

POLICY NUMBER: POL-55

Chapter:
CLAIMS

Subject:
BENEFIT ASSIGNMENT

Effective Date:
November 18, 1999

Last Update:
September 19, 2011

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Sections 16, 51, 53.
Maintenance Enforcement Act R.S.P.E.I. 1988, Cap. M-1.

DEFINITION:

POLICY:

1. When a worker is approved for compensation benefits, in the majority of circumstances, the Workers Compensation Board will make payments directly to the worker. However, the Workers Compensation Board will consider assigning the worker's benefits under the following circumstances:

Maintenance Enforcement Orders

The Workers Compensation Board, upon receipt of a written request from the Maintenance Enforcement Program and for the purpose of enforcing a maintenance enforcement order, will remit a specified sum to the Maintenance Enforcement Program.

In The Case Of Minors Or Mental Incompetence

If the worker is a minor or mentally incompetent, the Workers Compensation Board may make the payments to such persons, who in the opinion of the Workers Compensation Board, are best qualified in all circumstances to administer the payment, whether or not the person to whom the payment is made is the legal guardian of such minor or committee of that person.

Incarcerated Or Committed

If the worker who is entitled to compensation benefits is committed to a mental institution or incarcerated in any jail or prison, compensation is not payable to the worker for the period of the worker's confinement.

However, the Workers Compensation Board may pay any part of the compensation to any dependant of the worker or to such persons, as in the opinion of the Workers Compensation Board, are best qualified in all circumstances to administer the payments on behalf of the dependants.

Employment Insurance Sick Benefits

A worker, who is waiting for his/her claim to be adjudicated, may receive employment insurance sick benefits prior to receiving benefits from the Workers Compensation Board. If a worker receives employment insurance sick benefits for the compensable condition and subsequently receives benefits from the Workers Compensation Board for the same period, the worker is obligated to reimburse Human Resources and Skills Development Canada. The Workers Compensation Board may, with a written request from the worker, reimburse the federal government on behalf of the worker for the overpayment of employment insurance sick benefits.

Social Assistance Benefits

A worker, who is waiting for his/her claim to be adjudicated, may receive social assistance benefits as temporary financial support prior to receiving benefits from the Workers Compensation Board. If a worker receives social assistance benefits and subsequently receives benefits from the Workers Compensation Board for the same period, the worker is obligated to reimburse the provincial social assistance agency. The Workers Compensation Board may reimburse the provincial social assistance agency, on behalf of the worker, for the overpayment of social assistance benefits upon receipt of a

signed Assignment Of Benefit form from the agency.

2. Subject to Section 1 of this policy, the Workers Compensation Board will not assign the worker's compensation benefits under the following circumstances:

Allocation Of Benefits To A Worker's Employer

The Workers Compensation Board will not reimburse the worker's employer if the employer continues to pay the worker for a period(s) of time loss from work due to an injury. If the employer chooses to pay a worker while the worker is waiting for his/her claim to be adjudicated, the Workers Compensation Board will not reimburse the worker's employer if the worker's claim is accepted. The Workers Compensation Board will pay the worker if the claim is accepted and it is the worker's responsibility to reimburse the employer.

Payment Of Worker's Debt

The Workers Compensation Board will not authorize benefit payment to a creditor in payment of a worker's debt unless the creditor has a court order which is not under active appeal.

3. In all cases where the Workers Compensation Board has made a decision to assign benefits, the worker shall be notified prior to the benefits being assigned.
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HISTORY:

September 19, 2011 - Amended to add that the WCB may reimburse the provincial social services agency on behalf of the worker for an overpayment of social assistance benefits.

June 24, 2009 - Amended to identify when the worker must reimburse Human Resources and Skills Development Canada for Employment Insurance sick benefits or situations when the WCB will not assign compensation benefits.

September 25, 2008 - The policy was updated as a result of the 60 month policy review process. The policy has been amended to ensure consistency between this policy and provisions in the Workers Compensation Act. Also, the name has been changed from "Cheque Assignment" to "Benefit Assignment".

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December 13, 2001 - Replaces Policy and Practice Cheque Assignment dated November 18, 1999.

Board of Directors Approval Date: November 18, 1999