



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 #12
Updated: January 2013

WAGE RATES FOR CLAIMS REOPENED WITHIN 3 YEARS AFTER THE ORIGINAL INJURY

When your condition recurs or becomes worse, WorkSafeBC will reopen your claim and re-determine the benefits to which you may be entitled. If the worsening means that you will have an additional period of temporary disability, you will be entitled to temporary wage loss benefits. If the worsening is a permanent worsening, you will be entitled to a permanent disability award, or to an increased permanent disability award if you had already been granted a permanent award. You may even be entitled to vocational rehabilitation benefits if the worsening means that you will be unable to return to your regular work.

When you were originally injured, your wage rate for benefits was based on only a percentage of your pre-injury earnings. This percentage was either 75% of gross earnings if you were injured before June 30-, 2002, or it was 90% of net earnings, if you were injured after June 30, 2002. When your claim is reopened, your wage rate will be equivalent to 90% of net earnings.

With a reopening, the earnings selected by WorkSafeBC to calculate your wage rate will depend on whether your condition recurred or became worse *within three years of your original injury or more than three years after your original injury*. This Fact Sheet describes the calculation of wage rate where the reopening is within 3 years from the original injury date. Please see also our Fact Sheet: *Wage Rate for Claims: Reopened More Than 3 Years after Original Injury*.

If your original claim lasted less than 10 weeks and did not result in a permanent disability, you will not have had a ten week rate review. This means that WorkSafeBC will use the initial temporary wage rate from your original claim until you have received a total of 10 weeks of benefits from both the original and the reopened claim or your disability becomes permanent, whichever comes first. Once you have reached the 10 week point, the WorkSafeBC will then set your long-term wage rate. After that WorkSafeBC will use the long-term wage rate.

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

WAGE RATES FOR CLAIMS REOPENED WITHIN 3 YEARS AFTER THE ORIGINAL INJURY

For example: If you were off work for seven weeks for the original injury, and you reopened the claim two years later, your wage rate at first would be the same as for the original claim. After three weeks of benefits under the reopened claim (making a total of 10 weeks) the WorkSafeBC will adjust your wage rate with a cost-of-living increase to the date of reopening, by using the Consumer Price Index (CPI). This is called a **cost-of-living adjustment**.

If you received a pension award for a permanent partial disability and you are now reopening your claim for further time off work (for example, to have surgery), WorkSafeBC will continue to make your monthly pension payment separately, but will deduct the amount of your monthly pension from your temporary disability benefits payment.

What if I disagree with the decision?

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.