

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

BENEFIT PAYMENTS

Authorization:

BoD Resolution 2007/03/10

Date:

March 27, 2007

APPLICATION 1: GENERAL

1. *How does WCB pay benefits to a worker who is a mental institute patient?*

If a patient is entitled to compensation at the time of institutional treatment and there is no Certificate of Incapacity, WCB will direct benefits to the patient or the patient's designated dependants.

When a Certificate of Incapacity exists, WCB will forward the patient's compensation payments in trust to the office of the Public Trustee.

2. *How does WCB pay benefits to a worker who is an inmate of a provincial correctional institute?*

If an inmate is entitled to compensation at the time of incarceration, WCB will normally make the retroactive payments to the inmate at the time of release. However, if a spouse, adult interdependent partner, or child is dependent on the worker for support, WCB may allocate compensation payments in part or in full to the spouse, adult interdependent partner, or child during the period that the worker is incarcerated.

3. *What happens when there is a maintenance order?*

When there is a court order to enforce maintenance because the worker fails to support the dependant(s) or provide alimony, WCB may allocate compensation payments in part or in full to the worker's dependant(s).

4. *Does WCB divert compensation payments to creditors to pay off the worker's debts?*

Workers' compensation benefits may not be diverted to a worker's creditor without the approval of WCB.

WCB:

- will divert benefits when a request is received from Maintenance Enforcement
- may divert benefits when a creditor has a judgment or court order not under active appeal; each case will be judged on its own merits.

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Diversion to pay worker's debts (continued)

When WCB decides to divert benefits, it will apply the protections and exemptions for debtors contained in the *Civil Enforcement Act* in determining the amount of the diversion.

If a worker qualifies for a pension advance (see Policy 04-04, *Permanent Disability*) to pay debts, WCB may, with the worker's consent, authorize payment of the advance directly to creditor(s) in payment of the worker's debts.

5. *When does WCB allocate benefits to the worker's employer?*

If the employer maintains a worker on **full** pay during the period of disablement or time loss from work to attend a WCB-directed appointment, WCB may pay compensation on assignment to the employer. The amount paid to the employer cannot exceed the compensation amount to which the worker is entitled under the WCA.

When the employer maintains a worker on **partial** pay, WCB may pay the employer an amount up to, but not exceeding, the net amount which the employer paid the worker.

When the amount paid by the employer is less than the worker's entitlement, WCB will pay the difference to the worker.

6. *Does WCB pay compensation on assignment to an employer other than the accident employer?*

When a worker suffers a recurrence of disability for a prior injury but is maintained on full or partial pay by the current employer, WCB may consider an assignment of the worker's compensation to the current employer. The conditions as described in Question 5 above, also apply.

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March 27, 2007**APPLICATION 1: GENERAL****7. *In cases of duplicate payments, does WCB pay compensation on assignment to other institutions?***

When duplicate payments have been made to a worker by institutions such as the Canadian Government, the Alberta Government, or insurance companies, WCB as the first payer does not normally pay compensation on assignment to those institutions.

If WCB is aware of the situation, the worker is to be advised to repay the third party and a copy of the correspondence to be sent to the third party.

WCB, however, judges each case on its own merits. Payment on assignment may be considered under s.141 of the WCA. Compensation will generally not be assigned for solicitor fees, agency bills, or to any other creditors if it is not a reimbursement of an advance for temporary replacement of compensation.

8. *When is this policy application effective?*

This policy application (Application 1 – General) is effective May 1, 2007, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0409 Part II - August 2015](#)
- [Policy 0409 Part II - December 2014](#)
- [Policy 0409 Part II - January 2010](#)
- [Policy 0409 Part II - May 2007](#)
- [Policy 0409 Part II - January 27, 2004](#)
- [Policy 0409 Part II - January 1, 2004](#)
- [Policy 0409 Part II - January 2002](#)
- [Policy 0409 Part II \(consolidated manual 1st Issue\) - February 1997](#)