

# POLICY

**NUMBER: 3. 4. 2R1**

Effective Date: September 10<sup>th</sup>, 2004

**Topic: Review of Extended Earnings-  
Replacement Benefit**

Date Issued: September 13<sup>th</sup>, 2004

**Section: Short-Term and Long-Term Benefits**

Date Approved by Board of Directors: September 9<sup>th</sup>, 2004

**Subsection: Extended Earnings-Replacement  
Benefit (EERB)**

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## Policy Statement

1. Extended Earnings-Replacement Benefits (EERBs) will be reviewed 36 months after the date the EERB was determined.
2. This review will also take place for all workers who would be receiving an EERB if it were not for the fact that their Permanent Impairment Benefit (PIB) is greater than 85% of their loss of earnings. In these cases, the review date will be 36 months after the permanent impairment rating determination. Subsequent reviews (see paragraphs 3, 4, and 5) will be based on the same criteria as the EERB.
3. An EERB may be reviewed 24 months after the 36-month review, if it is determined to be necessary by the Board at the time of the 36 month review. As a general guideline, an EERB will be reviewed a second time if the worker has not established a consistent earnings pattern during the first 36 months the worker was in receipt of the EERB or the worker has shown significant deterioration in his/her compensable condition. The Board may choose not to set another review date if the information on the file indicates the worker's employment pattern, although casual or seasonal, is still an established pattern.
4. An EERB may be reviewed at any time if:
  - a) a review of a permanent impairment rating results in an adjustment to the Permanent Impairment rating of at least ten percentage points, or
  - b) it is determined the EERB was based on misrepresentation of fact.
5. The EERB (or EERB that would be payable but for the fact that the worker's PIB is greater than 85% of the loss of earnings) will not be increased or decreased unless the adjustment is equal to or greater than 10% of the compensation currently being paid to the worker as a result of the injury.

**Application**

This Policy replaces Policy 3.4.2R, issued May 17, 1999, and effective April 16, 1999. This Policy applies to workers injured on or after March 23, 1990 who have been awarded an EERB.

**References**

Workers' Compensation Act (Chapter 10, Acts of 1994 - 95), Sections 73, 228.

An Act to Amend Chapter 10 of the Acts of 1994-95, *the Workers' Compensation Act*, Clause 9.

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Executive Corporate Secretary