

# Subsections of the Workers Compensation Act Relating to Principal, Contractor and Sub-contractor



## Principal's duty to see that contractor files statements

**11** "Where a person, whether carrying on an industry included within the scope of this Part or not, in this section referred to as the 'principal', contracts with any other person for the execution, by or under the contractor, of the whole or any part of any work for the principal, the principal shall see that the contractor files the statements and declarations required by this Part; and, if any principal fails to do so, the principal is subject to an administrative penalty under subsection 109.7(1)."

## Right of principal as against contractor

**89(2)** "Where a principal is or may become liable for an assessment with respect to work carried on by a contractor, the principal may withhold from any moneys payable to the contractor such amount as the board may estimate as the probable amount for which the principal is or may become liable, and, in any action that the contractor may bring against the principal, the principal may offset the amount, and the contractor is not entitled to recover from the principal any portion thereof; but after final adjustment by the board of the amount due with respect to the work carried on by the contractor, the contractor is entitled to any amount still remaining in the hands of the principal after payment of the amount due to the board."

## Contractor as principal

**89(3)** "As between contractor and sub-contractor, the contractor shall be deemed a principal."

## Liability of contractor and principal

**90(1)** "Where any work within the scope of this Part is undertaken for any person by a contractor, both the contractor and the person for whom the work is undertaken are liable for the amount of any assessment made under this Act in respect thereof, and the assessment may be levied upon and collected from either of them, or partly from one and partly from the other; but, in the absence of any term in the contract to the contrary, the contractor is, as between himself and the person for whom the work is performed, primarily liable for the amount of the assessment."



### **Liability of sub-contractor and contractor**

**90(2)** "Where any work within the scope of this Part is performed under sub-contract, both the contractor and the sub-contractor are liable for the amount of the assessments in respect of the work; and any such assessments may be levied upon, and collected from either, or partly from one and partly from the other."

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