

Alberta WCB
Policies &
Information

Chapter:

BENEFITS

Subject:

TEMPORARY BENEFITS

Authorization

BoD Resolution 2018/02/17

Date:

April 17, 2018

APPLICATION 4: CONTINUATION OF EMPLOYMENT HEALTH BENEFITS

1. *When do employment health benefits continue?*

Under s.88.2 of the WCA, employment health benefits continue **while a worker is absent from work due to a work injury**, if, when the accident occurred, the employer was making contributions for the worker.

This does not apply in cases where the worker was not entitled to health benefits when the accident occurred.

Employers must continue to make contributions for health benefits during the worker’s absence.

Workers must continue to pay their contributions, if any, as required, for health benefits while absent from work.

For multi-employer benefit plans, see Question 10.

2. *For how long are employment health benefits continued?*

Employment health benefits continue while *the worker is absent from work because of the injury* for up to one year after the date of the accident.

For the purpose of determining a worker’s entitlement to an employment benefit under a health benefit plan, the worker is deemed to continue to be employed by the date-of-accident employer for one year after the date of the accident.

If the worker is absent because of a compensable work injury, any health benefits that would normally end under the employer’s plan because of an extended absence will continue while the worker is absent because of the work injury.

If the worker voluntarily ends the employment relationship with the employer during this period, the worker will not be entitled to continued employment health benefits after the last day of employment.

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3. *What types of employment health benefits continue?*

Only employment health benefits included under the worker’s existing benefit plan are continued. If a certain type of benefit was not included in the worker’s benefit plan before the worker’s injury, it will not be covered after the injury.

Employment health benefits include only medical, dental, and vision related benefits. Any other employment benefits, such as pensions, insurance (life, travel, etc.), and wellness plans, are not included.

4. *Are dependants eligible for continued employment health benefits?*

If a worker’s spouse, adult interdependent partner, or dependants were covered under the worker’s health benefit plan when the accident occurred, they are eligible for continued coverage after the accident.

If a dependant did not have coverage under the worker’s benefit plan before the accident, then the dependant still will not have coverage after the accident.

5. *Who is excluded from receiving continued employment health benefits?*

Under s.88.1 of the WCA, the following persons are excluded from continued employment health benefits:

- volunteer firefighters, ambulance drivers and attendants, and other emergency response personnel who are declared to be workers under s.14(3) of the WCA
- persons with approved applications for Personal Coverage (s.15)
- individuals (for example, subcontractors) deemed to be workers under s.16*
- persons declared to be workers by orders of the Board in accordance with the *WC Regulation* [for example, students under s.7(1) of the *WC Regulation*]

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*Excluded persons
(continued)*

- employers and workers in exempt industries except when an approved application for optional coverage is in effect [s.14(2)].

* The exemption for deemed workers under s.16(d) and (e) applies only to individuals who WCB has determined operate a business as a partnership or proprietorship. It does not apply to individuals whose relationship with the employer has been determined by WCB to be that of worker/employer.

6. *Do health benefits continue for seasonal workers when the worker's season ends?*

In general, if the worker is fit to return to work, but there is no work because of regular seasonal fluctuations in employment, the absence is not due to the injury or accident, and the worker is not entitled to continued health benefits. If, however, the worker would have continued to receive health benefits from the employer during seasonal layoffs, benefits may continue, depending on the employment agreement.

Benefits will also continue if the worker is unable to work in other employment due to the work injury.

7. *What if the employer fails to make required contributions on behalf of the worker?*

If an employer fails to make contributions for health benefits and the worker incurs expenses for health services that would have been covered by the benefit plan, WCB will reimburse the worker for the actual expenses incurred by the worker up to the amount that would have been covered by the benefit plan. If there is an overpayment, WCB will recover the overpayment amount (see Policy 05-01, Part II, Application 1, Questions 2 and 10).

The employer is required to reimburse WCB for the expenses that WCB reimburses to the worker. These

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*Employer contributions
(continued)*

amounts will be added to the employer’s premium assessment as they occur.

If WCB determines the employer has not complied with an obligation to continue employment health benefits, the employer is subject to an administrative penalty in an amount not exceeding one year’s contributions for health benefits in respect of the worker (see s.152.1 of the WCA). WCB may provide to the worker an amount equal to the penalty paid by the employer.

If health benefit coverage ends because an employer failed to make required contributions for the health benefit plan, the worker's obligation, if any, to pay contributions to the plan also ends.

8. *What if the worker is eligible for health benefits under another plan?*

If the worker is eligible under any other health benefit plans (for example, a spouse’s plan, a concurrent employment plan or new employment plan), WCB will take into account any amounts paid under other plans before reimbursing the worker.

WCB reimburses expenses only when the cumulative total that the worker is eligible for under current plans is less than the cumulative total the worker would have been eligible for at the time of the accident.

For example, Susan was eligible for \$2,000 dental coverage under her original plan and \$2,000 under her spouse’s plan. Susan has dental work done that costs \$5,000. Her current plan with her new employer covers \$1,000, and her spouse’s plan still covers \$2,000. WCB will reimburse Susan \$1,000 for a combined total coverage of \$4,000, which was the cumulative amount in effect at the time of the accident.

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9. *What if the worker fails to make contributions?*

To be entitled to continued employment health benefits, a worker must continue to make contributions, as required, while absent from work.

The employer must make the worker aware of any contribution amounts due by the worker, and provide a process for the worker to make those payments.

10. *What if the employer participates in a multi-employer benefit plan?*

If the employer participates in a multi-employer benefit plan, the employer and/or worker may not need to make contributions if:

- the plan continues to provide the worker with the health benefit to which the worker would otherwise be entitled, and
- the plan does not require the employer to make contributions during the worker’s absence and does not require the worker to draw on the benefit credits, if any, under the plan during the absence.

11. *When is this policy application effective?*

This policy application (Application 4 – Continuation of Employment Health Benefits) is effective September 1, 2018, and applies to all claims with a date of accident on or after that date, except when noted otherwise in specific policy section(s).

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