



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.

Updated: November 2015

Duration of Benefits for Workers Injured on or after June 30, 2002

This factsheet provides information on the duration of disability benefits paid to workers who were injured on or after June 30, 2002.

How long will I be paid benefits?

If you were injured before age 63, wage loss benefits and permanent disability benefits will stop at age 65 unless you can prove that you would have worked past age 65 if you had not been injured.

If you were injured at age 63 or older, wage loss benefits and permanent disability benefits will stop two years after the injury, unless you can prove you would have worked longer.

A worker is generally considered to be retired when he or she substantially withdraws from the workforce and receives retirement income from one or more retirement-like sources (eg. CPP, OAS, employer pension plan, RRSP or other personal savings).

If you are granted permanent disability benefits, you will also receive a one-time retirement benefit when the permanent disability benefits end. To learn more, please review the Workers' Adviser Office Factsheet 'Retirement Benefits'.

Health care benefits may be paid regardless of your age.

How can I prove that I intended to work past age 65?

You must provide WorkSafeBC with evidence to support your position that you would have continued to work past age 65 if you had not been injured. **Please note that the question is not what your intentions are now, but what you would have done if the injury had not occurred.** WorkSafeBC requires that your evidence is confirmed by an independent source. You will have a much better chance of succeeding if you had concrete plans to retire at a specific age older than 65.

For more information:

Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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As for specific plans, you should lay out:

- Your planned retirement age
- The type of work you planned to do and how long this work would have lasted
- The employers you planned to work for along with their names and addresses.

As for independent sources, you should consider getting statements from:

- Your pre-injury employer, co-workers or other employers confirming that before the injury, you told them about your intention to continue working beyond age 65, and confirming that employment was available to you
- Accountants, bankers or other financial professionals outlining a financial plan and post age 65 retirement date, and confirming that this plan was made before your date of injury
- Family members, friends, neighbours confirming that before the injury, you told them about your intention to continue working beyond age 65

It is more helpful if your witnesses can specify when your discussions with them occurred and what alternative retirement age you discussed.

Other forms of evidence can also be useful, such as:

- Statements from family members about their own retirements (or that of other family members), if members of your family typically work past age 65
- Information from your pre-injury employer, union, or professional association on the typical retirement age for other workers in the same or similar occupations, and whether there are incentive plans for workers working beyond age 65
- Details of an employer pension plan, and if your pension plan permits you to work after you receive the pension
- If you worked in a unionized workplace, a letter from your union about the terms of your collective agreement on retirement
- Your personal and financial circumstances as they existed at the time of injury such as:
 - any pension plans or a retirement savings plans
 - expenses and debts such as mortgages
 - family commitments and support obligations.
- A report from your family doctor explaining that had you not been injured, your health would have allowed you to work past age 65, and for approximately how long.

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What type of evidence do I need if I am a self-employed?

In addition to evidence suggested above, the following may be helpful if you are self-employed:

- Information on the status of your business the day before the date of your injury, including business start-up documents
- Your accountant's statement showing a long term business plan that was made before the date of your injury, showing that you were planning on working beyond age 65, and to what age
- Records showing the financial status of your business, including debt just before your injury
- Statements from your customers, suppliers, colleagues and/or your employees confirming that before the injury occurred, you told them about your intention to continue working and operating your business after age 65 (preferably referencing a particular age)
- Any outstanding leases on commercial vehicles as of the day before your injury.

What happens if WorkSafeBC decides that I would not have worked past age 65?

If you do not agree with WorkSafeBC's 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.