

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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DURATION OF BENEFITS

This fact sheet deals with benefits paid for temporary disability (wage loss benefits) or permanent disability (permanent disability award). As of June 30, 2002 changes in the *Workers Compensation Act* have resulted in significant changes in the length of time benefits can be paid.

Injuries before June 30, 2002

Wage Loss benefits

For injuries occurring before June 30, 2002, wage loss benefits were paid for as long as the worker was temporarily totally (or partially) disabled from working regardless of the worker's age.

Permanent Disability Awards

Before June 30, 2002 WorkSafeBC could provide two types of disability awards for permanent impairments left by the injury. The two types were functional and loss of earnings (LOE) pensions. Functional pensions were generally paid during the lifetime of the worker although they were sometimes paid in one lump sum. If the worker was age 51 or older at the time of the injury, loss of earnings pensions were usually paid only to the age of 65 because most workers retire at that age. When the worker reaches the age of 65, the loss of earnings pension benefit is reduced depending on how close he or she was to age 65 when the injury occurred (or the claim was reopened). In situations where the WorkSafeBC agreed that the worker would have continued working past age 65, the loss of earnings pension was paid to the date that WorkSafeBC decided the worker would have likely retired.

Injuries on or after June 30, 2002

Wage Loss Benefits

After June 30, 2002 wage loss benefits continue to be payable while a worker is temporarily totally (or partially) disabled from working. However, changes to the *Workers Compensation Act* now limit how long the benefits can be paid.

If the worker is less than 63 years old at the date of injury, wage loss can be paid only until the worker reaches age 65 (retirement age) **unless** WorkSafeBC agrees that the worker would have worked beyond 65. In that case, wage loss can be paid to the date that WorkSafeBC decides the worker would likely have retired.

If the worker is 63 years old or older at the date of injury, wage loss benefits can be paid two years after the injury unless WorkSafeBC agrees that the worker would have worked beyond that date. In that case, wage loss benefits can be paid to the date that WorkSafeBC decides the worker would have retired.

Generally speaking, this means that if you are injured before you turn 63, wage loss benefits will stop at 65. If you are injured at 63 or older, benefits will stop two years after the injury, unless you can prove you would have worked beyond that time. In any event, wage loss benefits are only payable while you are temporarily totally or partially disabled from working.

Permanent Disability Awards

Changes in the *Workers Compensation Act* have also changed how permanent disability awards are paid. These changes affect workers who were injured on or after June 30, 2002 or where the first indication of the permanent disability occurred on or after June 30, 2002.

WorkSafeBC will now pay a functional award in most cases. A loss of earnings award will only be paid in exceptional circumstances. In either case, however, the permanent disability award will usually stop at age 65, and at that time the worker will be paid a single lump sum "Retirement Benefit." There are exceptions where pensions can be paid beyond age 65. Those exceptions are where WorkSafeBC agrees that the worker would have continued to work past 65. In those cases, WorkSafeBC will decide when the worker would have retired and pay the permanent disability award to that date. In deciding whether a worker would have retired at age 65, WorkSafeBC will look for evidence of the worker's intentions.

Right to Appeal

If you do not agree with the WorkSafeBC decision, you have the right to request a review. You must request a review within 90 days. If you disagree with the Review Division decision you have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.
