

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: June 2021

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, vocational rehabilitation and permanent disability benefits will stop once you reach the age of 65 unless you have supportive evidence that you intended to work past the age of 65 and retire at a later date.

If you were injured at age 63 or older, wage loss, vocational rehabilitation and permanent disability benefits will stop two years after the date of your injury unless you have supportive evidence that you intended to work longer.

A worker is generally considered to be retired when she or he substantially withdraws from the workforce and receives retirement income from sources not related to work (e.g. 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' Advisers Office Factsheet titled: ***Retirement Benefits***.

Important: Health care benefits may be paid regardless of your age.

When will WorkSafeBC decide for how long I will be paid benefits?

If you are injured before you reached the age of 63, WorkSafeBC will generally make the decision on the duration of your benefits after you reach the age of 63 but before you reach the age of 65.

If you are 63 years of age or older on the date of your injury, WorkSafeBC will generally make the decision on your retirement date either as part of their decision on permanent disability benefits, or occasionally as part of a decision on wage loss benefits.

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What evidence should I provide to show that I would work past age 65?

The Board will ask you for evidence of your intention to retire after the age of 65, usually in a letter.

WorkSafeBC may consider both pre- and post-injury evidence to establish the date you would retire. The evidence you give them should show that it is at least as likely as not that you would retire after the age of 65.

The types of evidence that follow are suggestions only, and WorkSafeBC may consider other types of evidence. It is important to note that WorkSafeBC requires evidence that demonstrates both that you would work past the age of 65, and to confirm the date that you intend to retire. You will be more likely to receive your disability benefits beyond the age of 65 if you provide evidence that establishes a clear plan to continue to work beyond that age.

The following are examples of the kinds of evidence WorkSafeBC may consider:

- A statement indicating your planned retirement age, along with:
 - The names of the employers you plan to work for after age 65,
 - The type of work you plan to do and how long you will work, and,
 - Information from the identified employer(s) to confirm that the employer(s) intends to employ you beyond the age of 65.
 - A statement outlining your financial circumstances and need to work past age 65, such as:
 - Any pension plans or a retirement savings plans that you have;
 - Expenses and debts such as mortgages; and,
 - Family commitments and support obligations.
 - A statement from an accountant, banker or other financial professional that outlines your financial plan and post-age 65 retirement date;
 - 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; and/or,
 - If you work in a unionized workplace, a letter from your union about the terms of your collective agreement on retirement;
 - Statements from family members about their own retirements (or that of other family members), if members of your family typically work past age 65;
 - Statements from family members, friends, neighbours, or other acquaintances confirming what you have told them about your intention to continue working beyond age 65;
 - A report from your family doctor explaining whether your health will allow you to work past age 65, and for approximately how long.
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This list is not intended to be exhaustive. Other evidence supporting your retirement age intentions may also be considered.

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 including:
 - A statement from an accountant showing a long-term business plan confirming your plans to continue working beyond age 65, and to what age; and,
 - Information on any outstanding leases on commercial vehicles.
- Statements from your customers, suppliers, colleagues and/or your employees confirming that you have told them about your intention to continue working and operating your business after age 65 (preferably referencing a particular age).

What if WorkSafeBC has already made a decision regarding the duration of my permanent disability benefits in the past?

WorkSafeBC is only able to determine your retirement date once on a claim. However, as a result of an amendment to the *Workers Compensation Act*, effective January 1, 2021, WorkSafeBC may make a new decision on the retirement date for your claim in very specific circumstances. if:

- You were under the age of 63 at the time of your injury;
- A previous determination of your retirement age was made before January 1, 2021; and,
- You haven't already reached the retirement age previously set on your claim.

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

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

For further information about reviews and appeals, please see the Factsheets *Reviews of WorkSafeBC Decisions* and *Appeals to the Workers' Compensation Appeal Tribunal*.