

| Section | Policy |
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| 40 | 44.80.80.10 |

Section Title: Benefits Administration - *Wage Loss*
Subject: Wage Loss Benefits - Temporary Partial Disability
Effective Date: September 30, 1990

A. POLICY

The WCB may provide temporary partial disability (TPD) wage loss benefits to workers whose post-accident earnings are less than pre-accident earnings by reason of the TPD resulting from the accident. The benefits will be based on the formula set out in section 44(2) of *The Workers Compensation Act* as it existed prior to January 1, 1992.

In calculating the wage loss benefits arising from the TPD, the "average weekly earnings at the time of the accident" referred to in section 44(2) will not exceed the maximum insured earnings at the date the wage loss benefit is established.

Beginning January 1, 1991, and in each subsequent year, the "average weekly earnings at the time of the accident," as used in this policy, will be recalculated on the annual anniversary date of the establishment of the TPD wage loss benefit. For this annual recalculation, the "average earnings at the date of accident" will not exceed the maximum insured earnings in force in the year of the recalculation.

Claimants in receipt of TPD wage loss benefits prior to September 1, 1990, will not be affected by this policy until January 1, 1991. The annual review established in this policy will then be applicable on the anniversary date of the establishment of their TPD wage loss benefits.

This policy applies only to accidents occurring up to and including December 31, 1991.

Note: Effective January 31, 1994, the annual adjustment to "average earnings at the time of the accident" referred to above will be made on February 1 rather than on "the anniversary date of the establishment of the TPD wage loss benefit". This change is made under *The Workers Compensation Act*, as amended January 1, 1992.

B. REFERENCES

The Workers Compensation Act, sections 27(20), 40(1), 40(2), 44(1), 44(2), 45 & 46 (Prior to January 1, 1992) and section 49 (On or after January 1, 1992)

WCB Policy 44.80.10.10, *Average Earnings*

History:

1. Application of maximum insured earnings levels to wage loss calculations clarified by Board Order 155/89, effective November 20, 1989.
2. Policy 44.80.80.10 established by Board Order 22/90 effective September 30, 1990, for initial wage loss calculations, and effective January 1, 1991, on existing wage loss claims.
3. The Header on Page 2 was corrected as of August 25, 2003.
4. Minor formatting and wording changes were made to the policy June 27, 2012.
5. Minor formatting and wording changes were made to the policy July 23, 2018.
6. Minor formatting changes were made to the policy, July 2021.