



# ELECTION TO CLAIM UNDER THE AB WCA (Out of Province Accident)

In order that we may proceed with this claim, please complete and return this form without delay.

		Date of Accident (YYYY/MM/DD)	Claim Number:		
Worker's Surname	First Name		Initial	Date of Birth (YYYY/MM/DD)	
Address	City/town	Province	Postal Code	Telephone Number	

We have received reports that you were injured on the date shown above in an industrial accident outside of Alberta.

You may have the right to claim compensation under the provisions of Section 28 of The Workers' Compensation Act of Alberta, (see attached) or alternately to claim compensation or other remedy under the law of the place in which you were injured.

You should consider this matter carefully and, if you decide to claim compensation under the Alberta Act, you should (a) complete and return the enclosed application form, and (b) complete the election portion of this form and return it.

If we have not heard from you within thirty days, we will assume that you do not wish to claim under The Workers' Compensation Act of Alberta and we will take no further action in this matter.

### ELECTION TO CLAIM UNDER THE AB ACT

In the matter of injuries resulting from an accident that happened on \_\_\_\_\_ at or near \_\_\_\_\_ I elect to claim compensation under The Workers' Compensation Act of the Province of Alberta. Should my claim be accepted, I waive and forego any rights to compensation in any other jurisdiction, and will not apply for or accept any benefits from such other jurisdiction unless authorized to do so by the Workers' Compensation Board of Alberta.

I have read and understand the provisions of Section 28 of the Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_

Worker's Social Insurance Number \* \_\_\_\_\_

Signature Worker or Dependent \_\_\_\_\_

Witness Name \_\_\_\_\_

Witness Signature \_\_\_\_\_

This information is requested in accordance with Section 36 of the Workers' Compensation Act.

\* Optional

# THE WORKERS' COMPENSATION ACT

## EXTRACT FROM SECTION 28

- (1) If an accident happens while the worker is employed out of Alberta, the worker or the worker's dependants are entitled to compensation under this Act if
  - (a) the worker
    - (i) is a resident of Alberta or
    - (ii) has his or her usual place of employment in Alberta and the work out of Alberta is a continuation of the employment by the same employer or an employer that is related to that employer within the meaning of section 134,
  - (b) the nature of the employment is such that, in the normal course of the employment, the work or service the worker performs is required to be performed both in and out of Alberta and
  - (c) subject to subsection (2), the employment out of Alberta has lasted less than 12 continuous months.
- (2) The Board may, on application by an employer and subject to any terms it considers appropriate,
  - (a) waive any of the requirements of subsection (1)(a) and (b), and
  - (b) extend the period referred to in subsection (1)(c)
- (3) If, by the law of the jurisdiction in which the accident happens, the worker or the worker's dependants are entitled to compensation or some other remedy in respect of the accident, the worker or dependants shall elect
  - (a) to claim compensation or the other remedy under the law of the other jurisdiction, or
  - (b) to claim compensation under this Act,and shall give notice of that election to the Board under subsection (4), but if there is in existence an agreement under section 29, the right of election is subject to the terms of that agreement.
- (4) Subject to subsection (5), notice of election shall be given to the Board
  - (a) by the worker within 30 days after the happening of the accident, or
  - (b) if the accident results in death, by a dependant within 30 days after the death,and if notice of election is not given in accordance with this subsection, the worker or dependant is deemed to have elected not to claim compensation under this Act.
- (5) The Board may, on application either before or after the expiration of the 30-day period referred to in subsection (4), extend that period.
- (6) If a worker or dependant elects under subsection (3) to claim compensation under this Act and at any time claims compensation or some other remedy under the law of another jurisdiction in respect of the same accident, the worker or dependant is deemed to have forfeited all rights to compensation under this Act in respect of that accident, and any money paid to the worker or dependant or on the worker's or dependant's behalf by the Board in respect of it constitutes a debt due from the worker or dependant to the Board.
- (7) Subsection (6) does not affect the right to compensation of a worker or dependant who takes an action at the request of the Board under section 31.
- (8) Notwithstanding subsection (6), if a worker or dependant, before claiming compensation under this Act, and in ignorance of the worker's or dependant's rights or the extent of the worker's or dependant's rights under this Act, claims compensation under the law of the other jurisdiction where the accident happened and is found to be not entitled to compensation, the worker or dependant is deemed not to have forfeited the worker's or dependant's rights under this Act by reason only of making that claim.

## EXTRACT FROM SECTION 36

### Board's entitlement to information

- 36** The Board may require from any person entitled to compensation, whether a worker or dependant, particulars of that person's place of residence, address and other information relative to the disability and compensation, that it considers necessary, and pending the receipt of those particulars the Board may withhold compensation payments.

1981 cW-16 s31

\*C169\*