

Workers' Compensation Board Coverage

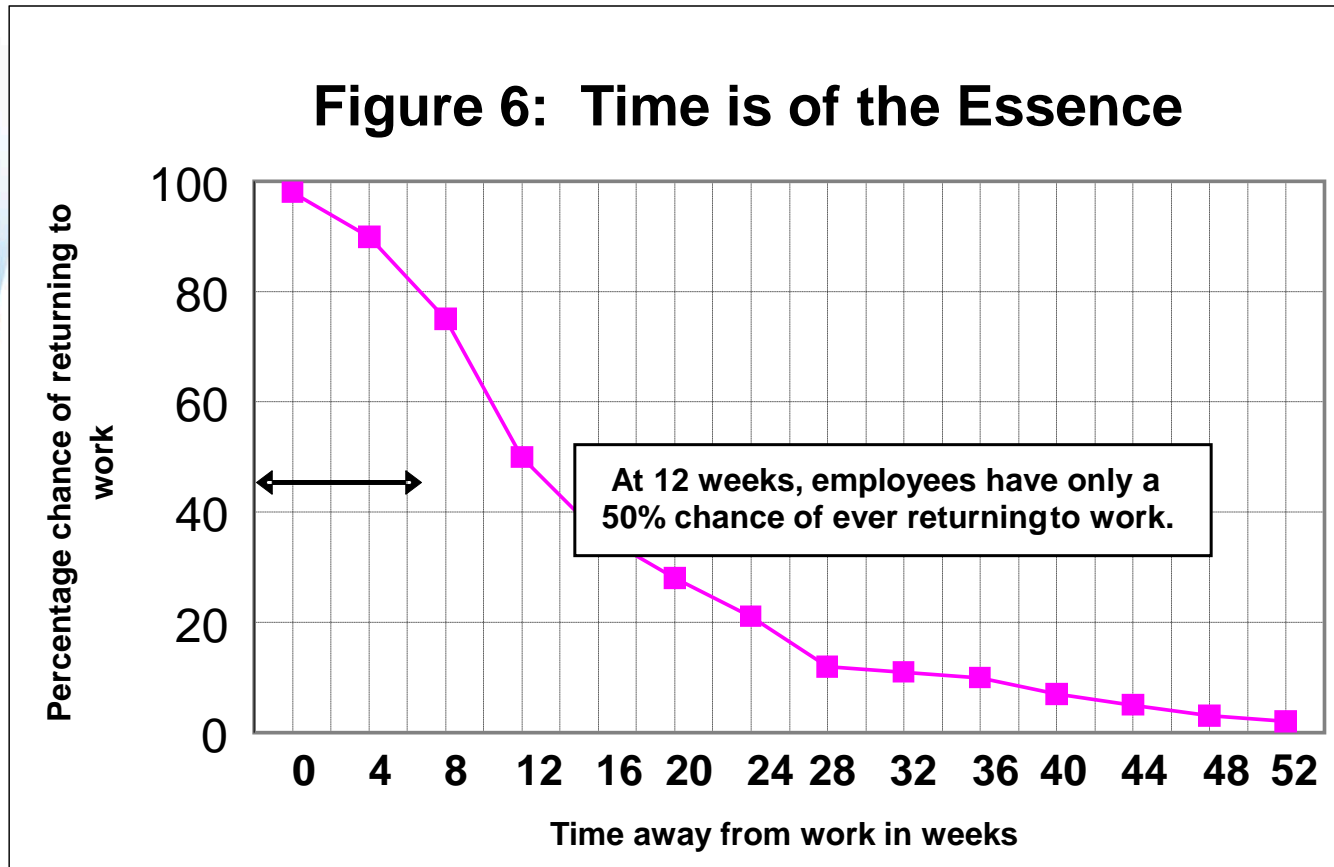
About the WCB - Alberta

- A not-for-profit disability insurance system set up under the Alberta WC ACT
- WCB – Alberta is not a Government Department or Crown Corporation
- Funded entirely by employers
- Focus is on injury prevention and disability management

Principles of Workers' Compensation

- No-fault coverage
- Collective liability
- Protection from Lawsuit
- Benefit of the doubt to worker
- Right of review and appeal
- Long term stability, financial security & cost effectiveness
- Has exclusive jurisdiction

Focus – Return to Work



Source: Jennifer Christian, "Reducing Disability Days: Healing More than the Injury,"

Definition of Accident

Section 1(1)(a) of the W.C. Act:

- i. a willful and intentional act, not being the act of the worker who suffers the accident,
- ii. a chance event occasioned by a physical or natural cause,
- iii. disablement, and
- iv. a disabling or potentially disabling condition caused by occupational disease.

Injury Reporting - Worker

1

Tell your employer details of your injury.

After receiving notice, your employer is required by law to report the injury to WCB within 72 hours if:

- You need medical treatment beyond first aid, or
- You missed time from work or adjusted your job beyond the day of accident.

Ask about modified work options — what you can do at work while recovering.

2

Tell your doctor, physiotherapist or chiropractor you were injured at work.

- They are required by law to report the injury to WCB within 48 hours.
- Ask about modified work options — what you can do at work while recovering.

Hurt at work?

Get the immediate first aid you need, then follow these steps.

Tell WCB — it's your right.

Send your Report of Injury form to WCB right away.

You can get forms from your employer or report online at www.wcb.ab.ca.

3

Employer Responsibilities on the Date of Accident

- Responsible for transportation of injured worker if necessary
- Complete Employer's Report of Injury (C040)
- Report injury within 72 hours of being notified
- Continue to pay worker for full day of wages

What is a Work Related Accident?

The following key information is considered when determining claim acceptability:

- Did the accident arise out of employment as a result of an employment hazard.
- Did the accident occur in the course of employment at a time and place consistent with the obligations and responsibilities of that employment.
- Does objective medical evidence support the relationship between the injury and the mechanism of injury.

How Decisions Are Made

- Once relevant evidence obtained, a decision is made based on preponderance of evidence and the balance of probabilities
- When evidence for, or against, is evenly balanced, the issue will be resolved in favor of the worker (benefit of doubt)

Workers' compensation benefits

- Wage replacement.
 - 90% of net wages up to a maximum of \$98,700 gross per year (2017).
- Comprehensive medical services.
- Return to work services.
- Recognition of a permanent clinical impairment.

Worker benefits

- Temporary:
 - **Temporary Total Disability (TTD)**
 - Paid while temporarily totally disabled from all forms of employment
 - **Temporary Partial Disability (TPD)**
 - Worker fit for work but still has some work restrictions preventing from returning to work to full pre-accident duties
 - Still has some earnings loss due to disability

Worker benefits

- Permanent:
 - Two parts
 - Non-economic loss payment (NELP) and temporary earnings loss (TEL) or economic loss payment (ELP)
 - **Non-Economic Loss Payment (NELP)**
 - One time payment that recognizes Permanent Clinical Impairment
 - Determined when medical plateau reached
 - Loss of or loss of use of body part, system or function
 - Determined by physician
 - Expressed as percentage of the whole body

Worker benefits

- **Permanent:**
 - **Temporary Economic Loss (TEL)**
 - Paid when worker is expected to eliminate earnings loss within 5 years
 - **Economic Loss Payment (ELP)**
 - Compensates for impairment in earnings capacity caused by permanent work restrictions
 - 90% (pre-accident net earnings - post-accident actual net earnings or estimated earnings capacity)
 - Reviewed at 36 months after implemented (unless expected to receive raises annually, then reviewed annually), and annually thereafter until retirement or WCB decides annual review unnecessary

Worker benefits

- Permanent:
 - Economic Loss Payment (ELP) continued..
 - Adjusted at retirement age, usually age 65
 - Exception to ELP rules – when workers with 100% PCI and workers presumed to be 100% permanently disabled under S.43(2) of the WC Act. In these cases, the WCB does not deduct any post-accident earnings, nor does it adjust the ELP at age 65
 - Permanent Total Disability (PTD)
 - 100% permanent clinical impairment
 - WC Act, Section. 43(2): presumed in cases of paraplegia, quadriplegia, blindness, some amputations, severe mental incapacity

Suitable Modified Work

The following conditions must be met:

- ✓ The work accommodates the worker's medical restrictions so the worker can perform the duties safely.
- ✓ The work contributes to the worker's physical and vocational rehabilitation by keeping the worker active and involved in the workplace.
- ✓ The work promotes the gradual restoration to the worker's pre-accident level of employment.
- ✓ The work must be a meaningful and productive part of the employer's operations.
- ✓ The work does not create financial hardship for the worker.

Life of a Claim Flow Chart



Firefighter definitions under the Act for Presumptive Purposes

- Full-time firefighter:
 - Employed by a municipality or Metis settlement.
 - Assigned exclusively to fire protection and fire prevention duties.
- Part-time firefighter:
 - Casual, volunteer or part-time member of a fire protection service of a municipality or Metis settlement.

These definitions can be found in section 24.1 of the *Act*.

What is Presumptive Coverage

- Presumptive legislation allows us to presume that a condition is work related
- Without this presumption, we will review medical information, employment hazard(s) and current research on the relationship of exposure types to the diagnosed condition to determine whether a claim can be accepted

Presumptive clauses

There are three presumptive clauses under our legislation that apply specifically to firefighters which are all under section 24 of the *Alberta Workers' Compensation Act*.

1. Cancer claims.
2. Heart attacks.
3. PTSD – post traumatic stress disorder.

Cancer claims

- Fall under the firefighters primary site cancer regulation originally passed in 2003 and updated in 2005, 2010 and 2011.
- If one of the cancers references a non-smoker, it is someone who has not smoked a tobacco product in the 10 years prior to the date of diagnosis of a primary site cancer.
- Section 24.1 of the *Act*.

Heart attacks

- If a full-time or part-time firefighter suffers a myocardial infraction within 24 hours after attendance at an emergency response event, this infraction will be assumed to have occurred during the course of employment unless proven otherwise.
- Section 24.1(7) of the *Act*.

Post traumatic stress disorder (PTSD)

- If a worker who is or has been an emergency medical technician, firefighter, peace officer or police officer is diagnosed with PTSD by a physician or psychologist, the PTSD will be assumed to be an injury that occurred during the course of employment in response to a traumatic event or a series of traumatic events, unless proven otherwise.
- Section 24.2(2) of the *Act*.

Questioning a Decision



Questions?