

POLICY NUMBER: POL-84

Chapter:
CLAIMS

Subject:
WAITING PERIOD

Effective Date:
April 1, 2002

Last Update:
April 4, 2016

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 40, 40.1, 40.11
Workers Compensation Board Policy, POL-86, Wage Loss Benefits.

PURPOSE STATEMENT:

This policy explains the application of the waiting period for accidents that occurred prior to January 1, 2016.

DEFINITION:

In this policy:

“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.

POLICY:

1. Where a worker is injured as a result of an accident occurring prior to January 1, 2016, and this accident was arising out of and in the course of employment and the worker misses time from work due to the injury, the WCB shall not pay wage loss benefits until
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after a time period has passed following the date of accident during which the worker would have received, but for the accident, remuneration from employment. The waiting period deductible will be based on the following:

- (A) For claims with a date of accident that occurred prior to January 1, 2014, an amount equivalent to three fifths (60%) of the weekly wage loss benefits payable to the worker.
 - (B) For claims with a date of accident that occurred on or after January 1, 2014 but before January 1, 2016, an amount equivalent to two fifths (40%) of the weekly wage loss benefits payable to the worker.
2. The worker's entitlement to medical aid benefits is not impacted by the waiting period.
 3. The waiting period deductible will be reimbursed to the worker where the worker's loss of earning capacity continues for more than four consecutive weeks, after the date of the accident, due to the injury.

The worker's loss of earnings capacity is deemed to be consecutive if the worker does not return to work within the four week period or if the worker's return to work attempt is unsuccessful due to the compensable injury and is less than a week in duration.

4. Where a worker has a recurrence of an injury with a date of accident prior to January 1, 2016, the worker must first satisfy the full requirements of the waiting period before receiving wage loss benefits.
5. The waiting period applies only once per injury. If the waiting period requirement was fulfilled at the time of the injury the waiting period will not apply for the recurrence of the same injury
6. If a worker's employer has agreed that the worker can use sick leave benefits or vacation time to cover the time of the waiting period, the Workers Compensation Board will not deduct those benefits from the worker's compensation benefits.
7. The waiting period does not apply to claims with a date of accident that is on or after January 1, 2016.

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HISTORY:

April 4, 2016 - Amended to reflect the elimination of the waiting period as per the amendments to the *Workers Compensation Act* effective January 1, 2016.

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

April 23, 2009 - Amended to clarify the application of the waiting period deductible for recurrences, the exemption for use of sick leave and vacation time, and the definition of consecutive weeks.

November 27, 2003 - Amended to ensure the policy is clear that workers are reimbursed for the waiting period deductible when he or she continues to have a loss of earning capacity for more than four consecutive weeks.

Board of Directors Approval Date: March 28, 2002