

**POLICY NUMBER: POL-60**

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**Chapter:**  
**CLAIMS**

**Subject:**  
**RECURRENCE**

**Effective Date:**  
**June 21, 2001**

**Last Updated On:**  
**January 1, 2014**

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**REFERENCE:**

*Workers Compensation Act R.S.P.E.I.1988, Cap. W-7.1, Section 6, 32, 40, 41.*  
Workers Compensation Board Policy, POL-84, Waiting Period.  
Workers Compensation Board Policy, POL-86, Wage Loss Benefits.

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**DEFINITION:**

In this policy:

“Average earnings” means the daily, weekly, monthly, or regular remuneration the worker was receiving at the time of the accident or any consecutive twelve month period during the two years preceding the date of accident, whichever, in the opinion of the Workers Compensation Board best represents the worker’s loss of earning capacity. This includes any remuneration the worker received as a result of the employment and Employment Insurance.

“Loss of earning capacity” means the difference between the worker’s net average earnings before the accident, and the net average amount the Workers Compensation Board determines the worker is capable of earning after the accident.

“Maximum annual earnings” means a maximum annual earnings amount set by the Workers Compensation Board on the first day of January, 1996 and adjusted each year by the percentage increase in the Consumer Price Index for Charlottetown and Summerside for all items for the twelve-month period ending on the June 30 previous as determined by the Workers Compensation Board in August of each year on the basis of monthly reports published

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in that respect by Statistics Canada for that period.

“Objective medical evidence” means evidence presented through a physical examination including diagnostic tests of a worker and reported by the treating or family physician.

“Rate group of the employer” means the established industry group to which an employer is assigned by the Workers Compensation Board.

“Recurrence” means a return of disabling conditions, supported by objective medical evidence that can be reasonably related to an injury caused by a previous work-related accident. Recurrence of the condition must be medically compatible with the previous injury, and decisions to accept or deny recurrences must rely on medical evidence supporting this relationship.

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**POLICY:**

1. A recurrence must be medically compatible with the previous work injury, and decisions to accept or deny recurrences must rely on medical evidence supporting this relationship.
2. Recurrence claims are acceptable when:
  - the conditions causing the current physical or functional abnormality (i.e., impairment) are medically compatible with the previous work injury; and
  - no other variables have intervened as a significant cause of the current impairing conditions.
3. Medical Compatibility
  - To assess medical compatibility, the worker's medical history is compared with the current condition to determine the probability that the current symptoms are a direct result of the injury which initiated the original claim.
  - Matters such as pre-existing conditions, the passage of time, the effects of natural physical deterioration processes or aggravating lifestyle factors, and the anatomical area which was originally accepted as part of the claim will be considered when assessing these cases.

4. Continuity of Symptoms

- Continuity of symptoms, supported by medical reports, during the period between recovery from the original injury and the onset of the current condition is a reliable indicator of a direct causal relationship.
- Specific indicators that may assist in determining continuity of symptoms include:
  - i) evidence of continuing medical care since the original injury;
  - ii) work restrictions or job modifications following the original injury; or
  - iii) continuing Extended Wage Loss Benefits entitlement for the original injury.

5. Recurrence Versus a New Accident

- An injury will be accepted as a recurrence when the condition occurs as a predictable medical consequence of the original injury on the balance of probabilities.
- A claim will be classified as a new and separate accident where:
  - i) the current disabling symptoms are caused by an intervening event(s), activity or exposure which, by itself, may have caused a new injury; or
  - ii) the passage of time points to the probability that a current condition cannot reasonably be considered the direct result of a previous injury.

6. When a recurrence of a previous injury is accepted, the Workers Compensation Board will provide medical aid for that injury and will provide compensation for time lost as a result of that injury. The worker must first satisfy the requirements of the waiting period before receiving any compensation. The waiting period applies only once per injury. If the waiting period requirements had been fulfilled at the time of the original injury, the waiting period will not apply for the recurrence of the same injury.

7. Where a worker has a recurrence of an injury that causes a loss of earning capacity resulting from the same accident, up to twelve months after the initial loss of earning capacity has ended, the worker's net average earnings and maximum annual earnings will be based on the worker's earnings in place on the date of the original injury.

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8. Where a worker has a recurrence of an injury that causes a loss of earning capacity resulting from the same accident more than twelve months after the initial loss of earning capacity has ended, the worker's net average earnings and the maximum annual earnings will be based on the earnings related to the worker's current employment or the earnings in place on the date of the original injury, whichever the Workers Compensation Board determines best represents the loss of earning capacity suffered by the worker.
  
9. Where a worker has a recurrence prior to January 1, 2014, wage loss benefits are payable at an amount equivalent to 80% of the worker's loss of average capacity for the first 38 weeks and increases to 85% after 38 weeks. Where the worker receives wage loss benefits for less than 38 weeks prior to January 1, 2014, the worker's benefits will be adjusted to 85% effective January 1, 2014.  
  
When determining whether to use 80% or 85% upon acceptance of a recurrence, the Workers Compensation Board will consider the number of weeks of time loss already received by the worker since the original injury.
  
10. Where the worker has a recurrence after January 1, 2014, the worker's wage loss will be payable in an amount equal to 85% of the worker's loss of earning capacity up to the maximum annual earnings limit.
  
11. If a worker, while working for another employer, suffers a loss of earning capacity related to the original work-related injury, the costs related to that injury will be charged to the rate group of the employer at the time of the original accident.

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**HISTORY:**

January 1, 2014 - Amended to reflect the revisions made to the *Workers Compensation Act* that became effective January 1, 2014.

September 27, 2007 - The policy was updated as a result of the 60 month policy review process.

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: June 21, 2001

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