



Benefits - Questions & Answers National Commercial Agreement

The following are some questions and answers which will help clarify the requirements under the National Commercial Agreement for participation under the new *Accident on Set* program.

1. Is the *Accident on Set* premium subject to GST/QST/HST?

- a. No - GST
- b. No - HST
- c. **Yes** - Provincial Sales Tax (QST) at **9%** for any productions in the province of Québec.
- d. **Yes** - for Ontario Provincial Sales Tax (PST) at **8%**.

The payroll services will be advised of the requirement to add Provincial Sales Tax for the provinces of Québec and Ontario for this new program.

2. What is the definition of earnings which will be included in calculating premium under the new program?

Gross session fees only.

3. What happens in the event that an Engager fails to, or neglects to, process premium to CSST (in Québec) and WCB (in BC) for performers working on commercial productions?

In the event of a claim, WCB may approve the claim, and back-charge the Engager for premium which should have been paid for by the production.

It is important to note that participation in workers' compensation in the provinces of BC, Manitoba (from January 1, 2009) Québec, New Brunswick and Newfoundland for performers is mandatory, and is a requirement of the Provincial Acts. However, there are exceptions under the provincial plans.

Performers who are working as non-residents for short periods of time, should also be covered under this new program as they may not meet the provincial workers' compensation residency requirements. Further, performers working through personal corporations in Québec may not qualify under the province's CSST program and should be covered under the *Accident on Set* program.





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4. How would premium be paid throughout the provincial jurisdictions?

The following is a summary of provincial workers' compensation programs, including confirmation of where provincial workers' compensation is applicable, and where **Accident on Set** premium is payable.

Province	Is Provincial WCB Coverage Mandatory?	Is Accident on Set Premium Payable?
British Columbia	Yes*	For individual coverage only
Alberta	No	Yes
Saskatchewan	No	Yes
Manitoba	Yes	No
Ontario	No	Yes
Québec	Yes**	For individual coverage only
New Brunswick	Yes***	For individual coverage only
Nova Scotia	No	Yes
PEI	No	Yes
Newfoundland	Yes	For individual coverage only

if in BC for more than 14 days **personal incorporations excluded *if employ 3 or more performers*

For more information on individual coverage only, see questions 5 and 6.

5. Are performers working in Québec eligible for CSST if they are contracted through their corporations?

Within the Province of Québec, CSST has communicated that those performers who are employed as corporations could be ineligible for CSST. That having been said, there has been one claim paid by CSST on appeal where the claimant was contracted through his corporation.

The **Accident on Set** program does not have any restrictions for performers working as corporations, and gross earnings are used to define benefits which may be due in the event of a claim.

If there is a question or concern that a performer is not covered for Québec workers' compensation (CSST) by reason of providing service through a personal corporation, or because he/she does not meet residency requirements, Engagers are encouraged to add 1% for **Accident on Set** benefits to that performer's payroll record.





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6. Under what circumstances would the provincial boards decline a claim for a non-resident performer?

There are residency requirements under all of the provincial workers' compensation programs. For example:

* 13 days for BC

The residency tests are somewhat arbitrary and unclear; however, when applying for these policies, any performer(s) who (for example) reside in Ontario, and work in Newfoundland, Québec, or BC on a commercial production where their residency is less than the provisions within the respective Acts, could be ineligible for benefits under the provincial programs.

The security offered by the **Accident on Set** program would cover all performers, in all provincial jurisdictions, including non-Canadian performers for all risks associated with the production.

7. What is the position of provincial workers' compensation boards in the event that a performer is injured while travelling to set, or between locations, which may include crossing provincial borders?

Provincial workers' compensation programs cover accidents which occur on the worksite, and generally do not cover travel from residence to the worksite, or between worksites.

When a performer is required to cross provincial borders, the concerns of 'minimum residency requirements' outlined in question '6' could apply.

The **Accident on Set** program will cover performers travelling to and from set, and between production locations, including inter-provincial productions, without restriction.

This includes all means of travel without restriction.

8. In the event that a commercial production involved a child performer, and that performer required a parent/guardian to attend set, would that parent/guardian be covered by workers' compensation in the event of an accidental injury on set?

Workers' compensation does not cover the parent/guardian of a child performer as a matter of course.

Those parents/guardians who were required to attend set to care for the child performers would be covered under the **Accident on Set** program as an accommodation, and no premium is payable in these situations.





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9. Would performers injured in a jurisdiction where workers' compensation is mandatory, but were not (for whatever reason*) considered an eligible claim be covered under the *Accident on Set* program?

**for any reason other than non-compliance with the Provincial Act where workers' compensation coverage is mandatory.*

10. Where do I find more information on the *Accident on Set* program?

Disclaimer

In instances when performers were declined benefits under the Provincial Act (in those provinces where workers' compensation coverage is mandatory), the **Accident on Set** program would assume responsibility for those claims as a backstop position.

This would provide the Engagers with the security that the possibility of uninsured claims would be reduced/eliminated.

If there is some question as to whether a performer would qualify for provincial workers' compensation in those provinces where workers' compensation is mandatory (examples could be out-of-province performers who did not meet the workers' compensation residency requirements) Engagers are encouraged to register that performer for the **Accident on Set** program.

Please refer to the *Accident on Set* website at accidentonset.com for more detailed information on this new program.

Actra Fraternal Benefit Society, the insurer for this new program, will be pleased to clarify or respond to any questions regarding the new program.

*Under the terms of the 2008-2011 National Commercial Agreement, effective December 1st, 2008, Engagers are required to participate in the **Accident on Set** program for productions within provinces where workers' compensation benefits are NOT mandatory for all performers including stunt performers.*

Further, individual coverage may be required when performers are working outside their province of residence or, in the case of Québec, are working under a personal services corporation.

The program, which has been approved by all parties, is underwritten and administered by Actra Fraternal Benefit Society (AFBS).

*Administration of the **Accident on Set** program is the sole responsibility of Actra Fraternal Benefit Society. Any changes to the **Accident on Set** premium required from Engagers shall be renegotiated between ACTRA-ACA/ICA.*

The Accident on Set premium payment must be made payable to ACTRA and forwarded to the local ACTRA office within fifteen (15) working days for the work session, together with the completed Session Payment form.