



WORKERS'
COMPENSATION
BOARD OF NOVA SCOTIA

POLICY

NUMBER: 3.8.1R4

Effective Date: September 10th, 2004

Date Issued: September 13th, 2004

Date Approved by Board of Directors: September 9th,
2004

Topic: Eligibility Criteria

Section: Short-term and Long-term
Benefits

Subsection: Supplementary Benefits

Policy Statement

1. To be eligible for a supplementary benefit, a WCB pensioner must:

- a) (i) be an injured worker receiving a permanent-disability pension for an injury incurred before March 23, 1990;
- (ii) be receiving a pension, pursuant to the former *Act*, as a surviving spouse or invalid child of a worker whose compensable death occurred before February 1, 1996; *or*
- (iii) be receiving a reinstated amended interim earnings loss benefit pursuant to section 10D of "An Act to Amend Chapter 10 of the Acts of 1994-95, *the Workers' Compensation Act* (Chapter 1, Acts of 1999)."

and

- b) be receiving *periodic* compensation--that is, be receiving a monthly pension, as opposed to having received a lump sum pension;

and

- c) have a personal income below one-half the average industrial wage for Nova Scotia as prescribed by regulation. ("Personal income" shall be equal to 'Total Income' as defined by Canada Customs and Revenue Agency for purposes of individual income tax returns, minus income received that year in the form of Supplementary Benefits from the Board).

Retroactive payments made under the *Chronic Pain Regulations* will not be considered income for purposes of paragraph 1(c).

and

d)meet any additional conditions prescribed by regulation.

Guidelines

1. In order to be eligible for supplementary benefits, WCB pensioners referred to in paragraph 1(a)(i) of this policy must meet the following additional conditions prescribed by regulation:
 - a) be receiving a disability pension under the Canada Pension Plan or the Quebec Pension Plan (CPP/QPP) for the worker's compensable injury;

or

 - b)in the opinion of the Board, be ineligible to receive a CPP/QPP disability pension for the worker's compensable injury only because the worker has made insufficient or no contributions to CPP/QPP.
2. The amount of a supplementary benefit is the amount necessary to increase an applicant's individual annual personal income to an amount equal to one-half of the average industrial wage for Nova Scotia.
3. Eligibility for a supplementary benefit continues until the month after the month in which the WCB pensioner attains the age of sixty-five years. Eligibility for a supplementary benefit is generally reviewed annually by the Board.

Application

This policy replaces Policy 3.8.1R3 issued January 27th, 2003 effective October 1st, 2002. This Policy applies to all decisions made on or after September 10th, 2004.

References

Section 10 D and Section 227 of the Workers' Compensation Act (Chapter 10, Acts of 1994 - 95) (as amended), and Sections 28-33 of the General Regulations (as amended), and the Chronic Pain Regulations.

Executive Corporate Secretary