

POLICY NUMBER: POL-58

Chapter:
EMPLOYER SERVICES

Subject:
APPORTIONMENT

Effective Date:
January 24, 2002

Last Update:
September 2, 2016

PURPOSE STATEMENT

The purpose of this policy is to explain how claim costs are divided between the employer and the rate group when recovery is prolonged due to a pre-existing condition.

REFERENCE:

Workers Compensation Act R.S.P.E.I.1988, Cap. W-7.1, Sections 6 (9)(11), 41 (7).
Workers Compensation Board Policy, POL-60, Recurrence.
Workers Compensation Board Policy, POL-61, Pre-existing Conditions.

DEFINITION:

In this policy:

“Apportionment” means the act or result of dividing and sharing total costs of work injury for the expected healing time according to a plan based on the needs of the worker and the responsibilities of the employer.

“Expected healing time” means the generally expected interval of time for physiological wound repair, following an injury or surgery.

“Plateau in medical recovery” means there is little potential for improvement or any potential changes in the condition are in keeping with the normal fluctuations which can be expected with that kind of injury.

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“Rate group” means a group to which an industry is assigned for assessment purposes.

“Work injury” means an injury arising out of and in the course of employment.

POLICY:

1. A worker who is injured as the result of an accident arising out of and in the course of employment is eligible for compensation, including periods where the expected healing time is delayed due to a pre-existing physical condition. Compensation will continue until such time as the worker, in the opinion of the Workers Compensation Board, has reached a plateau in medical recovery.
 2. Where a worker has a pre-existing physical condition and the expected healing time is extended due to the pre-existing physical condition the costs for compensation beyond the expected healing time for the work injury will be apportioned to the rate group of the employer rather than to the employer.
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HISTORY:

September 2, 2016 - Non-substantive changes. Policy reviewed by CEO and Director; no other revisions required.

April 24, 2008 - Policy was amended to replace the terminology related to “normal recovery time” with “expected healing time”.

March 27, 2003 - Policy amended to clarify situations where the claim has been prolonged beyond the normal recovery time because of a pre-existing condition. Policy updated to include the definition of normal recovery time.

March 28, 2002 - Policy revised to incorporate changes required as a result of Workers Compensation Act amendments (Bill 15) to be proclaimed April 1, 2002.

Board of Directors Approval Date: January 24, 2002
