

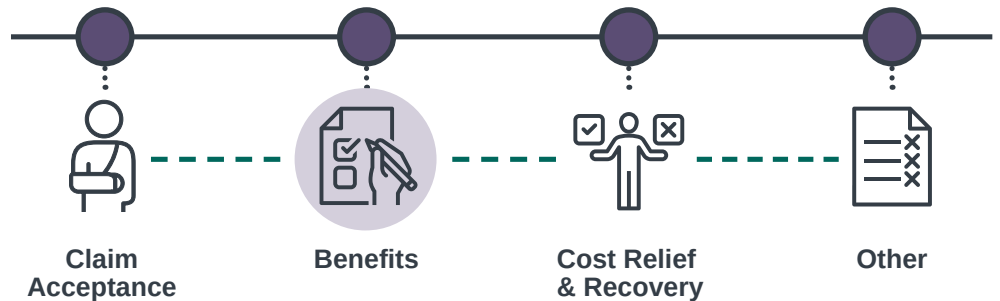
Issue 6: Economic Loss Payment – Suitability of Deemed Position

Respect • Service • Integrity • Accountability

What is a deemed position?



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. A worker's ELP may be based on the estimated earnings of a job position the worker can do. This job is called a deemed position.



When can the WCB use a deemed position to calculate an Economic Loss Payment?

A worker's post-accident earnings may be estimated based on a deemed position if:

- A worker is able to work but does not;
- A worker is unable to find a job; or
- A worker finds a job but does not earn as much as they could.

What questions does the panel ask to decide the appeal?

Typically, a panel will ask the following questions:

- Does the weight of evidence establish that the position is consistent with the worker's physical, vocational, social, and psychological circumstances?
- If so, does the weight of evidence establish that the position is reasonably available in the worker's locale?

Resources



Legislation:

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

WCB Policy:

[04-04 Part I](#)
[04-04 Part II, Application 1](#)
[04-04 Part II, Application 3](#)
[04-04 Part II, Application 4](#)

Sample Decisions:

[2020-0385](#)

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

- Medical reports/opinion on physical, vocational, and psychological restrictions
- Labour Market Assessment
- WCB Employment Profile
- Academic Assessments
- Information about jobs available in the marketplace, such as job postings