


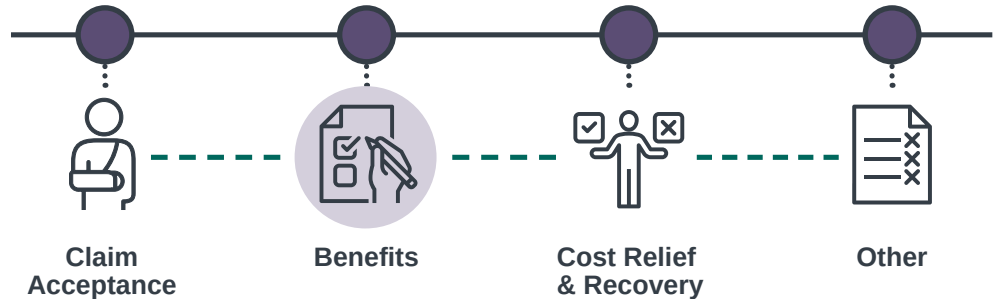
Issue 5: Entitlement to an Economic Loss Payment

Respect • Service • Integrity • Accountability



What is an Economic Loss Payment?

When a worker has a permanent work restriction that lowers their pre-accident earning capacity, WCB may pay an economic loss payment (ELP) to make up the difference in pay.



When is a worker entitled to an Economic Loss Payment?

A worker is entitled to an ELP when:

- Their work-related accident is on or after January 1, 1995; and
- Their permanent work restrictions lower their pre-accident earning capacity.

What questions does the panel ask to decide the appeal?

Typically, a panel will ask the following questions:

- Did the compensable accident occur on or after January 1, 1995?
- If so, does the weight of evidence establish that the worker has a permanent impairment of earning capacity due to permanent compensable work restrictions?

What types of evidence are commonly used to answer the questions?

- Medical reports/opinion on permanence of work restrictions
- Physical Demands Analysis
- Functional Capacity Evaluation (FCE) Report



Resources

Legislation:

[Workers' Compensation Act](#),
RSA 2000, c W-15

WCB Policy:

[04-04 Part I](#)

[04-04 Part II, Application 3](#)

[04-04 Part II, Application 4](#)

Sample Decisions:

[2020-0569](#)