

Section	Policy
40	44.40.20

Section Title: Benefits Administration - Wage Loss  
Subject: Maximum Compensation - Temporary Partial Disability  
Effective Date: November 20, 1989

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### **A. POLICY**

For the purposes of calculation under *The Workers Compensation Act*, the "average earnings" to be used in the calculation of compensation entitlement for temporary partial disability and loss of earning capacity at the time of the accident will be governed by the maximum annual earnings established under section 46.

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

### **B. REFERENCES**

*The Workers Compensation Act*, sections 40, 44(2), 45 and 46 (Prior to January 1, 1992)

WCB Policy 44.60.30, *Special Additional Compensation*

WCB Policy 44.80.10.10, *Average Earnings*

WCB Policy 44.80.80, *Wage Loss Supplements – Second Accident*

WCB Policy 44.80.80.10, *Wage Loss Benefits – Temporary Partial Disability*

#### **History:**

1. Policy was approved by the Board of Directors by Board Order 155/89 on November 20, 1989, effective immediately.
2. The Administrative Guidelines have been revised – March 2003.
3. Minor formatting and wording changes were made to the policy and the history section was updated June 27, 2012.

### **C. ADMINISTRATIVE GUIDELINES**

The WCB does not collect premiums from employers or insure workers' earnings above the maximum annual earnings established under Section 46 of the Act.

The following compensation benefits are subject to the maximum annual earnings at the time of the accident or at the onset of disability, whichever is applicable:

- Temporary total disability (TTD) compensation paid on a continuous or relatively continuous basis from the time of the accident;
- A permanent partial disability (PPD) award or a "clinical" temporary partial disability award. A "clinical" temporary partial disability award may be given when an impairment has not reached full healing and further improvement is expected to occur. The "clinical" impairment rating will be reviewed periodically to determine if the impairment has reached a point where no further improvement is expected, at which time the impairment will be rated for a PPD award.

- Temporary partial disability (TPD) compensation under Section 44(2) (where a worker who has received a "clinical" temporary partial disability award returns to work but, by reason of the disability, weekly earnings are less than average weekly earnings at the time of the accident);
- Compensation paid for a recurrent episode of total temporary disability (a recurrence);
- Special Additional Compensation (SAC) under Section 40(2) (where a worker has received a permanent partial disability or functional award but still has a loss of earning capacity)

Effective February 1, 1994, the maximum annual earnings established under Section 46 of the Act as it existed prior to January 1, 1992, is indexed annually by the Consumer Price Index as provided under Section 49(4).