

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

RECURRENCE OF TEMPORARY DISABILITY

Authorization:

BoD Resolution 2003/10/39

Date:

December 9, 2003

APPLICATION 1: GENERAL

1. *How does WCB determine if a disability is a recurrence?*

WCB considers a disability to be a recurrence when:

- a worker experiences difficulties with the same (or directly related) medical condition as the original compensable injury (or injuries),
- the condition was considered resolved,
- an intervening cause for the further problems cannot be shown, and
- it is medically reasonable that the difficulties are related to the compensable injury.

2. *How long does WCB pay compensation for a recurrence of temporary disability?*

In keeping with the provisions of s.56(12) of the WCA, when a recurrence results in a temporary disability WCB pays compensation as long as the disability lasts. This is the case regardless of whether the worker is employed or unemployed at the time of the recurrence.

In the case of an unemployed worker, WCB pays compensation for the duration of the compensable disability even if the period coincides with an employment insurance entitlement.

3. *Under what circumstances will WCB adjust the rate of compensation to use current earnings?*

Before WCB will consider adjusting the rate of compensation to reflect earnings at the time of a recurrence, all four conditions of s.61 must be met:

- the worker stopped receiving temporary compensation by reason of recovery from the original disability. For the purposes of this policy, recovery means when the worker has reached a medical plateau and further changes are not expected (a worker may be in receipt of a permanent partial disability award and still meet the criteria for s.61), and

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*Rate adjustment using
current earnings (continued)*

- the recurrence is due to the same accident and is in the form of temporary disability, and
- the worker's earnings at the time of recurrence are greater than the earnings at the time of the accident (including applicable cost-of-living adjustments), and
- the recurrence occurs more than 12 months after the date of accident.

4. *When a new rate is established under s.61, how long is it paid and to what benefits does it apply?*

A rate established under s.61 is paid only for the period of disability caused by that recurrence of temporary disability. If the recurrence of temporary disability causes (results in) a permanent disability or an increase to an existing compensable permanent disability, the recurrence rate may apply to wage loss benefits for that permanent disability.

If the worker is no longer receiving temporary benefits and has returned to medical stability at the pre-recurrence level, the rate is cancelled and is not used for any other period of disability. However, a break in benefits does not necessarily mean the end of a recurrence. If a worker requires ongoing medical treatment, such as follow-up therapy requiring a short layoff, this may be considered an extension of the recurrence.

The rate of compensation established under s.61 applies only to wage replacement benefits (e.g., temporary disability benefits, earnings loss supplements, economic loss payments).

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5. *What if a worker has more than one recurrence of temporary disability relating to the same compensable disability?*

Each recurrence of temporary disability is treated separately and results in a rate of compensation based solely on earnings at the time of that recurrence, calculated in accordance with the *WCA* and the *WC Regulation*. That rate is then compared only with the rate of compensation from the date of accident, to determine which is greater.

6. *How does WCB determine the rate of compensation when a worker is unemployed at the time of the recurrence of temporary disability?*

If a worker is unemployed at the time of a recurrence of temporary disability, and the conditions of s.61 are met, current net earnings are determined based on a period or periods of time prior to the recurrence which fairly and justly represent the worker's net earnings during that time. This includes the periods when there are no earnings due to unemployment. A rate of compensation is established and compared with the date of accident compensation rate (which should be adjusted by appropriate cost-of-living increases). Compensation for the period of temporary disability is then based on the greater of the two rates.

If the period of compensable disability coincides with a period of Employment Insurance entitlement, WCB will continue to pay for the duration of temporary total disability. In these circumstances, the worker's obligations under the *Employment Insurance Act* may be affected. Workers are advised to contact the Employment Insurance Commission for current information on their obligations.

7. *How does WCB determine the rate of compensation when a worker is retired at the time of the recurrence of temporary disability?*

Retired workers who are not employed in any occupation do not experience any loss of earnings during periods of temporary disability. Consequently, they are not eligible for temporary wage loss benefits for periods of temporary disability that start after the worker has retired from the workforce.

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December 9, 2003**APPLICATION 1: GENERAL**

8. *How does WCB determine the rate of compensation when a worker has personal coverage when the temporary disability recurs?*

If an injured worker has personal coverage when the temporary disability recurs, and the conditions of s.61 are met, WCB calculates the worker's compensation rate at the time of the recurrence according to Policy 04-01, Part II, Application 2, Question 2. WCB then compares this rate to the date of accident compensation rate (including applicable cost-of-living adjustments) and bases compensation for the recurrence on the higher rate.

9. *When is this policy application effective?*

This policy application (Application 1 – General) is effective January 1, 2004, and applies to all recurrences on or after that date, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0403 Part II - April 2018](#)
- [Policy 0403 Part II - August 2015](#)
- [Policy 0403 Part II - May 2008](#)
- [Policy 0403 Part II - January 2006](#)
- [Policy 0403 Part II - January 2, 2004](#)
- [Policy 0403 Part II - January 1, 2004](#)
- [Policy 0403 Part II - January 2002](#)
- [Policy 0403 Part II - June 2001](#)
- [Policy 0403 Part II - March 1999](#)
- [Policy 0403 Part II \(consolidated manual 1st Issue\) - February 1997](#)