

Section	Policy
40	44.10.80.40

Section Title: Benefits Administration - Adjudication and Compensation
Subject: Further Injuries Subsequent to a Compensable Injury
Effective Date: May 1, 1993

POLICY PURPOSE:

This policy applies to a separate injury which is not a recurrence of the original compensable injury, but where there may be a causal relationship between the further injury and the original compensable injury. For example, such an injury could arise out of medical surgery related to the original compensable injury.

This policy establishes the principles where a further injury is compensable.

A. POLICY

A further injury occurring subsequent to a compensable injury is compensable:

- (i) when the cause of the further injury is predominantly attributable to the compensable injury; or
- (ii) when the further injury arises out of a situation over which the WCB exercises direct specific control; or
- (iii) when the further injury arises out of the delivery of treatment for the original compensable injury.

A further injury which occurs as a result of actions (for example, medical treatment) known by the worker not to be acceptable to the WCB is not compensable.

B. REFERENCES

The Workers Compensation Act, sections 4(1) and 60(2)

History:

1. Policy originally approved by Board Order 157/89 as "Compensable Consequences of Work Injuries" on November 20, 1989.
2. Re-issue to Policy Manual approved by Board Order 9/91, June 19, 1991.
3. Policy re-written to conform to original policy and approved as to form only by Board Order 5/93 on January 28, 1993.
4. Policy amended and approved as 44.10.80.40.01 to cease effect on April 30, 1993, by Board Order 15/93 on April 30, 1993.
5. Policy 44.10.80.40 approved by Board Order 15/93 on April 30, 1993.
6. Guidelines incorporated and reviewed by the Policy Committee on August 5, 1993.
7. Guidelines revised and reviewed by the Policy Committee on November 14, 2002.
8. Minor formatting and grammatical changes were made to the policy June 27, 2012.

C. ADMINISTRATIVE GUIDELINES

A subsequent accident or injury may be compensable if a relationship between the original compensable injury and the subsequent injury is established where:

1. The original injury causes or significantly contributes to the subsequent injury. For example, the subsequent injury results from a residual weakness in the area of the original injury (e.g., unstable knee) or from the use of a prosthetic device or other appliance. The test for whether the subsequent accident is compensable may include whether, on balance of probabilities, the unstable knee caused or significantly contributed to the subsequent accident or whether the prosthetic device/appliance malfunctioned or there was extraordinary risk associated with the use of the device/appliance.
2. The subsequent injury arises out of a situation over which the WCB exercises direct control. For example, the subsequent injury occurs while the worker is participating in a WCB sponsored activity or service (e.g., a work assessment or on-the-job training); or, the subsequent injury occurs when the worker is travelling on transportation arranged and paid for by the WCB (e.g., to attend the WCB offices or a medical appointment arranged by the WCB).
3. The subsequent injury arises out of the delivery of treatment for the original injury (unless the treatment is not acceptable to the WCB). For example, the worker is injured while being examined or treated (e.g., falls off the examining table or suffers complications from surgery). The subsequent injury would not be compensable if the injury resulted from a hazard of the healthcare providers premises that is not connected to the actual treatment (e.g., the worker slips on ice on the healthcare providers steps or a chair collapses in the healthcare providers offices).

The WCB will not accept responsibility for a subsequent non-compensable injury where there is no causal relationship between the subsequent and the original injury (e.g., a worker with a shoulder injury trips and falls). If the subsequent injury prolongs or aggravates the original injury, the WCB will pay compensation for the estimated time that it would have paid for the original injury had the subsequent injury not occurred.