



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.

Factsheet #43
Updated: January 2013

Duration of Benefits for Workers Injured Before June 30, 2002

This factsheet provides information on the duration (length of time) that permanent disability benefits and temporary wage loss benefits are paid to workers injured before June 30, 2002.

Permanent Disability Awards

How long will I receive my monthly permanent disability award?

If you were injured before June 30, 2002 and the first indication of permanent disability happened before June 30, 2002, WorkSafeBC determines permanent disability entitlement using two different methods. The first method is the assessment of permanent functional impairment (PFI). The functional method estimates impairment of earning capacity from the nature and degree of your injury. Under the second method, WorkSafeBC assesses your projected loss of earnings (LOE) over the long term. The pension award is based on the higher amount determined by these two methods.

The length of time of your permanent disability award depends on your age at the time of your injury and which of the above two methods applies to you.

How long will I receive my monthly PFI award?

A monthly PFI award is paid for life. A cost of living increase will be applied to the award. It is not affected by your age at the date of injury or by your actual or projected retirement date.

How long will I receive my monthly LOE award?

If you were 50 years old or less, at the time of injury, your LOE payments plus cost of living increases will continue for the rest of your life.

If you were between the ages of 51 and 64 at the time of injury, your LOE award plus cost of living increases will continue until you reach age 65. WorkSafeBC considers age 65 to be the standard age of retirement. In most cases, your LOE award will be reduced after your 65th birthday.

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

Duration of Benefits for Workers Injured Before June 30, 2002

The reduced LOE monthly payment will be based on the value of the PFI award plus a proportion of the difference between the LOE award and the PFI award. The proportion is based on the number of years less than 65 you were when you were injured. For example, if you were 55 when you were injured, the proportion would be 10/15ths. The new monthly LOE award after age 65 plus cost of living increases will be paid to you for the rest of your life.

What happens if I can prove that I would not have retired at age 65?

If WorkSafeBC decides that you would have retired after age 65, the LOE award will stop when you reach your actual retirement age. You will receive the full, unreduced value of your LOE until the selected retirement age, but you not be entitled to any portion of your LOE after that retirement date. At that time, the LOE award will be replaced by the monthly value of the PFI award. The PFI award plus cost of living increases will continue to be paid to you for the rest of your life.

WARNING

It may not always be in your best interest to ask for a later retirement age. For example if the value of your PFI award is very small but your LOE award is quite large and WorkSafeBC selects age 68 as your retirement age, you will have the benefit of your large LOE award for three more years. After that, your benefits will be reduced to the level of your very small PFI award. Depending on how long you live, the trade-off may not be favourable to you.

If my permanent disability gets worse and I receive an increase in my permanent disability award, how long will the increased award be paid?

If you received a PFI award for an injury before June 30, 2002 and where the first indication of permanent disability was also before June 30, 2002, any increased award for PFI will be paid for the rest of your life.

If you receive an LOE award for the first time following a worsening of your disability, that award may be reduced when you turn age 65. This depends on your age at the time your permanent disability became worse.

If you were 50 years old or under at the time your permanent disability became worse, your LOE will not be reduced. Your permanent disability award payments plus cost of living increases will continue for the rest of your life.

If you were between the ages of 51 and 64 at the time your disability became worse, your LOE award plus cost of living increases will continue until you reach the age of 65. At that time you will receive a reduced LOE monthly payment based on the value of the permanent disability award calculated according to your measured

Duration of Benefits for Workers Injured Before June 30, 2002

PFI plus a proportion of the difference between the LOE award and the PFI award. The proportion depends on the number of years less than age 65 you were at the time your disability became worse.

Temporary Wage Loss Benefits

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.

How long will I receive temporary wage loss benefits if my old claim is reopened?

If you were injured before June 30, 2002 and your claim is reopened after that date, the length of time temporary wage loss benefits may be paid to you will be affected.

If you were injured before age 63, temporary wage loss benefits on reopening will stop when you are no longer temporarily totally or partially disabled or at age 65, whichever comes first. If you remain temporarily disabled beyond age 65 and you can prove you would have continued to work beyond age 65, if you had not been injured, temporary wage loss benefits may extend beyond age 65 to the date you would otherwise have retired or the date you are no longer temporarily disabled – whichever comes first..

If you were injured at age 63 or older, temporary wage loss benefits on reopening will stop two years after the injury, unless you can prove you would have worked longer, had you not been injured.

What if I do not agree with the WorkSafeBC decision?

You have the right to request a review of the decision by the Review Division. If the Review Division confirms the WorkSafeBC decision, you have the right to appeal the Review Division decision to the Workers Compensation Appeal Tribunal (WCAT).

Important

There are strict time limits for starting a review or an appeal. To request a review of a WorkSafeBC decision, the Review Division must receive your completed and signed Request for Review form **within 90 days** of the WorkSafeBC decision.

To appeal a decision of the Review Division to WCAT, your completed and signed Notice of Appeal must be received **within 30 days** of the Review Division decision.

Duration of Benefits for Workers Injured Before June 30, 2002

To learn more about reviews and appeals, please refer to the following Workers' Adviser Office factsheets:

- Overview – Reviews and Appeals
- Reviews of WorkSafeBC Compensation or Rehabilitation Decisions
- Appeals to the Workers Compensation Appeal Tribunal

We also suggest that you review the Workers' Advisers Office publication "Reviews and Appeals of WorkSafeBC Decisions: A Worker's Information Kit" on the Workers' Advisers website:

http://www.labour.gov.bc.ca/wab/pdf/workers_info_kit.pdf

Also see the WCAT website "Information Guides"

at: http://www.wcat.bc.ca/research/WCAT_publications/appeal_guides/index.html

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