

There has long been confusion among BC festival societies, concert promoters, night club owners and other engagers in the performing arts and live entertainment sector as to their obligations under the BC Workers Compensation Act when engaging non-resident performers.

This information sheet focuses on group situations, such as dance troupes, orchestras and bands, and applies specifically to those touring groups comprised exclusively of non-BC residents and not employing any BC residents (“Non-BC Group”).

When must a Non-BC Group be registered with WorkSafeBC?

First consider the following two questions:

1. Is the Non-BC Group carrying on business in BC “temporarily” (which WorkSafeBC views as being, or intending to be, in BC for a cumulative, annual total of either (i) 10 to 14 days as a result of one or two visits, or (ii) 9 days or less regardless of the number of visits)? [WCB Policy AP1-2-1(b)].
2. Is the Non-BC Group covered under the laws of its home territory with respect to compensation for occupational injuries and diseases? [WCB Policy AP1-2-1].

If the answer is “yes” to both of the above questions, then the Non-BC Group is exempt from the registration requirements of WorkSafeBC.*

For example, a foreign musical and dance troupe (from a country with workers’ compensation laws) lines up a North American tour with a BC folk festival as one stop. They perform here for 2 days and move on to Toronto and then to New York, etc. They have their own instruments, props, costumes, support staff (eg. manager), while the engager (ie. the Festival Society) supplies the stage, lighting and sound.

The stage, lighting and sound personnel are BC residents employed by the Festival Society (or a contracted production company) and covered under their WorkSafeBC registration. The troupe, as described above, is an exempt temporary

employer. And should the troupe extend its time in BC by one day in order to perform at a community centre or night club (a different BC engager), its status will not have changed from the WorkSafeBC’s perspective.**

If the answer is “no” to either of the above questions, then the Non-BC Group is not exempt from the registration requirements of the WCB.

Who is responsible for registering a Non-BC Group with WorkSafeBC?

The Non-BC Group is responsible for its own registration with WorkSafeBC. The engager may choose to pose the above-noted questions to the Non-BC Group, pass along this information to the Non-BC Group, or even choose to address WorkSafeBC registration and the payment of applicable assessments within the provisions of the engagement contract. But the engager is not legally obligated to query, assist or contract the Non-BC Group in regards to WorkSafeBC registration. The responsibility for registration rests wholly with the Non-BC Group.

***NOTE: Exemption from WorkSafeBC registration does not mean exemption from BC’s workers compensation laws. BC’s Occupational Health and Safety Regulations apply to all BC performances by Non-BC Groups, regardless of whether or not such groups are exempt from registration.**

****NOTE: While this example was accepted by the WorkSafeBC on October 29, 2002, it should be viewed as an interpretation guideline only and not as WorkSafeBC policy. Some Non-BC Groups with similar engagement scenarios may not be exempt from registration for other reasons.**

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