

Issue 9a: Economic Loss Payment

Entitlement After Age of Retirement

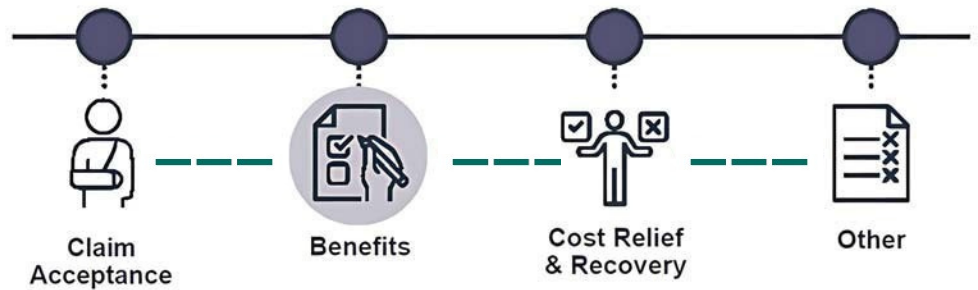
Applies to dates of accident on or after January 1, 2018



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How does retirement affect an economic loss payment?

A worker's economic loss payment (ELP) is reduced when they reach the age of retirement. A worker may get an unreduced ELP after retirement age if they show they would have continued working past that age.



When is a worker entitled to an unreduced Economic Loss Payment after the age of retirement?

- A worker's ELP is reduced when they reach retirement age
- Retirement age is typically 65
 - If a worker was injured on or after January 1, 2018, and the accident happened after the worker turned 60, retirement age is 5 years after the date of accident (for example, a worker injured at age 65 has an age of retirement of 70)
- A worker may get an unreduced ELP when they provide some independent evidence that they would have continued working past the age of retirement

What question does the panel ask to decide the appeal?

- Is there sufficient and satisfactory evidence, including some independent evidence, that the worker intended to work after normal retirement age and would have continued to do so if not for the compensable accident?

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

- The policy requires some independent evidence. Independent evidence must not come from the worker or their spouse/partner, and typically should be from before the work accident
- Examples of independent evidence in the policy are as follows:
 - Continued employment after normal retirement age at the same level and earnings as pre-retirement age
 - Continued part-time employment after retirement age, provided that the worker is working a minimum of 50% of the hours used to estimate the worker's earning capacity
 - Confirmation from an independent source that the worker planned to continue working after normal retirement age and employment was available
- Additional examples of the type of evidence considered are as follows:
 - Evidence of a debt taken on before the accident, that requires payment past the age of retirement
 - An employment contract that was based on an understanding that the worker would work past the age of retirement
- Other factors, such as normal retirement age for workers in the same pre-accident occupation, are also considered

Resources

Legislation:

Workers' Compensation Act, RSA 2000, c W-15

WCB Policy:

04-04, Part II, Application 3