

# APPENDIX H

## ADJ-30 SUPPLEMENTS RESPECTING A PRE-EXISTING CONDITION

Prior to 1995, some workers were awarded a supplement under s.65 (formerly s.59)\* of the *Workers' Compensation Act (WCA)*. The applicable policy in effect at the time was Policy ADJ-30, Supplements Respecting a Pre-existing Condition, which set out the criteria and calculation for the supplement.

The Board of Directors rescinded Policy ADJ-30 effective January 1, 1995. At the same time, the Board of Directors directed that all s.59 supplements that had previously been approved and were still in effect as of January 1, 1995, would continue to be adjudicated according to the provisions set out in the February 23, 1987, issue of Policy ADJ-30.

\* Section 65 was repealed as of September 1, 2018; however, existing supplements paid under s.65 are not affected by repeal of the section and will continue to be adjudicated as indicated above.

### Previous versions

- [Appendix H - April 2018](#)
- [Appendix H - August 2015](#)
- [Appendix H - June 2014](#)

**CLAIMS DEPARTMENT POLICY MANUAL**

	<b>POLICY STATEMENT:</b> ADJ-30	1 - 2
<b>CHAPTER:</b> Adjudication	<b>SUBJECT:</b> Supplement Respecting a Pre-Existing Condition	

**REFERENCES:** *Workers' Compensation Act, 1981, (as amended), Sections 51 and 59*

**POLICY:**

Under the authority of Section 59 the Board may pay a supplemental allowance in respect of a pre-existing condition.

**GENERAL:**

**01 GOVERNING CONDITIONS**

A supplemental allowance in respect of a pre-existing condition will be considered where:

- (a) a compensable permanent disability aggravates a pre-existing condition, and
- (b) the pre-existing condition creates an enhancement of the compensable permanent disability for which the assessed Permanent Disability Award does not, by itself, adequately compensate.

**02 CALCULATION OF ALLOWANCE**

Where the Board awards a supplemental allowance under this policy, the basis of calculation in establishing the degree of earnings loss shall be:

- (a) the monthly amount of compensation to which the worker would have been entitled had the accident resulted in permanent total disability,

**LESS**

- (b) (i) any gross monthly post accident earnings,
- (ii) the monthly value of any retirement pension,
- (iii) the monthly value of any pension payment from Federal or Provincial sources,
- (iv) the monthly value of any award assessed under this Act or its predecessors.

<b>DATE:</b> February 23, 1987	<b>SUPERSEDES:</b> April 10, 1984
<b>REISSUED:</b> April 16, 1996	

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The supplemental award payable shall be the difference between (a) and (b), converted to a percentage of total disability.

**03 DURATION OF A SUPPLEMENTAL AWARD**

A supplement awarded under this policy shall normally continue until:

- (a) the enhanced disability for which the supplement was awarded ceased, or
- (b) the worker reaches the age of 65 years.

**04 PERIODIC REVIEW**

A supplement awarded under this policy shall be subject to periodic review and, where appropriate, adjusted to reflect legislative amendments or a change of income, or both.

**05 COSTS**

Specific Board Policy relative to cost relief for costs resulting from this policy is discussed in the Cost Relief Policy Statement (ADJ-3).

**06 EFFECTIVE DATE**

This policy applies to all claims regardless of date of accident.

/ **NOTE:** On January 23, 1996, the Board of Directors rescinded ADJ-30 effective January 1, 1995. The Board of Directors directed that all claims where workers are receiving supplements under the February 23, 1987 issue of ADJ-30 will continue to be adjudicated according to the provisions of that issue (February 23, 1987). Accordingly, the February 23, 1987 issue of ADJ-30 has been reissued for information purposes.

<b>DATE:</b> February 23, 1987	<b>SUPERSEDES:</b> April 10, 1984
<b>REISSUED:</b> April 16, 1996	