

The Workers' Compensation General Regulations, 1985

being

Chapter W-17.1 Reg 1 (effective August 12, 1985) as amended by Saskatchewan Regulations 42/88, [5/1999](#), [15/1999](#), [60/2003](#), [13/2006](#) and [39/2011](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER W-17.1 REG 1
The Workers' Compensation Act, 1979

TITLE AND INTERPRETATION

Title

1 These regulations may be cited as *The Workers' Compensation General Regulations, 1985*.

Interpretation

2 In these regulations, "**Act**" means *The Workers' Compensation Act, 1979*.

16 Aug 85 cW-17.1 Reg 1 s2.

PAY-ROLL STATEMENTS

Submission of pay-roll statement

3(1) Every employer shall, on or before February 28 in each year, submit to the office of the board the statement required by section 124 of the Act.

(2) Subject to subsection (3), if, in any year, a statement mentioned in subsection (1) is not received in the office of the board on or before February 28, the employer required to submit the statement shall, for the year in which the default occurs, pay an additional assessment, mentioned in section 125 of the Act, of five per cent of the actual assessment for the preceding year and an additional five per cent of the actual assessment for the preceding year for each period of 30 days during which the default continues.

(3) In no case shall the total additional assessment prescribed in subsection (2) exceed 15 per cent of the actual assessment for the preceding year.

16 Aug 85 cW-17.1 Reg 1 s3; 10 Jne 88 SR 42/88
s3.

Commencing business

4(1) An employer who commences or recommences business shall, within 30 days of the date he or she commences or recommences business, submit the statement required by section 124 of the Act.

(2) If a statement mentioned in subsection (1) is not received in the office of the board within the period prescribed in subsection (1), the employer required to submit the statement may be assessed an additional amount of 5% of the assessment levied.

16 Aug 85 cW-17.1 Reg 1 s4; 11 Jly 2003 SR 60/
2003 s3.

Additional assessment

5 Notwithstanding section 3 or 4, no additional assessment mentioned in section 3 or 4 may be less than \$5 nor more than \$500.

16 Aug 85 cW-17.1 Reg 1 s5.

ASSESSMENTS**When assessments due**

6 Except where otherwise fixed by the board, assessments are due and payable by the employer:

- (a) in the case of:
 - (i) minimum assessments, additional assessments and penalties;
 - (ii) provisional assessments of \$125 or less;
 - (iii) the first \$100 of provisional assessments of more than \$125 and less than \$200; and
 - (iv) one half of provisional assessments of more than \$200;

where the assessment is made prior to July 31 in each year, within 30 days from the date on which the assessment notice is mailed;

- (b) in the case of remaining unpaid amounts where the assessment is made prior to July 31 in each year, on September 1 in each year;
- (c) in the case of provisional assessments where the assessment is made on or after July 31 in each year, within 30 days from the date on which the assessment notice is mailed;
- (d) **Repealed.** 10 Jne 88 SR 42/88 s4.
- (e) in the case of arrears and adjustments in assessments of previous years, within 30 days from the date on which the assessment notice is mailed.

16 Aug 85 cW-17.1 Reg 1 s6; 10 Jne 88 SR 42/88 s4.

Minimum annual assessment

7 Unless otherwise specified by the board, the minimum annual assessment for an employer is \$25.

16 Aug 85 cW-17.1 Reg 1 s7; 10 Jne 88 SR 42/88 s5.

Penalty for default in payment

8(1) Every employer who fails to pay an assessment, adjusted assessment or special assessment required by the Act when due shall pay as a penalty a percentage, determined in accordance with subsection (1.1), of the amount for which he or she is in default for each year or portion of a year during which he or she is in default.

(1.1) For the purposes of subsection (1), the percentage is the annual percentage rate that is the sum of:

- (a) the Bank of Canada bank rate on October 31 of the immediately preceding year; and
- (b) six per cent;

rounded off to the nearest one-quarter of one percent.

(2) The penalty for default in payment is to be applied even though the amount in default may include a penalty previously imposed.

16 Aug 85 cW-17.1 Reg 1 s8; 10 Jne 88 SR 42/
88 s6; 11 Jly 2003 SR 60/2003 s4.

Adjusted assessment

9(1) In an adjustment of an assessment on the actual pay-roll for the preceding year, if the actual pay-roll exceeds the estimated pay-roll by more than 50%, the employer shall pay as a penalty 6% of the difference between:

- (a) what the assessment would have been on the actual pay-roll; and
- (b) what the assessment is on the estimate of pay-roll;

within 30 days from the date the adjusted assessment notice is mailed.

(2) If the employer is in default of payment of the adjusted assessment and penalty mentioned in subsection (1), he or she shall pay a penalty calculated in accordance with section 8.

16 Aug 85 cW-17.1 Reg 1 s9; 11 Jly 2003 SR
60/2003 s5.

Credit re adjusted assessment

10 With respect to an adjustment of an assessment for the preceding year, when the actual pay-roll for that year has been ascertained to be less than 50% of the estimated pay-roll and the entire provisional assessment has been paid not later than September 30, 6% of the difference, exclusive of any additional assessment or additional percentage, between the amount paid and what the assessment at the provisional rate would have been if the estimate had been the amount of the actual pay-roll is to be credited to the employer.

16 Aug 85 cW-17.1 Reg 1 s10.

MUNICIPALITIES, ORGANIZATIONS, ETC.

Annual earnings

11 For the purposes of subsections 5(2) and 6(2) and section 7 of the Act, the annual earnings of:

- (a) a reeve or councillor of a rural municipality;
- (b) the mayor and other members of the council of any municipality; and
- (c) the members of the governing body of any other corporation, organization or association brought within the scope of this Act;

is the equivalent of the minimum average weekly earnings provided for by clause 70(5)(b) of the Act, unless a greater amount is requested by the municipality, corporation, organization or association.

16 Aug 85 cW-17.1 Reg 1 s11.

EMPLOYER COVERAGE

Employer coverage

12(1) If an employer desires coverage for himself or herself under the Act, the employer shall place his or her name on the statement required by section 124 of the Act and indicate on that statement, for the purposes of assessment and compensation, the amount of coverage.

(2) The amount of coverage mentioned in subsection (1) is to be at the rate provided pursuant to the Act or, if not so provided, at the rate fixed by the board, and the minimum assessment chargeable in any year is to be for a period of three months.

(3) Subject to subsection (2), employer coverage mentioned in subsection (1) is granted on any terms and conditions, and for any period, that the board may prescribe.

16 Aug 85 cW-17.1 Reg 1 s12; 11 Jly 2003 SR 60/2003 s6.

Rate re employer coverage

13 Unless otherwise fixed by the board, personal coverage requested for an employer engaged in more than one industry under the Act is to be assessed at the rate applying to the industry with the largest payroll reported to the board for the preceding year.

16 Aug 85 cW-17.1 Reg 1 s13.

Non-employing proprietorship, partnership

14(1) Every proprietor or partner of a business who employs no workers, and every executive officer of a corporation who is not on the company's pay-roll:

- (a) when not under a contract of service to a principal; or
- (b) who has no other means of availing himself or herself of the benefits of the Act;

may make application to the board for elective personal coverage.

(2) Every proprietor or partner of a business who employs no workers or who does not submit to the board the statement required by section 124 of the Act, and every executive officer of a corporation who is not on the corporation's pay-roll is deemed to be a worker when under contract to a principal and the earnings in respect of his or her services, as the board may determine, are assessable on the principal's account unless ordered otherwise by the board.

16 Aug 85 cW-17.1 Reg 1 s14; 11 Jly 2003 SR 60/2003 s7.

FAMILY MEMBERS

Coverage of spouse

15 Where the spouse of a sole proprietor or partner of a business wishes to obtain coverage for himself or herself under the Act, section 12 applies *mutatis mutandis* to that spouse.

16 Aug 85 cW-17.1 Reg 1 s15; 11 Jly 2003 SR 60/2003 s8.

Coverage of other family member

16(1) A family member, other than a spouse of a sole proprietor or partner of a business, is deemed to be a worker if he or she is paid a stated wage or salary by that proprietor or partner.

(2) The stated wage or salary mentioned in subsection (1), together with the value of any board or lodging that forms part of his or her earnings, is to be specified in the statement required by section 124 of the Act.

16 Aug 85 cW-17.1 Reg 1 s16; 11 Jly 2003 SR 60/2003 s9.

Reinstatement of certain benefits

16.1(1) In this section, "**eligible dependent spouse**" means a person:

- (a) who, before September 1, 1985, was in receipt of compensation pursuant to the Act or a former *Workers' Compensation Act* as a dependent spouse or common law spouse of a worker who died as a result of an injury;
- (b) whose compensation mentioned in clause (a):
 - (i) was terminated by reason of remarriage in the period commencing on April 17, 1985 and ending on August 31, 1985; or
 - (ii) was suspended, discontinued or terminated by reason of the person entering into a common law relationship in the period commencing on April 17, 1985 and ending on August 31, 1985;
- (c) in the case of a person mentioned in subclause (b)(ii), who received a lump sum payment pursuant to subsection 83(7) of the Act as that subsection existed before September 1, 1985 or a similar provision of a former *Workers' Compensation Act*; and
- (d) who is living on the day on which this section comes into force.

(2) An eligible dependent spouse is entitled to have his or her compensation, determined in accordance with this section, reinstated on and from the day on which this section comes into force.

(3) Subject to subsection (4), the board shall determine the amount of compensation to which an eligible dependent spouse is entitled:

- (a) as of the day on which this section comes into force, in accordance with the Act as it exists on that day; and
- (b) thereafter in accordance with the Act as amended from time to time.

(4) The board shall determine the amount of compensation to which an eligible dependent spouse is entitled as if the eligible dependent spouse had been in receipt of compensation for at least five years.

19 Mar 99 SR 15/1999 s2.

PRINCIPALS, CONTRACTORS, SUBCONTRACTORS

Principal to notify board

17 Every principal who contracts work to any person, firm or other contractor shall immediately notify the board of the contracting of that work and state:

- (a) the name and address of the contractor; and
- (b) the nature and amount of the contract;

and shall withhold payment or settlement until the contractor furnishes written evidence, satisfactory to the principal, from the board, that he or she has completed all of his or her obligations to the board.

16 Aug 85 cW-17.1 Reg 1 s17; 11 Jly 2003 SR 60/2003 s10.

Operating authority certificate

18(1) In this section, “**operating authority certificate**” means an operating authority certificate issued pursuant to *The Motor Carrier Act*.

(2) For the purposes of section 9 of the Act, in the case of the commercial transportation industry, an owner of equipment who:

- (a) holds the operating authority certificate and employs any worker is deemed to be an employer;
- (b) holds the operating authority certificate but employs no workers is deemed to be a worker of the principal;
- (c) employs any worker but does not hold the operating authority certificate is deemed to be a worker of the principal.

(3) For the purposes of clause (2)(c), the holder of the operating authority certificate is deemed to be the principal.

10 Jne 88 SR 42/88 s7.

Assessing

19(1) Subject to subsection (2), an employer carrying on a unified operation is to be charged the industry rate of assessment.

(2) When for any reason, including subcontracting, a part of the employer's business is carried on as a separate operation, that separate operation may be assessed at the rate applicable to its particular class or group.

16 Aug 85 cW-17.1 Reg 1 s19.

RURAL TELEPHONE COMPANIES

Rate re rural telephone company

20 Every rural telephone company is to be assessed at any rate or rates and on any basis that the board considers sufficient to pay the compensation and administration expenses and to establish and maintain the reserves required by the Act.

16 Aug 85 cW-17.1 Reg 1 s20.

Annual earnings of executive officer

21 Every executive officer employed on the lines, works or systems of a rural telephone company is, for the purpose of compensation, deemed to be a worker, and his or her annual earnings are deemed to be any amount that the board may determine.

16 Aug 85 cW-17.1 Reg 1 s21; 11 Jly 2003 SR 60/2003 s11.

POSTING OF NOTICES, ETC.

Duty of employer

22(1) Every employer shall keep posted in an appropriate and conspicuous place, as directed by the board, all notices and other material supplied by the board for that purpose.

(2) Every employer, when requested by the board, shall deliver to each of his or her employees any designated material supplied by the board for that purpose.

16 Aug 85 cW-17.1 Reg 1 s22; 11 Jly 2003 SR 60/2003 s12.

RESPONSIBILITIES OF BOARD

Reports to minister

22.1(1) An annual report to the minister pursuant to subsection 21.1(3) of the Act must contain information with respect to the following matters:

- (a) the board's financial and management practices;
- (b) the board's annual statement of priorities;
- (c) any policy changes that the board has implemented in the past year or is proposing to make;
- (d) any program changes that the board has implemented in the past year or is proposing to make;
- (e) the board's strategic plan;
- (f) the board's management of matters arising pursuant to subsection 21.1(4) of the Act.

(2) The board shall report on any other matters requested by the minister, including matters arising pursuant to subsection 21.1(1) of the Act.

29 Jan 99 SR 5/1999 s2.

Meetings for interested persons

22.2 At a meeting held pursuant to subsection 21.1(4) of the Act:

- (a) the board must provide information with respect to the following matters:
 - (i) the board's annual statement of priorities;
 - (ii) any policy changes that the board has implemented in the past year or is proposing to make;
 - (iii) any program changes that the board has implemented in the past year or is proposing to make;
 - (iv) the board's strategic plan;
 - (v) the board's capital and operating budgets for the current fiscal year and the next fiscal year;
 - (vi) the board's capital plans;
 - (vii) any matters requested by the minister; and
- (b) the board may provide information about any matters determined by the board.

29 Jan 99 SR 5/1999 s2.

FIRE FIGHTERS**Employment periods**

22.3 For the purposes of subsection 29.1(3) of the Act, the minimum periods of employment for a fire fighter for the diseases mentioned in subclauses 29.1(1)(b)(i) to (x) of the Act are the following:

- (a) primary site brain cancer, 10 years;
- (b) primary site bladder cancer, 15 years;
- (c) primary site kidney cancer, 20 years;
- (d) primary non-Hodgkins lymphoma, 20 years;
- (e) primary leukemia, 5 years;
- (f) primary site ureter cancer, 15 years;
- (g) primary site colorectal cancer, 15 years;
- (h) primary site lung cancer in non-smoking fire fighters, 15 years;
- (i) primary site testicular cancer, 10 years;
- (i.1) primary site esophageal cancer, 25 years;
- (j) an injury to the heart that manifests within 24 hours after attendance at an emergency response, none.

11 Jly 2003 SR 60/2003 s13; 10 Mar 2006 SR 13/2006 s3; 10 Jne 2011 RS 39/2011 s2.

Minimum period of non-smoking

22.4 For the purposes of clause 29.1(3)(b) of the Act, in the case of primary site lung cancer, the minimum period during which a fire fighter must have been a non-smoker before the date of injury is:

- (a) none if a fire fighter has smoked, in the fire fighter's lifetime:
 - (i) less than 365 cigarettes;
 - (ii) less than 365 cigars;
 - (iii) less than 365 pipes; or
 - (iv) less than 365 cigarettes, cigars and pipes;
- (b) none if a fire fighter has smoked on average less than seven cigars or pipes per week;
- (c) in the case of cigarettes:
 - (i) six years if the fire fighter smoked on average less than seven per week;
 - (ii) six years if the fire fighter smoked on average one to nine per day;
 - (iii) 13 years if the fire fighter smoked on average 10 to 19 per day;
 - (iv) 18 years if the fire fighter smoked on average 20 per day;
 - (v) 23 years if the fire fighter smoked on average 21 to 39 per day; and
 - (vi) 28 years if the fire fighter smoked on average 40 or more per day;
- (d) in the case of cigars or pipes, eight years if the fire fighter smoked on average one or more than one per day; and
- (e) if a fire fighter smoked cigarettes in combination with cigars or pipes, the minimum period determined in accordance with clause (c) with a cigar or a pipe counting as a cigarette.

10 Mar 2006 SR 13/2006 s4.

REPEAL AND COMING INTO FORCE**Repeal**

23 Sections 1, 2 and 7 to 26 of Saskatchewan Regulations 278/80 are repealed.

16 Aug 85 cW-17.1 Reg 1 s23.

