

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

**SERVICES FOR WORKERS WITH SEVERE
INJURIES**

Authorization:

BoD Resolution 96/10/53

Date:

November 26, 1996

APPLICATION 4: SELF-CARE

15. *What is the purpose of the special needs allowance?*

*This policy is effective
January 1, 1999
BoD Resolution 98/12/55*

The WCB recognizes that benefits for workers with severe injuries that were appropriate at the time of injury may no longer be sufficient. This is mainly due to two factors:

- the maximum insurable earnings before 1982 were much lower, and many workers had earnings over the maximum which were not insured, and
- before the current indexation formula was adopted on January 1, 1996, cost-of-living adjustments were sporadic and did not keep up with actual inflation.

The financial impact of these two factors is compounded over time, so workers with the oldest claims are most affected.

The special needs allowance is intended to help lessen the impact of the disability by providing additional financial assistance.

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16. Who is eligible for the allowance?

The special needs allowance is effective January 1, 1999. Workers who meet all of the following conditions are eligible for the allowance:

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BoD Resolution 98/12/55*

- permanent disability resulting from one or more claims is 50% or greater
- the date of accident of the claim or claims resulting in the 50% or greater disability is on or before December 31, 1994
- the worker has not taken a lump sum commutation in full settlement of the claim(s). In the case of multiple claims, the allowance will be calculated and paid on any remaining claims that have not been paid in full through a lump sum commutation.

17. How is the allowance calculated and paid?

The allowance is paid each January as an annual allowance, beginning in 1999. The allowance is payable for the worker's lifetime. It is calculated using a progressive formula, based on the worker's annual pension amount as of January 1, 1999. When there are multiple claims, each claim is calculated separately:

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January 1, 1999
BoD Resolution 98/12/55
and
BoD Resolution 99/03/17*

- 1% of the annual pension amount (including s.53 supplements) for each year of disability for the years 1982 – 1994 inclusive, including the year of accident
- 2% of the current annual pension amount (including s.53 supplements) for each year of disability prior to 1982, including the year of accident

Supplements paid under s.53 of the Act are included with the annual pension amount in the calculation. If the worker no longer receives a s.53 supplement because he

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*Calculation of the allowance
(continued)*

or she reached age 65 before January 1, 1999, the WCB will include an annualized amount based on the s.53 supplement in effect at the time the worker reached age 65.

The allowance will be adjusted by the same percentage as the cost-of-living adjustment on January 1 of each year, starting in 2000.

The total sum of the annual special needs allowance and earnings replacement benefits the worker is entitled to receive for the same claim(s) cannot exceed the maximum compensation amount, based on maximum insurable earnings in the allowance year.

18. What if an injured worker becomes eligible for the allowance after January 1, 1999?

A worker may become eligible for the allowance after January 1, 1999, if:

- a medical reassessment confirms the worker's cumulative disability has increased so it is equal to or greater than 50%, and
- the claim(s) resulting in the disability of 50% or more occurred on or before December 31, 1994.

*This policy is effective
January 1, 1999*

BoD Resolution 98/12/55

In these circumstances, the allowance will be effective the date the cumulative disability is considered to have reached 50%, or January 1, 1999, whichever is later.

The annual pension as of the effective date of the allowance will be used to calculate the allowance amount.

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APPLICATION 5: GUARDIANS AND TRUSTEES

1. *What do Guardians and Trustees do?*

Court-appointed Guardians are responsible for decisions concerning the personal well-being of the injured worker in terms of place of residence and health care. The specific scope of responsibility is determined in each case by the court.

Court-appointed Trustees are responsible for administering the worker's estate, and may be authorized to make decisions on matters like financial investments and disposal of personal property. As with guardians, the specific scope of responsibility is determined in each case by the court.

2. *Must there be both a Guardian and a Trustee?*

There need not necessarily be both, but if the worker needs a Guardian, he or she will most likely also need a Trustee to care for financial matters. The Guardian and Trustee can be two individuals, or one person may be appointed as both.

3. *How much financial assistance will the WCB provide?*

The WCB will only cover the legal costs necessary for a standard appointment of a legal Guardian and/or Trustee and the periodic reviews required by the Court (normally once every six years).

The WCB will not accept responsibility for any remuneration paid to the Guardian or Trustee or any other costs arising from the guardianship or trusteeship.

Legal Services coordinates the services and payment to legal counsel, based on a WCB-established fee schedule.

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