Cap. W-7, Section 1 (1) (m).
Workers Compensation Board Policy, POL04-37, Worker.

DEFINITION:

In this policy:

1. “Learner” means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of the *Workers Compensation Act* for the purpose of undergoing training or probationary work as a preliminary to employment.
 2. “Rate group” means a group to which an industry is assigned for assessment purposes.
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POLICY:

1. Learners performing unpaid training or probationary work are covered by the Workers Compensation Board for injuries arising out of and in the course of employment. The unpaid training or probationary work which a learner is performing, as part of a program
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offered by a recognized learning institution, is considered to be the learner's employment for the purposes of the *Workers Compensation Act*.

2. Learners who are injured as a result of an accident arising out of and in the course of employment may receive compensation benefits.
 3. Learners are normally not paid and as such are not considered to have a loss of earning capacity. Where a chosen career path has been established and the learner is unable to return to the workforce in that capacity, wage loss benefits payable are based upon the level of wages payable for an entry level position within a trade or business and where appropriate may consider the worker's previous work experience at the time the work-related accident occurred.
 4. Compensation benefits paid to learners will be charged to the rate group of the accident employer.
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HISTORY:

March 26, 2009 - Amended to clarify when a learner is entitled to wage loss benefits.

November 27, 2002 - Replaces "Learners Benefits Levels" policy and practice dated November 15, 1994 and "Benefits Administration - Average Earnings, Prospective Earnings - Apprentices and Youthful Workers" policy and practice dated April 16, 1996.