

GLOSSARY OF TERMS - POLICY

The terms below provide a common understanding of the terminology used within the Workers Compensation Board with respect to the *Workers Compensation Act* and Regulations. These definitions are general in scope and are not intended to replace or supersede existing legislative definitions.

“Accident” means a chance event occasioned by a physical or natural cause that causes personal injury to a worker. This includes a wilful and intentional act that is not the act of the worker, any event arising out of and in the course of employment, or thing that is done and the doing of which arises out of and in the course of employment, and an occupational disease. Stress is included only when it is an acute reaction to a traumatic event arising out of and in the course of employment. (POL-71, POL-90, POL-93)

“Activities of Daily Living” means activities or tasks that a person does every day to maintain personal independence. Activities of daily living include personal care, mobility in and around the home, communication, and management of personal affairs. (POL-30, POL-73)

“Acute reaction” means a significant or severe reaction by a worker resulting in the diagnosis of a psychological or psychiatric condition. “Acute” does not necessarily mean immediately after an event. Rather, acute refers to the significance or severity of the reaction, whenever it occurs. (POL-01)

“Adjudicating Board” means the Board or Commission to which a claim is made and which decides the question of entitlement to benefits, or the determination of assessment matters. (POL-143)

“Administration costs” means administration, Appeals Tribunal, Worker’s Advisor program, and Employer Advisor program costs as reported in the Workers Compensation Board Annual Report. (POL-123)

“Aggravation” means the worsening of a pre-existing condition due to a work related injury. (POL-61)

“Alternative Assessment Procedure” means a voluntary procedure under which employers and independent operators engaged in interprovincial trucking pay assessments to the Canadian workers compensation board or commission in the province or territory where the worker of the employer or the independent operator resides. (POL-142, POL-143)

“Alternative employment” means employment that is comparable, as determined by the Workers Compensation Board, to the worker’s pre-injury work in nature, earnings, qualifications, opportunities and other respects. (POL-93, POL-116)

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“Appeal Tribunal” means the appeal body appointed by the Lieutenant Governor in Council established to hear appeals of Internal Reconsideration Officer decisions and any other matter referred to it by the Workers Compensation Board. (POL-88)

“Applicant” means a person with a direct interest who has requested an internal reconsideration of a decision. (POL-48)

“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. (POL-58)

“Arising out of employment” means an injury that must be linked to, originate from, or be the result of, in whole or in part, an activity or action undertaken because of a worker's employment. (POL-71)

“Assessable payroll” means the portion of an employer's payroll subject to assessment. (POL-13, POL-14)

“Assessing Board” means a Canadian workers compensation board or commission in the province or territory where the worker of the employer or the independent operator resides and to which a registered employer or independent operator pays assessments under the Alternative Assessment Procedure. (POL-142)

“Assessment rates” means the schedule of rates established, by the Workers Compensation Board, each year levied upon employer payrolls. (POL-23)

“Assistive Devices” means a device that increases the worker's ability to perform activities of daily living and improve independence. Examples of assistive devices include wheelchairs, commodes, raised toilet seats, modified work tools, and adaptive technology components (POL-30)

“Authorized representative” means an individual with written authority from a worker or employer to act on behalf of them, including accessing information held by the Workers Compensation Board. (POL-18, POL-04)

“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. (POL-60, POL-85, POL-86, POL-93)

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“Average earnings review” means a review which is conducted whenever the Workers Compensation Board recalculates a worker’s average earnings when further documentation is received which indicates a recalculation would result in a more accurate representation of the worker’s loss of earning capacity (POL-85)

“Average wage index” means an index, generated using the actual values provided in Statistics Canada’s Survey of Employment, Payrolls and Hours (SEPH). (POL-85)

“Bona fides” means authentic, genuine or real. (POL-04)

“Bursitis” means the inflammation of the bursae, which are fluid-lined sacs that separate tendons, muscles and bony prominences such as those found in the shoulder and elbow. (POL-91)

“Carpal tunnel syndrome” means a compression of the median nerve as it passes through an area in the wrist known as the carpal tunnel. (POL-91)

“Chief Inspector” means a person appointed by the Minister designated to administer the *Smoke Free Places Act*. (POL-119)

“Child” includes a person for whom a worker is a parent, or for whom the worker stands in the place of a parent. A child is considered a child until reaching the age of eighteen years, or, if attending an educational institution full time, the age of twenty-two years. (POL-12)

“Chiropractic treatment” means the provision of any professional service usually performed by a chiropractor, and includes the prevention, diagnosis and treatment of biomechanical disorders of the neuromusculoskeletal system by methods that include the use of imaging, laboratory and clinical diagnostic procedures; joint manipulation or other manual therapies; exercise and patient education; without the use of prescription drugs or surgery. (POL-25)

“Collateral benefit” means:

- (i) any periodic benefit the worker is entitled to receive under the Canada Pension Plan, the Quebec Pension Plan, the Employment Insurance Act (Canada); and
- (ii) any benefit the worker is entitled to receive as a result of the accident that is provided wholly or partially at the expense of the employer. (POL-41)

“Committee” means a Board of Directors’ committee, whose existence and charge comes from the Board of Directors, regardless of whether Board members sit on the committee. (POL-108, POL-109)

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“Commutation” means the conversion of a periodic pension payment to a one time present value lump sum payment. (POL-08)

“Consent agenda” means items placed on the Board of Director’s agenda that have already been delegated to the Chief Executive Officer but are required by law or contract to be approved by the Board of Directors. (POL-98)

“Cost experience” means claim costs assigned to an employer account over a designated period of time. (POL-39)

“Cost Relief” means a reduction in or removal of claim costs, from an employer’s account, that are used for purposes of establishing an employer’s assessment rate. (POL-27)

“Decision” means a written decision of the Workers Compensation Board which disposed of a substantive question. (POL-83)

“Defined benefit” “Defined benefit” when referring to a registered employer sponsored plan means a pension plan that provides a pension at retirement based on a specific formula such as, for example, 2% of average earnings for each year of service.. (POL-124)

“Defined contribution” when referring to a registered employer sponsored pension plan means a pension or retirement savings plan that provides for worker, if any, and employer contributions to be deposited into an account on behalf of the worker to be invested and accumulated until retirement with the proceeds of the account being available to purchase a pension or annuity at retirement. (POL-124)

“Deformity” means a distortion of any part, or general disfigurement of the body. If present after injury, deformity usually implies the presence of fracture, dislocation or both, and may be due to extensive swelling, blood or rupture of muscles. (POL-30)

“Dependant or dependants” means those members of a family of a worker who were wholly or partly dependent upon that worker’s earnings at the time of death, or who but for the incapacity due to the accident of the worker would have been so dependent; but a person shall be deemed not to be partly dependent upon the earnings of another person unless he or she was dependent partly on contributions from that other person for the provision of the ordinary necessities of life. (POL-12)

“Earnings” includes salary, wages, commissions, gratuities, earnings for overtime, piecework, contract work, bonuses, allowances, board and lodging capable of being estimated in terms of money, credits and any substitutes for money provided wholly at the expense of the employer. (POL-85, POL-86)

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“Employee” means a person employed in a workplace or a person in a workplace for any purpose in connection therewith. (POL-119)

“Estimated earnings” means the wages as determined by the Workers Compensation Board that the worker is capable of earning when actual wages are not known and the worker has an impairment. (POL-116, POL-124)

“Expected healing time” means the generally expected interval of time for physiological wound repair, following an injury or surgery. (POL-58)

“Expenses” means the cost of transportation, meals, accommodation and miscellaneous charges as a result of a compensable injury. (POL-03)

“Extended wage loss benefits” means wage loss benefits payable to a worker from the later of (i) the date which the Board determines that the worker has an impairment, and (ii) the date on which the worker completes vocational or occupational rehabilitation, where the worker is engaged in such rehabilitation on or after the date the Board determines the worker has an impairment. (POL-11, POL-85, POL-89, POL-117)

“Fraud” occurs when an individual or organization misrepresents the truth or conceals information for the purposes of potential or actual benefit to which they are not entitled. (POL-80)

“Fully funded” means the total assets of the Workers Compensation are equal to or greater than the total liabilities of the Workers Compensation Board. (POL-136)

“Functional Capacity Evaluation” means a detailed examination and evaluation that objectively measures the worker’s current level of function, primarily within the context of the demands of competitive employment, activities of daily living, or leisure activities. (POL-26)

“Funding status” means the total assets of the Workers Compensation Board expressed as a percentage of total liabilities of the Workers Compensation Board. (POL-136)

“Health care provider” means both medical practitioners and other practitioners. (POL-03, POL-64, POL-90)

“Hernia” means the protrusion of a portion of an organ or tissue through an abnormal opening. (POL-31)

“Home care” means services provided to make it possible for workers to remain in their homes.

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These services help workers achieve and maintain health, well-being, and independence through a process of assessment, coordination and/or provision of services. (POL-82)

“Impairment” means a medically measurable permanent anatomical loss or disfigurement and includes, amputation, loss of vision, loss of hearing, impaired nerve function, scarring causing disfigurement, joint ankylosis, or joint fusion from surgery. (POL-25, POL-26, POL-09, POL-30, POL-61, POL-73, POL-82, POL-85, POL-89, POL-116, POL-117)

“Independent operator” means an individual, who is neither an employer nor a worker, who is self-employed and does not have employees. An independent contractor is an independent operator. (POL-19, POL-125)

“Injury cost experience” means the ratio of weighted claims cost experience to assessable payroll over the five year experience period examined for purposes of setting assessment rates. (POL-42, POL-23)

“In the course of employment” means the injury must be linked to a worker's employment in terms of time, place and activity. (POL-71)

“Labour market information” means information gathered about the current job market from sources such as employers, Human Resources Development Canada and the National Occupational Classification handbook. (POL-117)

“Learner” means a person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of the *Workers Compensation Act* for the purpose of undergoing training or probationary work as a preliminary to employment. (POL-94)

“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. (POL-11, POL-41, POL-60, POL-61, POL-84, POL-85, POL-86, POL-116, POL-117)

“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 in that respect by Statistics Canada for that period. (POL-60, POL-86, POL-89)

“Medical aid” includes medical, surgical and dental aid, hospital and nursing services, chiropractic services provided by a registered chiropractor, occupation therapy and

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physiotherapy services provided by a licensed practitioner, x-ray and other treatment, drugs, dressings, appliances, apparatuses, transportation and other goods, services and things the Board may authorize in promoting the medical rehabilitation of an injured worker. (POL-03, POL-92)

“Medical information” means information provided by a health care provider that is related to the medical condition and treatment of a worker. (POL-68)

“Medical practitioner” means a person duly registered under the laws of the Province as authorized to practice medicine in the Province. (POL-64)

“Member of the family” means a spouse, parent, grand-parent, step-parent, child, step-child, grandchild, brother, sister, half-brother, half sister, or a person who stands in the place of a parent to the worker or to whom the worker stands in the place of a parent. (POL-14, POL-12)

“Motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act* that is required to be registered under that Act. (POL-87)

“Net average earnings” means a worker’s average earnings less the probable deductions payable by the worker for income tax, Canada Pension Plan premiums or Quebec Pension Plan premiums, employment insurance premiums, and such other deductions as the Workers Compensation Board may establish by regulation. (POL-41, POL-86)

“Neurovascular disturbances of the extremities” means those situations where there is prolonged exposure to excessive vibrations or a combination of repetition, force and/or extreme postures. E.g. carpal tunnel syndrome. (POL-91)

“New evidence” means information not already considered in the decision-making process, such as:

- new health information from a treating health care provider;
- new work-related information;
- new earnings information; or
- new information pertaining to the employer’s operations. (POL-48, POL-83)

“Non-compliance” means where a worker has failed or refused to comply with a requirement or request of the Workers Compensation Board. (POL-76)

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“Non-resident employer” includes a body corporate or firm,
(i) the head office of which is not in the province,
(ii) the chief place of business of which is not in the province, or
(iii) the payroll or wages records of which with respect to work done in the province are not kept in the province. (POL-04)

“Objective medical evidence” means evidence presented through a physical examination including diagnostic tests of a worker and reported by the treating or family physician. (POL-60)

“Objective medical information” means information that can be quantified or measured and is usually presented through documentation including clinical notes, physical examination, consultations, hospital records, admission and discharge summaries, notes on operations, pathologies and lab test reports, and reports on special tests and diagnostic procedures.(POL-68)

“Occupational disease” means a disease arising out of and in the course of employment resulting from causes or conditions peculiar to or characteristic of a particular trade or occupation, or peculiar to the particular employment. It does not include an ordinary disease of life. (POL-65, POL-90, POL-114)

“Officer” means an occupational health and safety officer appointed pursuant to the Occupational Health and Safety Act and includes the Director of Occupational Health and Safety.(POL-119, POL-144)

“Opioids” means natural or synthetic narcotic analgesics (pain medication). (POL-120)

“Optional coverage” means optional workers compensation coverage available for employers who are engaged in an industry excluded from the application of the *Workers Compensation Act* or for independent operators. (POL-125)

“Order” means an oral or written directive which is issued by an Occupational Health and Safety Officer, who has determined that a workplace is in contravention of the *Occupational Health and Safety Act*, and Regulations. (POL-119, POL-144)

“Ordinary disease of life” means a disease that can be commonly acquired from a variety of life situations. A disease will not be considered to be an ordinary disease of life if the risk of contracting the disease through the employment can be shown to be greater than the risk associated with ordinary living experience. (POL-65)

“Orthosis” means a device which is designed to prevent or correct deformities, to protect painful body parts, or to improve the function of a limb. (POL-30)

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“Overpayment” means the result of paying a worker, employer, or service provider, more than what they are entitled to pursuant to the *Workers Compensation Act*. (POL-27, POL-28)

“Peculiar to or characteristic of a particular trade or occupation” means a disease with scientific evidence to support a conclusion that the nature of the work processes or environment have significantly increased the likelihood of causing a particular disease in the workers who work in that trade or occupation. (POL-65)

“Peculiar to the particular employment” means a disease with identifiable factors in that workplace that are known to cause the disease, or there is scientific evidence acceptable to the Workers Compensation Board that the particular workplace is the cause of a significantly increased risk of the disease even though the cause has not been identified. (POL-65)

“Pension” means an award based on a medically assessed disability awarded by the Workers Compensation Board prior to January 1, 1995 and was paid in recognition of a permanent partial or total disability. (POL-08, POL-26, POL-81, POL-85)

“Pension replacement benefits” means the amount of pension benefit, under the Canada Pension Plan or a registered employer sponsored pension or retirement savings plan, a worker can demonstrate to the satisfaction of the Workers Compensation Board he or she has lost as the result of the compensable injury. (POL-124)

“Personal care” means aspects of care such as hygiene, eating, dressing, toileting, and supervision of activities. (POL-82)

“Personal coverage” means workers compensation coverage that is available for proprietors, partners, and officers and directors of a corporation as well as independent operators but is not mandatory. (POL-22, POL-86)

“Personal injury” means a diagnosed physiological or psychological injury or condition caused by an accident arising out of and in the course of employment. (POL-01, POL-71)

“Persons with a direct interest” means:

- a) for employer assessment decisions:
 - the employer against whom the assessment is levied;
 - the Workers Compensation Board.
- b) for worker claim decisions:
 - the worker;
 - dependants of the deceased worker;
 - the accident employer, if it is determined by the Workers Compensation Board

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- that the accident employer has a direct interest in the matter;
- the Workers Compensation Board. (POL-48, POL-83, POL-88)

“Physiotherapy” means physical therapy practiced in a continuing way to remove, alleviate or prevent movement dysfunction or pain, in a manner that requires the practitioner’s independent exercise of professional knowledge, skill, judgement, and ethical conduct, including, but not limited to: diagnostic assessment; design and conduct of treatment involving exercise, massage, hydrotherapy, heat, sonic, laser and electrical techniques, and other treatment modalities within the scope of practice of the treating physiotherapist; evaluation of progress; patient instruction, research; and educational or preventative measures. (POL-26)

“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. (POL-58, POL-61, POL-89)

“Practitioner” means a person who has met the professional and legal requirements necessary to provide health care and related services. (POL-64)

“Pre-existing condition” means any condition inherent in the worker at the time of the accident. (POL-61)

“Prescription eyewear” means a device, prescribed by a health care provider, used to correct or modify an individual’s vision. (POL-06)

“Prior Act” means Workers’ Compensation Act, R.S.P.E.I. 1988, Cap. W-7 (repealed). (POL-83)

“Program abuse” means any practice that uses the workers compensation system in a way that is contrary to its intended purpose or the law. This behavior may also be fraud. (POL-80)

“Prosthesis” means a fabricated substitute for a diseased or missing part of the body. (POL-30)

“Quorum” means the presence of a majority of the Board members. (POL-135)

“Rate group” means a group to which an industry is assigned for assessment purposes. (POL-58, POL-60, POL-61, POL-94)

“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. (POL-25, POL-26, POL-60, POL-86)

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“Registered employer sponsored pension plan” means a pension or retirement savings plan that is registered under the Income Tax Act for Canada. (POL-124)

“Registering Board” means a Canadian workers compensation board or commission, other than an Assessing Board, in the province or territory through which the employer or independent operator travels. (POL-142)

“Regularly employ” means the number of workers employed by the employer on the day of the accident. (POL-93)

“Regular meeting” means a monthly meeting of the Board of Directors held to conduct the usual business of the Workers Compensation Board and normally takes place the fourth Thursday of each month. (POL-37)

“Return to work” means modified duties, alternate duties or tasks, or ease back, including approved employer-initiated ease backs. Return to work includes transition from light, alternative or modified duties and modified or alternative work. (POL-03, POL-25, POL-26, POL-93)

“Service charge” means a penalty levied on employer accounts for a default in payment of assessment. (POL-13)

“Service provider” means a person or company that conducts business either with the Workers Compensation Board or on its behalf. (POL-28)

“Set-off” means the amount payable to a worker or service provider set aside, by the Workers Compensation Board, as payment against a debt owed to the Workers Compensation Board. (POL-27, POL-28)

“Settlement” means a one-time lump sum payment to support self-employment in lieu of any or all present and future wage loss benefits. (POL-11)

“Severely injured worker” means a worker who has a severe injury which significantly restricts mobility or function as a result of a work related injury. (POL-73)

“Spouse” means an individual who, at the time of the worker's death, is married to the worker; has entered into a marriage with the worker that is voidable or void; is not married to the worker but is cohabiting with the worker in a conjugal relationship and has done so continuously for a period of at least one year immediately preceding the worker's death; or is not married to the worker but is cohabiting with the worker in a conjugal relationship and

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together they are the natural or adoptive parents of a child. (POL-12)

“Standard Industrial Classification (SIC)” means a Statistics Canada framework for collecting, compiling, and disseminating economic statistics for groups of businesses that are engaged in similar activities. (POL-42)

“Subjective medical information” means opinions that are not based on information that can be quantified or measured. These opinions are based on intuitions or impressions of a health care provider(s) and are usually presented through symptoms described by the worker that are not supported by objective medical information. (POL-68)

“Suitable work” means work that a worker has the necessary skills to perform and is medically able to perform, and that does not pose health or safety hazards to the workers, or co-workers, as determined by the Workers Compensation Board. (POL-76, POL-93, POL-116, POL-117)

“Supportive care” means treatment that is therapeutically necessary for workers, who have reached their maximum recovery from a work related injury, to maintain a maximum level of recovery. Supportive care would only be considered after the appropriate application of active and passive care either from health care providers or through lifestyle modifications. (POL-25, POL-26)

“Temporary wage loss benefits” means those wage loss benefits payable to a worker prior to the date on which the worker recovers from the accident and returns to work, or payable prior to receiving extended wage loss benefits. (POL-11, POL-85)

“Tendinitis” means the inflammation of a tendon which attaches to the bone, such as those found in the shoulder, elbow, wrist or hand. (POL-91)

“Third party” means a person or entity that is not considered to be a worker or employer under the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1. (POL-87)

“Traumatic event” means:

- a) an unexpected and emotionally shocking event; or,
- b) the cumulative effect of a series of events that in any other occupation would be considered traumatic. (POL-01)

“Undue hardship” means a situation that creates onerous conditions for an employer such as, intolerable financial costs, serious disruption to business or health and safety risks. The onus of proof for a claim of undue hardship is the responsibility of the employer. (POL-93)

“Unreduced pension” means a pension that is available at an age earlier than the normal

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retirement age but that is not reduced for the fact that the pension is paid earlier and for a longer period. (POL-124)

“Upper extremities” means the shoulder, arm, forearm, wrist, and hand. (POL-91)

“Vocational rehabilitation programs” include Job Search, Work Experience, Formal Training, and Self-Employment Programs. (POL-03, POL-117)

“Wage loss benefits” means benefits paid as a result of a loss of earning capacity due to personal injury and are equivalent to an amount equal to 85% of the worker’s loss of earning capacity. (POL-41, POL-85, POL-86)

“Work conditioning” is an exercise based rehabilitation program designed specifically to restore function, improve strength and endurance, and provide education to increase the capacity of a worker to return to work. (POL-25, POL-26)

“Work hardening” is an individualized, job specific program of daily education and activity with the goal of return to work. Work Hardening programs use real or simulated work tasks and progressively graded conditioning exercises that are based on the individual’s measured tolerances. (POL-25, POL-26)

“Worker transaction” means each individual benefit payment made to or on behalf of a worker. (POL-123)

“Work injury” means an injury arising out of and in the course of employment. (POL-58)
