



**Mandatory Coverage for Volunteer Firefighters  
Proposed Changes to WCB Policy**

**February 2022**

## 1. Purpose

The Workers' Compensation Board's (WCB) Volunteer Firefighters Policy 1.3.4R provides municipalities with the option to purchase workers' compensation coverage for volunteer firefighters.

In 2019, the Nova Scotia Legislature amended the *Workers' Compensation Act* to require municipalities to purchase coverage for all eligible volunteer firefighters who are members of a municipality's fire department. These changes to the *Workers' Compensation Act* took effect October 30, 2020.

This paper describes proposed changes to update the Volunteer Firefighters Policy 1.3.4R to align with the changes to the *Workers' Compensation Act*, to correct minor housekeeping changes to pronouns and references, and to ensure consistency of terminology throughout the Policy.

In keeping with the WCB's Policy Consultation Policy, stakeholders are provided with an opportunity to comment on these policy changes. See Appendix A for the revised Policy 1.3.4R.

## 2. Providing Your Comments

Should stakeholders have any comments on the proposed changes to the policy, you can share your feedback by e-mail, in writing or online:

Written Responses	Email	Online
<p><b>Kyle DeYoung</b> <b>Policy Analyst</b> <b>WCB Nova Scotia</b> <b>PO Box 1150</b> <b>Halifax, NS B3J 2Y2</b></p>	<p><a href="mailto:Kyle.DeYoung@wcb.ns.ca">Kyle.DeYoung@wcb.ns.ca</a></p> <p>or</p> <p><a href="mailto:policy@wcb.ns.ca">policy@wcb.ns.ca</a></p>	<p><b>wcb.ns.ca/About-Us/Policy/Whats-New</b></p>

The deadline to provide your comments is March 25, 2022.

# Appendix – A

~~Strike out~~ – wording to be removed

Highlighted – wording to be added

## Policy Number: 1.3.4R1

### Topic: Volunteer ~~Fire-Fighters~~ Firefighters

Section: Entitlement

Subsection: General

Effective: October 27, 2016 ~~30, 2020~~

Issued: ~~April 13, 2017~~ TBD

Approved by Board of Directors: ~~October 27, 2016~~ TBD

### Policy Statement

- ~~1. Upon application by a municipality, the Board may provide workers' compensation coverage to the members of that municipality's volunteer fire department. Such members are entitled to normal compensation benefits if they suffer an injury arising out of and in the course of their employment as a volunteer fire fighter.~~
- ~~2. Where the Board admits the volunteer fire department, the members of the fire department are considered to be workers for purposes of the Act, and the municipality is considered to be their employer for purposes of the Act.~~
1. Pursuant to Section 2(ae)(v) and Section 5 of the Act, volunteer firefighters who are members of a fire department that is registered by a municipality under Section 294 of the *Municipal Government Act* or Section 305 of the *Halifax Regional Municipality Charter* shall have workers' compensation coverage when the volunteer firefighters are in the course of their employment.
2. Volunteer firefighters are considered workers for the purposes of the Act, and the municipality is considered to be their employer for purposes of the Act.
3. The amount of coverage purchased by the municipality will be based on the average earnings rate chosen by the municipality for the volunteer members of the ~~volunteer~~ fire department. The average earnings chosen by the municipality must be an amount between the minimum and maximum rate set ~~by the Board~~ by regulation.
4. As stipulated in regulation, the minimum average earnings for which coverage may be purchased is \$10,200. The maximum average earnings for which coverage may be purchased is the assessable/insurable maximum in effect from time to time pursuant to s. 41(c) of the Act.
5. The average earnings rate chosen by the municipality applies to every volunteer member of the ~~volunteer~~ fire department.
6. Volunteer m~~Members~~ Members of a ~~volunteer~~ fire department are considered to be in the course of their employment while:

- a) in the act of responding to an emergency call (this includes travelling directly from the place where the call was received to the site of the emergency);
  - b) at the site of the emergency;
  - c) in the act of returning from the site of the emergency to the place where the call was received, home, their place of regular employment or any place for treatment, refreshment or recreation, whichever is reached first;
  - d) involved in the repair and maintenance of department's property or equipment;
  - e) attending required or authorized training activities;
  - f) attending required or authorized meetings related to the provision of fire fighting services; and
  - g) participating in parades or similar public events on behalf of the department, when so directed or authorized by an appropriate official.
7. **Volunteer m**Members are not considered to be in the course of their employment while involved in activities of a strictly recreational, sporting or social nature (even if the event is officially under the auspices of the department).
  8. A worker who is injured in the course of his **their** employment as a volunteer fire fighter **firefighter** will be paid benefits based on the greater of: (i) the worker's total actual earnings (from other employers and/or from self-employment); or (ii) the amount of coverage purchased by the municipality. For purposes of this Policy only, earnings can include earnings from employers in industries to which the Act applies and in industries to which the Act does not apply.
  9. Those volunteer fire fighters **firefighters** who have no other employer will be paid benefits based on the **average earning** amount of coverage purchased **chosen** by the municipality.
  10. The full cost of the claim will be charged against the experience of the municipality concerned -- that is, for the purposes of this Policy only, the employer (the municipality) will not be relieved of any costs associated with the worker's concurrent employment.

## Application

This Policy applies to all decisions made on or after October 27, 2016 **30, 2020**

## References

Workers' Compensation Act (Chapter 10, Acts of 1994-95), Sections **2(ae)(v)**, 5, **41(c)**, 44, 47.