

GLOSSARY

The terms below are defined based on their accepted interpretation and use within the Board with respect to the new *Workers' Compensation Act* (Chapter 10, Acts of 1994-95). Where appropriate, reference is made to the Act, as well as other related terms within these definitions. Items in *italics* can be found as separate entries within the glossary. This Glossary has not been formally approved by the Board of Directors and, as such, does not constitute official Board policy. The definitions are general in scope and are not intended to replace or supersede existing legislative or policy definitions.

- A -

AWCBC - Association of Workers' Compensation Boards of Canada.

Accepted (Claim) - A claim for which entitlement under the *Act* has been recognized.

Accident - [*Act*, Sec. 2(a)] An event or circumstance(s) causing or leading to an injury, arising out of and in the course of employment. Also includes *occupational disease*. Generally, does not include stress, other than an acute reaction to a traumatic event.

Accident Date - see *Date of Injury*.

Accident Employer - The *employer* with whom the *worker* was employed at the *date of injury*.

Accident Employer Training (AET) - A *vocational rehabilitation* program which gives *injured workers* an opportunity to learn marketable skills and obtain experience at an alternate job with the *accident employer*. *Workers* continue to receive *vocational rehabilitation benefits* for the duration of an AET program and the *employer* may, but is not obligated to, offer employment at the end of the program. An AET program differs from an *On-the-Job Training (OJT)* program in that the accident employer is responsible for the *claims costs* associated with any new injury or *recurrence* during the AET program.

Accident Fund - [*Act*, s. 2(b)] The fund into which *assessment* revenues collected from *employers* and other revenues received by the *Board* are deposited and from which any payments of *compensation* and related expenditures are made.

Accident Reporting Penalty - [*Act*, ss. 86 and 207; *Policy* 10.1.2] A penalty levied against the *accident employer* for failing to notify the *Board* of the occurrence of an *accident* within the time and in the manner specified in the *Act*.

Accommodation (Re-employment) - [Act, s.91] Refers to an *employer's* duty to alter the duties of the work or the work environment to enable a *worker* who is eligible for *re-employment* to perform his/her regular work duties at a *normal rate of productivity*. The duty to accommodate only applies to the extent that the accommodation does not cause the employer *undue* hardship. Where accommodation of the work or the work environment is necessary to enable the worker to perform the *essential duties* of the *pre-injury work* or *suitable work*, the *Board* may financially assist the employer. Once the worker has recovered the ability to perform either the pre-injury work or other suitable work, the employer is financially obligated to make any additional changes to the work or the work environment required to meet the re-employment obligations. This generally will apply to the non-essential duties and aspects of the work and/or the work environment as they relate to the *compensable injury*.

Act - The Nova Scotia Workers' Compensation Act (Chapter 10, Acts of 1994-95).

Adjudication - The process of determining a *worker's* initial eligibility for and on-going entitlement to *compensation* in accordance with the *Act*.

Adjustment Payment - (i) A payment to a *worker* or an *employer* for a period for which *compensation* has previously been paid but at a different rate or amount; or (ii) a payment to a *worker* or an *employer* issued to cover a period for which retroactive benefits are owed to the worker.

Allowed (Claim) - see *Accepted (Claim)*

Alternative Employment (Re-employment) - [Act, s 89(3)] Employment that is comparable to the worker's *pre-injury work* in its' nature, earnings, qualifications, opportunities and other relevant aspects (e.g., duties, functional demands, obligations, rights, rules). The employer must satisfy the Board that the employer is unable to offer a return to pre-injury employment before the option of offering the worker alternative employment will be accepted. (see also: *Normal Rate of Productivity*)

Amended Interim Earnings Loss (AIEL) Policies - [*Policies* 7.3.1 to 7.3.13, inclusive] A set of *policies* adopted by the *Board of Directors* which allowed payment of one-half the earnings loss suffered by workers who also experienced a permanent physical disability as a result of a *compensable injury*. The AIEL Policies superseded the *Interim Earnings Loss Policies* and took effect on November 24, 1993. With the coming into force of the *Act* on February 1, 1996, benefits payable pursuant to these policies were recalculated in accordance with the *Transitional Benefit Provisions*.

Annuity - [Act, ss.50-58; *Policies* 3.6.1 to 3.6.9, inclusive] An accumulating benefit created by reserving 5% of the *Extended Earnings Replacement Benefit (EERB)* and the *Permanent Impairment Benefit (PIB)* payable to a *worker*, or 5% of any *survivor pension* payable to a surviving spouse, plus any interest accumulated on the amounts reserved. An annuity generally becomes payable at age 65 and may be payable as a *lump sum* if the amount payable is less than an amount prescribed by *regulation*.

Appealable Decision - Any decision of a staff member of the *Board*, a *Hearing Officer* or the *Appeals Tribunal* which may be appealed in accordance with the provisions of the *Act*.

Appeal Board, Workers' Compensation - A government-appointed external appeal body which preceded the *Appeals Tribunal*.

Appeals Tribunal, Workers' Compensation - [Act, ss.238 - 258] The external body appointed by the government to hear appeals of final decisions of the *Board* after all *internal appeal* mechanisms have been exhausted. The Tribunal is bound by *Board policy*.

Apportionment (Claims Cost) - [Policies 9.6.1 to 9.6.6, inclusive] Generally refers to situations where more than one *employer* is responsible for the costs of a *worker's* claim (e.g., diseases arising over time).

Apportionment (Benefits) - [Act, s.10(5); Policy 3.9.11] Refers to situations where the *Board* pays *compensation* for only the proportion of a worker's *loss of earnings* or *permanent impairment* which was caused by a *compensable injury*. If some proportion of a worker's permanent impairment or long-term loss of earnings has resulted from a *cause other than the injury* or a *pre-existing disease or disability*, the level of *Permanent Impairment Benefit* and *Extended Earnings-Replacement Benefit* may be reduced..

Arbitrary Payroll - A payroll which was estimated by the *Board*. This happens when *employers* do not fill in payroll statements as required.

Assessable Payroll - The portion of an employer's total payroll subject to *assessment*. Limits are imposed according to the *maximum assessable earnings*.

Assessment - [Act, ss. 115] The annual amount determined by the *Board*, and payable by employers into the *Accident Fund*, to provide sufficient funds to pay benefits for workplace *accidents* and *occupational diseases*.

Assessment Rate - See *Rate, Assessment*.

Assessment Year - The twelve month period beginning on January 1 in a given calendar year and ending on December 31 in that calendar year.

Attendant Allowance - [Policy 2.1.6] A *medical aid* allowance paid to a worker who has suffered a *permanent medical impairment* as a result of a *compensable injury*. An attendant allowance is intended to assist workers regarding mobility, health care and any in- home treatment required for the compensable condition. This allowance is usually, but not always, limited to those workers who have suffered a 100% *permanent medical impairment*.

Automatic Assumption - [Act, s. 35; Policy 1.2.1] Refers to the section in the *Act* which provides that any coal miner who has worked at the face of a mine or in similar conditions for twenty years or more, and who suffers from a *permanent impairment* that is a loss of lung function, shall automatically be entitled to a *permanent impairment benefit* according to the degree of *permanent impairment*.

Average Industrial Wage - For purposes of establishing *maximum insurable earnings*, pursuant to Subsection 41(c) of the *Act*, the average industrial wage is defined as Statistics Canada's 'Average weekly earnings, for all employees, industrial aggregate, Nova Scotia' for the 12-month period ending March 31 of the year prior to the year in which the average shall apply.

- B -

Benefit - The end product following calculation of a *rate*, i.e., the payment to the worker.

Benefit of the Doubt - [Act, s.187] A legislative decision-making guideline which requires the *Board*, where there is doubt with respect to an application for *compensation* and the evidence for and against the worker's claim is evenly balanced, to decide in favour of the worker.

Benefit Year - (re *Supplementary Benefits*) The twelve month period beginning on October 1 of a given year and ending September 30 of the following year. For example, the *Supplementary Benefit* year 1997 includes the period from Oct. 1, 1997 to Sept. 30, 1998.

Board - [Act, s. 2(e)] Workers' Compensation Board of Nova Scotia.

Board of Directors - [Act, ss. 2(f), 151] The board of directors established to oversee and direct the operations of the *Board*.

Business Days - Monday to Friday, with the exception of statutory holidays observed in Nova Scotia.

- C -

Carpal Tunnel Syndrome - [Policy 1.2.4R] A compression of the median nerve as it passes through an area in the wrist known as the carpal tunnel. [See also: *repetitive*]

Cause Other than the Injury - [Act, s. 10(5); Policy 3.9.11] Any aspect of the physical condition of an individual worker which, due to its nature or severity, could be reasonably expected to have a significant impact on the duration and/or the degree of a worker's *loss of earnings* or *permanent impairment* resulting from a *compensable injury*.

Chair - The chairperson of the *Board of Directors*.

Child - [Act, s. 2(h)] Includes a child born outside marriage, a grandchild, a child of a *spouse* by a former marriage and a child to whom a *worker stands in place of a parent*.

Chronic Pain - [FRP Regulations, Sec. 2(b)] Pain which continues beyond the *normal recovery time* for the type of *compensable injury* or which is disproportionate to the type of *compensable injury*. [see also *Functional Restoration Program*]

Claims Costs - Collective term used by the AWCBC, and the *Board* in its financial reports, to refer to the total of *short-term disability benefits*, *long-term disability benefits*, *survivor benefits*, *health care benefits*, and *rehabilitation benefit costs* incurred.

Clinical Rating Schedule (CRS) - see *Permanent Medical Impairment (PMI) Guidelines*.

Closed Claim - A claim for which no further action or activity is expected; or, a claim which is not actively being adjudicated, and for which there are no on-going appeals, and which may be placed in semi-active (off site) storage.

Clothing Allowance - [Policy 2.1.5R] A *medical aid* allowance paid to an *injured worker* who is prescribed an orthotic or prosthetic device of the type described in *Board Policy* or is confined to a wheelchair as the result of a *compensable injury*. A clothing allowance is intended to compensate the worker for the excessive or premature wear and tear caused to clothing by the wearing of the prescribed device or the use of the wheelchair.

Collateral Benefits - [Act, ss.2(j) & 49; Policies 3.9.4, 3.9.7, 3.9.8 and 3.9.9] Any payment made by an *employer* to a *worker* in connection with a *compensable injury* (e.g., a "top-up" of the benefits provided for under the *Act*). Collateral benefits also include Employment Insurance benefits paid in connection with the *compensable injury*. Collateral benefits may be exempt (i.e., paid by an employer pursuant to a *collective agreement* or *employment contract* in effect as of February 1, 1996); non-exempt (i.e., paid by an employer but not pursuant to a *collective agreement* or *employment contract* in effect on February 1, 1996); allowable (i.e., non-exempt but within the allowable ceiling of "85% of net actual *Pre-LOE Earnings*"); or excess (i.e., non-exempt and in excess of the allowable ceiling of "85% of net actual *Pre-LOE Earnings*"). (See also *Taxable Collateral Benefits*.)

Collective Agreement - An agreement in writing made between an *employer* and a union which contains the terms and conditions under which work is to be performed and sets out the rights and duties of the employer, the employees and the union.

Collective Liability - An AWCBC standard term used by the *Board* to describe the concept that all employers in a *rate group* are liable for the *claims costs* of any and all *accidents* and *occupational diseases* that occur in the operations of those employers.

Commutation - [Policies 3.6.4, 3.7.2R, 3.9.5, 7.3.13] The payment of a permanent *periodic benefit* as a *lump sum*.

Compensable Injury - A personal injury by *accident* arising out of and in the course of employment for which a *worker* is entitled to be paid *compensation*. (See also: *Accident*)

Compensation - A term commonly used to refer to benefits paid by the *Board*.

Concurrent Employment - [Policy 3.1.1R] Having two or more *employers* at the same time.

Contract, Employment - An agreement made by the *worker* and the *employer* that sets out the terms and conditions of employment (may be written or verbal).

Contractor - An *employer* who, through normal course of business, contracts others (i.e. a sub-contractor) for products and services which include labour. If the sub-contractor is not separately covered by the *Board* then the workers of the sub-contractor are considered workers of the contractor.

Cost Experience - A measure of the risk associated with an *employer account's* business activity. It is calculated, from a three year history, as the ratio of *new injury costs* over *assessable payroll*.

Covered (Employer) - Refers to any *employer* whose employees are within the scope of coverage under the *Act*, whether mandatorily or by election.

- D -

Date of Earnings Loss - The day on which the *employer* stops reimbursing the injured *worker* for employment, as a result of the *compensable injury*.

Date of Injury - [Act, s.12(2)] The date on which the *compensable injury* takes place. In the case of *occupational disease*, the date when the disease results in a *loss of earnings*, the date on which the *Board* determines the worker has a *permanent impairment* caused by the disease, or the date on which the *worker's* death is caused by the disease, whichever comes first.

Date of Injury (Re-employment) - [Policy 5.2.1] For *re-employment* purposes the date of injury is the date that time loss due to the *compensable injury* commences. This date might be different from the *date of injury* in cases where the *worker* does not have to leave the workplace immediately for treatment, convalescence and/or rehabilitation. For accidents which occurred prior to February 1,1996 **but** the time loss commences after February 1,1996, the re-employment obligations **do** apply.

De-indexing - Applying a factor to an amount of money for the purposes of making it consistent with a past year's dollar value. (See also *Indexing*)

Death Benefit - [Act, ss.59(a), 60(1); Policy 6.1.1] A *lump sum* payment, in an amount prescribed by *regulation*, paid to the dependent *spouse* of a deceased *worker*.

Death Pay-Out - [Act, ss. 60(7)(8); Policy 6.1.4] A *lump sum* amount paid to the dependent *spouse* or *dependent children* of a deceased *worker* which is equal to three (3) months of the *compensation* being paid to the *worker* at the time of death; the amount is increased to the equivalent of twelve (12) months of *compensation* if the deceased *worker* had a *permanent medical impairment* of one hundred percent (100%).

Deductible - see *Waiting Period*

Defences (Re-employment) - [Act, s. 95; Policy 5.3.1] Reasons or justification provided by an *employer* to the *Board* when the employer believes it has grounds to justify non-compliance with the *re-employment* obligations under the *Act*. The onus is on the employer to prove the inability to offer to re-employ the injured worker. Acceptable defences include reasons that, in the opinion of the Board, were beyond the control of the employer and could not have been foreseen and avoided by the exercise of due diligence and other reasonable justifications.

Delayed Onset (of Loss of Earnings) - Occurs when the *loss of earnings* arises some time after the *date of injury*; i.e., when the *date of earnings loss* is not equal to the *date of injury*.

Dependent Child - Includes a *child* of a deceased *worker* who is: (i) under 18 years of age; (ii) between 18 and 25 years of age and attending an approved educational facility; or (iii) physically or mentally incapable of earning. Must also satisfy requirements re: *dependant*. (See also *Dependant*)

Dependant - [Act, s. 2(l)] A *member of the family* of a *worker* who was wholly or substantially dependent on the worker's earnings at the time of the worker's death or injury.

Dependent Child Benefit - [Act, ss. 59(b), 60 (1), 64; Policy 6.2.3] A *periodic benefit*, in an amount prescribed by *regulation*, paid to the *dependent child(ren)* of a deceased worker.

Deposit Account - See *Self Insured Employer*.

Disability - The limiting loss or absence of capacity of a *worker* to meet personal, social or occupational demands, or to meet statutory or regulatory requirements.

Disallowed (claim) - A claim which has been *adjudicated* and for which no entitlement under the *Act* has been recognized.

Division - A definable subset of a *firm* for which the *Board* establishes a separate account for assessment purposes. Several criteria must be met for a single firm to have multiple divisions. For example, the divisions must have separate staff.

Doward Decision - A decision of the Nova Scotia Court of Appeal which required the *Board* to recalculate the *compensation* payable to those workers who suffered a long term *loss of earnings* in connection with a *permanent impairment* resulting from a *compensable injury* during the *window period*. The date of the decision was April 18, 1997.

- E -

Earnings - Wages, salary, overtime or any other employment-related remuneration designated by the *Board*.

Earnings Profile (Initial) - [Policy 3.1.1R] A worker's *Pre-LOE* average weekly *gross earnings* calculated based on the worker's actual weekly *earnings* for the four weeks immediately preceding the commencement of a *loss of earnings*. The initial earnings profile is used to calculate the *rate of compensation* payable during the first twelve (12) weeks the worker receives *Temporary Earnings-Replacement Benefit*.

Earnings Profile (Long Term) - [Policy 3.1.1R] A worker's *Pre-LOE* average weekly *gross earnings* calculated based on the long term average weekly *earnings* of the *worker*. The period used to calculate the long-term earnings profile will vary according to the employment category applicable to the *worker* (i.e., *Long term/permanent worker, New Entrant/Re-Entrant to Labour Force, New Employment - Likely to be of a Long-Term Nature and All Other Workers*). Adjustments may also be made for workers under 30 years of age and *Learners*. The long-term earnings profile is used to calculate the *rate* of any *Temporary Earnings-Replacement Benefit* payable beyond week 12 of the claim as well as any *Extended Earnings Replacement Benefit, Permanent Impairment Benefit* and *Survivor Benefits* payable.

Earnings Profile (Provisional) - [Policy 3.1.1R] A temporary estimate of a worker's *Pre-LOE* average weekly *gross earnings*, used to calculate the *rate* of *Temporary Earnings-Replacement Benefit* payable during the first 12 weeks of a claim, when there is insufficient information to establish an *Initial Earnings Profile*. The provisional earnings profile will be adjusted once documentation of the worker's actual *earnings* is received.

Earnings-Replacement Benefit (ERB) [Act, s.37; Policy 3.9.2] - A periodic benefit paid to a worker who experiences a loss of earnings as a result of a compensable injury (See also: Extended Earnings Replacement Benefit and Temporary Earnings Replacement Benefit).

Effective Date (Benefits) - Refers to the date on which a worker was eligible to receive a specific benefit.

Employer - An individual, partnership or limited company which employs workers. Under the Act, s.2(n), "employer" means an employer within the scope of Part I of the Act. [See also: Covered Employer, Employer (Mandatorily Covered), Employer (Non-Registered), Employer (Re-employment) and Firm.]

Employer Account - See Division.

Employer (Mandatorily Covered) - [Act, s.3; Policy 9.1.1] An employer who is required by the Act and the regulations passed pursuant to the Act to register for workers' compensation coverage.

Employer (Non-Registered) - [Policy 9.5.3R] A mandatorily covered employer who has failed to register with the Board.

Employer (Re-employment) - Is the person or entity with which the worker has an employment contract and the entity which the Board records for assessment purposes under the company's firm number. For the purposes of re-employment, this includes firms with twenty or more employees, except those in the construction industry, and others exempt by regulation.

Employment Contract - see Contract, Employment

Employment Incentives Program (EIP) - A vocational rehabilitation program which provides eligible employers with financial assistance, in the form of a forgivable loan, to assist in the creation of training and employment opportunities for injured workers. As part of the EIP the employer and the worker are also provided with a range of support services designed to promote the expected outcome of each EIP: the provision of long-term, full time employment to the worker. The EIP is not intended for use with the accident employer who may, however, utilize the Accident Employer Training program.

Essential Duties (Re-employment) - Those core tasks which achieve the actual outcome or end product / service of the pre-injury work at a normal rate of productivity. To determine the difference between essential and non essential duties consideration must be given to the employer's central purpose for employing someone in the position by determining the outcome or end-product / service of the work as well as the duties which achieve the outcome. [See also: Accommodation]

Estimated Payroll - An employer's estimate of their payroll for a year.

Estimation of Potential Earnings Ability (EPEA) - [Policies 3.5.1 to 3.5.3, inclusive] A judgement made by the Board, where appropriate, with respect to the amount of money a worker is capable of earning in suitable and reasonably available employment.

Experience Rated Costs - The total claims costs for the most recent three full calendar years for which such data is available. In some cases, however, actual claims costs are not used. For example, costs recovered by way of a third party action, costs transferred to another employer or

fund and costs related to certain *occupational disease* claims are not included. In addition, costs related to *fatal claims* are only included to the extent of the *maximum assessable earnings* for the year of the *accident*.

Experience Rating - [Act, s.121; Policies 9.3.1, 9.4.1R, 9.4.2R, 9.4.3R, 9.4.4R and 9.4.5] An *assessment* program which assigns *employer accounts* assessment merits or demerits by comparing the employer account's *cost experience* to the *rate group* average cost experience. The program can therefore provide incentives for employers to improve safety and prevention programs in the workplace through providing a measure of equity by charging employers an *assessment rate* that varies with their cost experience.

Experience Ratio - The ratio of *experience rated costs* to *assessable payroll*.

Extended Earnings-Replacement Benefit (EERB) - [Act, s.2(o); Policies 3.4.1, 3.4.2, 3.9.5 and 7.2.1] A long-term *periodic benefit* paid to a *worker* who has a *permanent medical impairment* and is suffering a *loss of earnings* as a result of a *compensable injury* which is in excess of the *permanent impairment benefit* payable as a result of that injury. (See also: *Earnings Replacement Benefit* and *Temporary Earnings Replacement Benefit*).

External Appeal - An appeal from a decision of a *Hearing Officer* to the *Appeals Tribunal* or the Supreme Court of Nova Scotia or from a decision of the Appeals Tribunal to the Court of Appeal.

- F -

Fatal Claim - A claim where a *worker* has died as a result of a *compensable injury* or *occupational disease*. [See: *survivor benefits* and *survivor pension*]

Firm - An *employer*. A firm can have one or more *divisions* (See also: *Employer*).

First Payment Date - The date on which a worker's initial temporary disability or earnings loss payment is authorized and subsequently processed for issuing; used in Annual Report benchmark statistics.

Form 67 - The initial accident report form, which is completed by both the *worker* and the *employer*.

Form 8/10 - The form used by physicians to report the findings and treatment on the *injured worker's* initial visit following a *compensable injury* as well as the findings, treatment and progress during follow-up visits.

Form 51 - The form used by *Board* staff members to record decisions with respect to a *worker's* claim for *compensation benefits*.

Former Act - The Workers' Compensation Act (Chapter 508, R.S.N.S. 1989, as amended by 1992, c.35, ss. 3-18) (the predecessor to the *Act*).

Fraud - [*Policy 10.3.7R*]A *misrepresentation* made with knowledge that the fact is false (where the fact is stated) or *relevant* (where the fact is not disclosed) and made with intent to deceive the *Board* into acting to its detriment.

FRP Regulations- Functional Restoration (Multi-Faceted Pain Services) Program Regulations, made pursuant to the *Act* and applicable to all decisions, orders or rulings made pursuant to the *Act* on or after February 1, 1996. (See also: *Functional Restoration Program*)

Full Salary Benefits - Generally, where a *worker* continues to receive salary payments from their *accident employer* during a period of compensable disability. Typically, the *Board* will reimburse the employer for the amount of *compensation* which would have been payable to the *worker*. In the case of a *Self Insured Employer* the Board does not reimburse the employer; however, the payments are tracked for Revenue Canada tax reporting (T5007) purposes.

Functional Restoration Program (FRP) - [*Policies* 2.4.1 to 2.4.7, inclusive, and 8.1.2R] A proactive program established by the *FRP Regulations* and designed to assist *workers* in preventing and managing *chronic pain*. The objective of the FRP is to manage the pain and pain-related symptoms as the factors limiting a return-to-work. It is offered, in conjunction with regular case management activities, to eligible workers identified as potentially benefitting from the services of the program.

Funded Ratio - The ratio of the *Board's* recorded assets to its recorded liabilities (See also: *Unfunded Liability*).

- G -

GECA - Government Employees' Compensation Act (R.S.C. 1985, Chapter G-8). The provisions of GECA govern the initial entitlement to *compensation* of employees of the federal government. Once initial entitlement is established, employees covered by GECA are entitled to compensation benefits under the same terms and conditions as are provided for under the *Act*.

Gross Earnings - [*Policy* 3.1.1R] *Earnings* before any deductions for income taxes, Employment Insurance premiums and Canada Pension Plan premiums (See also: *Net Earnings*).

Guaranteed Income Supplement (GIS) Program - An income security program administered under the authority of the Old Age Security Act. GIS qualifying income levels are used by the *Board* to determine eligibility for *Supplementary Benefits* as well as to determine the possibility of financial hardship when considering the means of recovery of an *overpayment*.

- H -

Hayden Decision - A Nova Scotia court decision which required the *Board* to change to an earnings loss system of *compensation* for *long-term disability*. The date of the decision was March 23, 1990.

Health Care Benefits - [*Act*, s.102-111] *AWCBC* standard term, used by the *Board* for financial accounting purposes, which refers to "all benefits related to providing *medical aid* or health care to the *injured worker*, and includes such items as hospital charges, physician fees, drugs and physical therapy"; formerly referred to at the *Board* as *medical aid* benefits.

Health Care Service Providers- Health care professionals (e.g., physiotherapists, chiropractors, psychologists, audiologists, etc.) who meets the Board's *Service Provider Standards* and are approved by the *Board* to provide health care services to *injured workers*.

Health and Safety Hazard to the Worker or Co-worker (*Re-employment*) - Refers to the risk posed by the worker's inability to perform certain work functions safely or to avoid danger in the workplace. It considers the worker's complete ability, not simply the compensable condition. [See also: *Suitable Work*]

Hearing Officer - [Act, ss. 197-200] An employee of the *Board* who has the authority to conduct an oral hearing or a paper review in respect of an appeal from a *reconsideration* decision made pursuant to s. 196 of the *Act* and to render a final decision of the *Board*.

Hierarchy of Objectives - [Policy 4.1.3] The objectives, in descending order, followed in developing a *vocational rehabilitation* program for an *injured worker*.

Home Area, Worker's - All points within a 100 km radius of the *worker's* ordinary place of residence, or a greater distance if the worker was travelling a greater distance to work prior to the *accident*; generally used for the purposes of *Estimation of Potential Earning Ability (EPEA)*.

Home Modifications - Those modifications to the structural, electrical and plumbing aspects of the *principal residence* of an *injured worker* that are necessary to permit access to and to ensure mobility within the residence and to allow for the safe performance of the activities of daily living such as personal hygiene, food preparation and sleeping.

- / -

Impairment (from the *Board's PMI Guidelines; Policy 3.3.2R*) - The loss, loss of use, or derangement of any body part, system or function (after maximum recovery).

Indexing - [Act, ss.69-70] Applying a factor(s), as determined by the *Board* (based on the Consumer Price Index), to an amount of money in past year dollars for the purpose of making that amount comparable with dollar values in a subsequent year (See also: *De-Indexing*).

Industrial Disease - see *Occupational Disease*

Industry Group - A group of *standard industrial classification* codes which are similar in terms of nature of business activity.

Injured Worker/Client - A *worker* who has suffered a *compensable injury*.

Initial Rate - An earnings replacement *rate* of *compensation* calculated based on the worker's *earnings profile (initial)*. The initial rate is used to set the *benefits* payable during the first twelve (12) weeks a *worker* receives *Temporary Earnings-Replacement Benefit*.

Interim Earnings Loss Policy - A *policy* adopted by the *Board of Directors*, effective November 26, 1992, which allowed payment of interim awards to persons with an earnings loss and a permanent disability as a result of a *compensable injury*; the policy provided for the payment of the equivalent of a *Clinical Rating Schedule (CRS)* pension.(amended by the *Amended Interim Earnings Loss Policy*)

Internal Accounts - Accounts set up by the *Board* to provide a mechanism for recording *claims costs* which cannot or, in the view of the *Board*, should not be allocated to an *employer account*.

Internal Appeal - [Policies 8.1.2R, 8.1.3R, 8.1.4R, 8.1.6, 8.1.7R, 8.2.1, 8.2.2 and 10.2.2] An appeal process, administered within the *Board*, available to any *worker* or *employer* who objects to a decision of the *Board* with respect to a claim for *compensation benefits*. An internal appeal proceeds through *Reconsideration* by the original decision maker in the Client Services Department (or by the Director of Assessments for assessment issues) and, if the *Reconsideration* decision is appealed, to the *Hearing Officer* level. If the appellant wishes to appeal the decision of the Hearing Officer, the next step is to apply for leave to appeal to the external *Appeals Tribunal*.

- J -

- K -

- L -

Lay-off Date (Date of Lay-off) - The date the *worker* stops working due to a work-related injury.

Learner - [Act, s.2(q); Policy 3.1.1R] An apprentice or a person who becomes subject to the hazards of an industry for the purpose of training, testing or probation as a preliminary to employment.

Long-term Disability Benefits - AWCBC standard term, used by the *Board* for financial accounting purposes, which refers to all *benefits* paid to *workers* after *short-term disability benefits* have ceased (e.g., *Permanent Impairment Benefits* and *Extended Earnings Replacement Benefits*). (See also *Short-term Disability Benefits*)

Long Term/Permanent Worker - A *worker* who has been employed with the *accident employer* for 12 or more consecutive months immediately preceding the commencement of the *loss of earnings*.

Long Term Rate - [Policy 3.1.1R] An earnings replacement *rate of compensation* calculated based on the worker's *earnings profile (long-term)*. Typically a long term rate is established after the first 12 cumulative weeks of *temporary earnings replacement benefits* have been paid on a claim. This rate may be calculated earlier where an *extended earning replacement benefit, permanent impairment benefit* or *survivor benefit* is payable before 12 cumulative weeks of *benefits* have been paid.

Loss of Earnings (LOE) - [Act, ss. 38-39] The difference between a *worker's* net *pre-LOE earnings* (up to the *maximum insurable earnings*) and his/her net *post-LOE earnings*.

Lump Sum (Payment) - Generally, any *benefit* paid to a *worker* on a one-time-only basis when a series of periodic payments could have been made. Retroactive payments, *adjustment payments* and *commutation* payments are generally paid as a lump sum (See also: *Periodic Benefit*).

- M -

March 23, 1990 - Established in the *Act* [s.227] as the dividing line between accidents resulting in permanent disability compensated for under the *former Act* (all prior to March 23, 1990) and those compensated for under the new *Act* (all on or after March 23, 1990). (See also *Hayden Decision*).

Maximum Assessable (Earnings) - [Policy 3.9.1] The statutory ceiling on an individual *worker's earnings* upon which *assessment* premiums are calculated (See also: *Maximum Insurable Earnings*).

Maximum Insurable (Earnings) - [Policy 3.9.1] The statutory ceiling on an individual worker's *pre-LOE earnings* upon which the worker's *rate of benefit* will be based (See also: *Maximum Assessable Earnings*).

Maximum Medical Recovery (MMR) - The point at which further medical treatment or intervention will not, in the opinion of the *Board*, result in a significant improvement in the *worker's* medical condition.

Maximum Per Claim Cost (MPCC) - A specified maximum per claim applied to *claim costs* when calculating *assessment* rates. Its' use ensures that a major accident will not result in undue hardship for the *accident employer*.

Mediation (Re-employment) - A neutral, process oriented intervention aimed at assisting disputing parties to reach consensus on outstanding issues.

Medical Advisor/Officer - A physician employed by the *Board* to provide advice and opinions with respect to medical issues arising in connection with claims for *compensation benefits*.

Medical Aid - [Act, ss.2(r) and 102-111] Generally, any authorized costs associated with medical or rehabilitative treatment, products or services paid with respect to a worker's injury; more commonly referred to as *Health Care Benefits*.

Medical Aid Only (Claim) - A claim which has been accepted by the *Board* but for which no time-loss compensation has been authorized. Includes *No Time Loss - Medical Aid Only* and *Time Loss - Medical Aid Only* claims.

Medically Able - Refers to the worker's true medical capacity, considering compensable and non-compensable factors. This is measured by comparing the worker's medical restrictions to the normal demands of the work, with the expectation that the worker meets his/her *normal rate of productivity*. The term is used in connection with *Estimation of Potential Earnings Ability (EPEA)* and *Re-employment*. [See also: *Suitable Employment/Work*]

Member of the Family - Defined in Section 2(s) of the *Act*; primarily applies with respect to *Survivor Benefits* (especially *Other Dependants*).

Misrepresentation - [Policy 10.3.7R] The misstatement of a *relevant* fact or the failure to disclose a *relevant* fact.

- N -

Nature of Injury - A Statistics Canada standard code employed by the *Board*; refers to the "principal physical characteristics" of the injury or illness (eg. sprain, burn).

Necessary Skills (*Re-employment*) - Refers to the worker's current skills and ability to acquire specific knowledge within the normal time frame of a newly hired employee who meets the qualifications to perform the work. [See also: *Suitable Work*]

Net Earnings - [Policy 3.1.2R] The worker's *gross earnings* less deductions for probable income tax, Employment Insurance premiums and Canada Pension Plan premiums payable by the *worker*.

New Entrant to Labour Force - [Policy 3.1.1R] A *worker* who has joined the labour force for the first time within the 12 months immediately preceding the commencement of the loss of earnings.

New Injury Costs - The payments in a specified time period for all claims whose *accident dates* fall in that time period.

No Action (NOA) - A term which has been replaced in *Board* documentation by *not pursued*. The code NOA is, however, still used as a disposition code for statistical purposes in the Board's computer system.

No Time Loss - Medical Aid Only - An *accepted* claim for which no *earnings loss* from work was reported. Applies to any no time loss claim eligible for *medical aid*, regardless of whether actual medical aid payments have been made.

Non-Compensable Injury - An injury which did not arise out of and in the course of employment and in respect of which *compensation* is not payable.

Normal Recovery Time - [FRP Regulations, s. 2(f)] The estimate by the *Board* of the normal time required by *workers* with a specific type of personal injury to return to work after the injury.

Normal or Usual Rate of Productivity (*Re-Employment*) - A rate of productivity comparable to and not less than the average rate of productivity generally accepted for other *workers* performing the same work for similar wages with the *accident employer* or comparable to the worker's pre-injury rate of productivity if this was less than the average productivity of such other workers. If the employer claims the worker was not performing at an acceptable level before the accident, but did not identify performance as an issue with the worker prior to the accident, then, for the purposes of the re-employment provisions, it is determined that the worker was performing at a rate satisfactory to the employer prior to the accident.

Notice to Re-employ (*Re-Employment*) - [Act, ss. 96, 97] Refers to *actual notice* or *Board* generated *written notice* to an *employer* of the *worker's* fitness to perform the *essential duties* of the pre-injury work or fitness for *suitable work*. **Actual Notice** is any reliable evidence that the employer knew of the worker's ability to perform a certain type of work. **Written Notice** is a letter from the *Board* specifically informing the employer of the worker's fitness to return to work and the nature of the re-employment obligations relative to the worker's ability.

Not Pursued Claim - A claim for which insufficient evidence or documentation has been received to make an entitlement decision (See also: *No Action*).

November 26, 1992 - Referred to in the *Act*, s.228(3)(c), as the earliest possible retroactivity date with respect to recalculations under the *Transitional Benefit* provisions; it is also the date on which the *Board's Interim Earnings Loss Policy* took effect.

- O -

Occupational Disease - [*Act*, s. 2(v); *Policies* 1.2.1 to 1.2.13, inclusive] - A disease arising out of and in the course of employment and resulting from causes or conditions which are peculiar to or characteristic of a particular trade or occupation, or peculiar to the particular employment. Generally considered an *accident* for compensation purposes.

Occupational Hearing Loss - [*Policies* 1.2.5R, 1.2.6R] A loss of hearing, which may be either traumatic (i.e., sudden deafness, affecting one or both ears, caused by a blast or head injury) or noise-induced (i.e., gradual onset of deafness, affecting both ears, caused by exposure to noise at the workplace at levels and for durations specified in the *Permanent Medical Impairment Guidelines*).

Offer to Re-employ (Re-employment) [*Act*, ss.97,98] - A definite, explicit offer of specific work. It must include a stated start date and clear terms of reinstatement. The *Board* will normally require a written offer to re-employ. In some instances, oral evidence of an offer received and documented may be sufficient.

'Old Act' Pensions - [*Policy* 3.7.1] Any periodic *compensation* for permanent disability payable with respect to an *accident* prior to March 23, 1990; also referred to as a *CRS* pension.

Order to Re-employ (Re-employment) [*Act*, s. 99] - A directive in the form of an order in which the *Board* specifies the terms and conditions for the *employer's* obligation to re-employ the *injured worker*. The order will specify the employer's duty and the manner in which it is to be met. (eg. placement of the worker on certain dates at a set time and the consequences if the employer fails to obey the order)

On-the-Job Training (OJT) - A *vocational rehabilitation* program which gives *injured workers* an opportunity to learn marketable skills and obtain experience at an *employers's* work site. *Workers* continue to receive *vocational rehabilitation benefits* for the duration of an OJT program and the *employer* may, but is not obligated to, offer employment at the end of the program. The OJT program may not be used with the *accident employer* who may, however, utilize the *Accident Employer Training* program.

Other Dependants - [*Policy* 6.2.4] Where a deceased *worker* is not survived by a *dependent spouse* or *dependent child*, other *members of the family* of the worker may qualify for *periodic benefits* as 'other dependants'.

Overpayment - [*Policies* 10.2.1R, 10.2.2] The result of paying a *worker, employer* or *health care service provider* more than what they are entitled to receive under the *Act*, through entitlement change, *fraud, misrepresentation* or human or system error. Overpayments may be declared by the *Board* to be recoverable or non-recoverable in accordance with criteria set out in *Board policy*.

- P -

PMI Guidelines - see *Permanent Medical Impairment Guidelines*.

PPD - Refers to a 'Permanent Partial Disability' award based on physical disability and granted pursuant to the *former Act*. (See also: *Old Act Pensions*).

Part of Body - A Statistics Canada standard code employed by the Board; refers to the part of the worker's body "directly affected by the injury or illness".

Participation Level - [*Policy 9.4.1R*] The level at which an *employer account* is eligible to participate in the *experience rating* program. Participation is governed by the number of years the account has been with the Board and the average annual *assessment* paid by the account.

Periodic Benefit - Any *compensation* payable on a regular fixed basis; usually bi-weekly or monthly (see also *Lump Sum (Payment)*).

Permanent Impairment Benefit (PIB) - [*Act*, ss. 34-36; *Policies 3.3.1, 3.3.3, 3.9.2, 3.9.5, 7.2.1*] A long-term *benefit* payable to a *worker* who has suffered a *permanent medical impairment* as the result of a *compensable injury*; payable for the lifetime of the worker.

Permanent Impairment - see *Permanent Medical Impairment*.

Permanent Medical Impairment (PMI) - The percentage representing the amount of *permanent impairment* suffered by an *injured worker* as the result of a *compensable injury*. A worker's PMI rating is determined by using the *Permanent Medical Impairment Guidelines* (See also: *Disability*).

Permanent Medical Impairment Guidelines - [*Policy 3.3.2R*] Guidelines used by the Board in the evaluation of percentage of medical impairment; also referred to as the *Clinical Rating Schedule*. The formal title is 'Guidelines for Assessment of Permanent Medical Impairment'.

Person Standing in Place of Parent - see *Standing in Place of Parent, Person*.

Policy - [*Act*, s.183] An official directive issued and approved by the *Board of Directors* setting out the *Board's* position on a given issue; policies generally state what the *Board* is to do in certain circumstances and are binding, at all times, on *Board* staff, and the external *Appeals Tribunal* (See also: *Procedure*).

Post-LOE Earnings - The sum of a *worker's* actual *earnings*, the *estimation of potential earnings ability (EPEA)* of the *worker* and 50% of the Canada Pension Plan disability benefits the worker is receiving or is entitled to receive, as calculated after the *loss of earnings* commences.

Pre-existing Disease or Disability - [*Act*, s. 10(5); *Policy 3.9.11*] A *non-compensable* disease or disability which existed prior to the *compensable injury*.

Pre-Injury Work (Re-employment) - The work performed on the date of injury, with all of its duties, functional demands, obligations, rights, rules, earnings, qualifications, opportunities and other pertinent aspects. [See also: *Accommodation*]

Pre-LOE Earnings - A *worker's* net average weekly *earnings*, as determined by the *Board*, before the *loss of earnings* commences (See also: *Earnings Profile (Initial), (Long Term) and (Provisional)*).

Principal Residence - The residence in which the *worker* is living when the services required are provided (e.g. a year-round home, a cottage or the home of a relative or friend with whom the worker is living). For the purpose of *home modifications* there can be only one principal residence.

Procedure - A detailed, operational level, internal document of the *Board* which describes how a given process or task is carried out, often including details re: calculations, workflow, system data entry and forms. Procedures are issued/approved by *Board* management. Procedures often explain how a *policy* is to be implemented.

Provisional Rate - [Policy 3.1.1R] An earnings replacement *rate of compensation*, calculated based on the worker's *earnings profile (provisional)*, used temporarily when there is insufficient information available with respect to *pre-LOE earnings* to establish an *earnings profile (initial)* and an *initial rate*.

- **Q** -

- **R** -

Rate, Assessment - [Policy 9.3.1] The sum of the *basic rate*, the *merit/demerit rate*, and the *levy rate*. It is the total rate which is applied to an *employer account's assessable payroll* to determine the *assessment* amount payable to the *Board*.

Rate, Baseline - The rate assigned to each *rate group*. It is determined by "pricing" the delivery of programs to the employers within the rate group so that the group will generate sufficient revenue to ensure that the *Board* has the required funds to maintain quality program delivery for the members of that group.

Rate, Basic - The portion of an *employer account's assessment rate* which would be payable in the absence of a rate *levy* or *merit/demerit*.

Rate (Benefit) - The end result of applying the necessary rules and calculations to *pre- and post-LOE earnings* and upon which a *benefit* is based.

Rate Group - [Policy 9.3.3] A collection of *industry groups* which demonstrate similar risk of injury patterns. *Employer* accounts within a rate group will have the same *baseline rate*.

Rate, Levy - A component of the *assessment rate*. The Construction Safety Association is funded through a levy on construction employers. No other levies are currently in place.

Rate, Merit/Demerit - A rate decrease (merit) or rate increase (demerit) which, when combined with the *basic rate* and *levy rate*, forms the *assessment rate* for an *employer account*. The merit or demerit is calculated by looking at *cost experience*.

Rate, Prevailing - The *basic rate* assigned to a new *employer account*, on the basis of *Standard Industrial Classification*.

Rate Setting - The process by which the *Board* sets worker *benefit rates* or employer *assessment rates*.

Reasonably Available (Employment) - [Policy 3.5.2] Employment will be said to be “reasonably available” if there are currently employment opportunities within the worker’s *home area* and the *worker* has a reasonable chance of securing employment; generally used in connection with *Estimation of Potential Earnings Ability (EPEA)*.

Reconsideration - [Act, ss. 185 and 196; Policies 8.1.2R and 8.1.7R] A review by the *Board* of a decision of a staff member of the Board regarding a claim for *compensation benefits*. Reconsideration may be requested by a *worker* or an *employer*. Employers can also request reconsideration of decisions concerning their *assessment*. A request for reconsideration pursuant to s. 185 must be supported by new evidence.

Recurrence - [Act, s.40; Policies 1.1.1R and 3.1.1R] Refers to a situation where a *worker* who has previously suffered a *loss of earnings* and returned to work suffers a subsequent *loss of earnings* arising from the same injury.

Re-employment - [Act, ss.89 -101; Policies 5.1.1R to 5.5.1, inclusive] A general term referring to the legal obligation of certain *employers* to re-employ eligible *injured workers* following recovery from a *compensable injury*. The precise nature of the re-employment obligation depends on the worker's functional abilities. The penalties for failure to fulfil the obligation include fines and reinstatement orders. [See also: *Accommodation, Employer (Re- employment)*].

Re-entrant - A *worker* who has re-joined the work force within 12 months prior to the commencement of the *loss of earnings* after being out of the workforce for a period of 24 months or more.

Refusal to Accept the Re-employment Offer (Re-employment) - A definite rejection of the offer of re-employment, preferably made in writing by the *worker*. The *Board* may conclude that certain actions/conduct on the part of the worker indicates refusal of the worker to accept the offer of re-employment. Such conduct is that which clearly violates the reasonable standard of behaviour or performance requirements of the work.

Registered Date - Refers to the date on which a claim is first processed by the *Board*; used in Annual Report statistics.

Regulation - (paraphrased from the Canadian Law Dictionary, 2nd Edition) A form of subordinate legislation which allows the Governor-In-Council to amend or add to the legislation; often used in the worker's compensation context to establish or amend *benefit* levels (eg. amount of *lump sum death benefit*), and to comply with various requirements (discretionary or otherwise) within the *Act* (e.g. discretion in s.12 to establish *occupational disease* schedule).

Rehabilitation Benefits - *AWCBC* standard term, used by the *Board* for financial accounting purposes, which refers to all amounts related to the rehabilitation of an *injured worker* during a period of *vocational rehabilitation* (excluding *earnings-replacement benefits*).

Relevant - (from The Concise Oxford Dictionary, 8th Edition) Bearing on or having reference to the matter at hand.

Reopened Claim - A claim which was considered *closed*, but for which further activity is subsequently required.

Repetitive - [*re: Carpal Tunnel Syndrome; Policy 1.2.4R*] Manual work is repetitive when it involves brief cycles of tasks requiring either: (i) flexion/extension/gripping with the fingers; or (ii) flexion/extension or ulnar/radial deviation of the wrist. Typical cycle lengths for single-task activities would be less than thirty (30) seconds, meaning that the repetition rate for these at-risk tasks would be on the order of 120 tasks per hour.

Reserve - An amount determined to be required for payment of future benefits based on the projected costs of the claim; used primarily for financial accounting purposes.

Reviews - [*Act, ss.71-73; Policies 3.3.3, 3.4.2*] A general term used to refer to the rules and requirements with respect to the review of the amount of *compensation* payable to a *worker*.

- S -

Seasonal Worker - [*Policy 3.1.1R*] A *worker* who is employed in an industry which operates for only a portion of the year.

Self Insured Employer - An *employer* who, in lieu of *assessment* premiums, reimburses the *Board* for all *claims costs* incurred. An administrative fee is levied to reimburse the *Accident Fund* for *adjudication/administrative costs*. For an employer to become self-insured, they must be established by schedule by the Board of Directors. Existing self insurers include federal government departments, provincial government departments, and select crown corporations.

Service Provider Standards - Minimum standards developed by the *Board* which must be met by *Health Care Service Providers* before they are approved to provide health care services to *injured workers*.

Short-term Disability Benefits - AWCBC standard term, used by the *Board* for financial accounting purposes, which refers to all income *benefits* paid to *workers* during the initial period following the *compensable injury*, before the injury has stabilized or plateaued (e.g., *Temporary Earnings Replacement Benefits* and income benefits during a period of *vocational rehabilitation*). (see also *Long-term Disability Benefits*)

Source of Injury - A Statistics Canada standard code employed by the *Board*; refers to the "object, substance, exposure, or bodily motion which directly produced, transmitted or inflicted the injury or illness" (e.g., scaffold, chemical, tools, etc.).

Special Protection - [*Act, s. 4; Policy 9.1.2*] Voluntary workers' compensation coverage purchased by owners of proprietorships and partnerships which would otherwise not have coverage under the *Act*; minimum and maximum guidelines govern the amount of coverage available.

Spouse- [*Act, s. 2(ab)*] May include a person who co-habited with the *worker* for 12 months leading up to the worker's death, and who was wholly or substantially dependent on the worker's earnings at the time of the worker's death.

Stakeholders - Groups and individuals who have an interest in the workers' compensation system. Stakeholders include injured *workers*, *employers*, labour organizations, injured workers' associations, employer associations, the medical community, the educational system and *health care service providers*.

Standard Industrial Classification (SIC) - A Statistics Canada system with respect to industrial classifications, employed by the *Board* for *assessment* and statistical reporting purposes. Each *employer* account is assigned an SIC code.

Standing in Place of Parent, Person - [*Policy 6.2.5*] A person who stands in the place of a parent to the *worker's dependent child(ren)*, after the compensable death of a worker, and where both of the child(ren)'s parents are deceased.

Start Date (Benefits) - The date on which *periodic benefit* payments to a *worker* began (as distinguished from *effective date*).

Suitable Employment/Work - Any employment/work which a *worker* has the *necessary skills* to perform, is *medically able* to perform and which does not pose a *health or safety hazard to the worker or any co-worker*. (The term "suitable employment" is used in connection with *Estimation of Potential Earnings Ability (EPEA)* and the term "suitable work" is used in connection with *Re-employment*).

Summary Date - The point at which sufficient information is received on a claim to refer it for a time-loss decision.

Supplementary Benefits - [*Act*, s.227(4); *Policy 3.8.1R*] A benefit which may be paid to *workers* receiving (or entitled to receive) an *Old-Act Pension*, who are eligible to receive CPP Disability benefits and also meet certain income and age restrictions. May also be paid to the *dependent spouse* or *invalid child* of a worker who died prior to proclamation of the *Act*.

Survivor Benefits - 1. [*Act*, ss.59 - 68; *Policies 3.6.1, 3.6.7, 6.1.1 to 6.3.1, inclusive*] All benefits payable to the surviving *spouse*, *dependent children* or other *dependants* with respect to the death of a *worker*, including *survivor pensions*, *death benefits*, *dependent-child benefits*, expenses re burial and transportation of the body, and benefits to other *dependants*. **2.** An AWCBC standard term, used by the *Board* for financial accounting purposes, which refers to all benefits paid as described above.

Survivor Pension - [*Act*, s. 59(c); *Policies 6.2.1, 6.2.2*] A *periodic benefit* paid to the *dependant spouse* of a deceased *worker* equal to 85% of the worker's *net average weekly earnings* before the *accident*; paid until the spouse reaches age 65, or the worker would have reached age 65, whichever is later.

- T -

TD1 Code - The *worker's* personal tax exemption code. Used to help convert a worker's *gross earnings* to *net earnings*.

Taxable Collateral Benefits - [*Act*, s. 49] *Collateral Benefits* payable to the *worker* as per a *collective agreement* or *employment contract*, including long-term disability, compassionate disability and employer top-ups; also includes EI disability benefits; must be payable as a direct result of the *compensable injury* to be considered within the *ERB* calculation.

Temporary Earnings-Replacement Benefit (TERB) - [Act, s.2 (ad); Policies 3.2.1 to 3.2.3R, inclusive] A short-term *periodic benefit* paid to a *worker* who is suffering a *loss of earnings* as a result of a *compensable injury*. (see also *Earnings-Replacement Benefit* and *Extended Earnings Replacement Benefit*).

Termination - Includes dismissals, suspensions, layoffs or other cessation of active employment resulting in the termination of employment income and all other employer paid benefits.

Third Party Claim/Action - [Act, ss. 28-33] A claim or action, generally brought by the *Board*, against a party (other than the *employer*) who, in the opinion of the *Board*, is responsible for all or part of the damages suffered by a *worker* as a result of a *compensable injury*.

Time Loss - Earnings Replacement Benefit (Claim) - An *accepted* claim for which earnings loss from work greater than the *waiting period* was reported (i.e. *earnings replacement benefits* paid).

Time Loss - Medical Aid Only (Claim) - An *accepted* claim for which the reported *earnings loss* from work is less than, or equal to, the *waiting period* amount. (i.e. no *earnings replacement benefits* payable).

Transitional Benefit Provisions - [Act, ss. 225 - 237] Legislative provisions governing the transition of claims and appeals from administration under the *former Act* to administration under the *Act*.

Transitional Claim/Benefits - [Policies 7.1.1, 7.2.1 and 3.9.10] A claim affected by or *compensation* benefits paid pursuant to the *transitional benefit provisions*.

Transitional Rate Provisions - Each *employer* account in a given *rate group* will have its *basic rate* moved toward the *baseline rate* for the *rate group*, over a transition period. At the end of transition, the employer account's basic rate will be the baseline rate.

Twelve Continuous Months (Re-employment) - [Act, s.90] The period of time that a *worker* must have been employed with the *accident employer* prior to the *date of injury* before the employer is obligated to offer *re-employment to the worker*. Some pauses in work activity do not constitute a break in the continuity of the employment relationship. Such pauses include: (i) those lasting less than 30 calendar days; (ii) those lasting 30 calendar days or more but authorized by the employer or the right of the worker under other legislation; or (iii) those lasting 30 calendar days or more but there is substantive evidence of a continuing employment relationship, such as, payment of ongoing employer paid benefits or a mutual agreement that the worker will return to work for the employer upon recall, subject to applicable seniority provisions. [See also: *Worker (Re-employment)*]

Type of Accident - A Statistics Canada standard code employed by the *Board*; refers to the "event or exposure which directly caused the injury or illness" (e.g. fall, motor vehicle accident).

- U -

Unable to Work (Re-employment) - The *worker* cannot safely or productively perform any activity with the *accident employer* for a period of time.

Undue Hardship (*Re-employment*) - [Act, s. 91] Evidence of detrimental impact on productivity, the operation or profitability of an employer's business. Used in connection with *Re-employment* and the employer's duty to alter the duties of the work or the work environment to facilitate an *injured worker's* return to work. The onus is on the employer to show adequate evidence of undue hardship. [See also: *Accommodation*]

Unfunded Liability - The difference between the Board's recorded assets and recorded liabilities; used for financial reporting purposes. [See also: *Funded Ratio*]

- V -

Vocational Rehabilitation (VR) - [Act, ss. 112-113; *Policies* 4.1.1 to 4.3.1, inclusive] Generally, any effort by the *Board* to assist an *injured worker* in returning to the workplace. Some examples of vocational rehabilitation programs and services are: assessment of a worker's functional abilities and/or limitations, *work hardening*, job search preparation, *on-the-job training*, formal retraining and the *employment incentives program* (see also *Rehabilitation Benefits*).

- W -

WCB - Workers' Compensation Board of Nova Scotia.

Waiting Period - [Act, s. 37(4); *Policy* 3.2.2] A period of time at the beginning of a claim, during which two-fifths of the *worker's* net average weekly compensation from employment would have been paid, that the *worker* must wait before being eligible for an *earnings replacement benefit*; also referred to as the *deductible*.

Window Period - The period between March 23, 1990 (the date the *Board* started its shift to an earnings loss system of paying benefits) and February 1, 1996 (the date of the full implementation of the new *Act*). (See also *Transitional Claim/Benefits*.)

Worker - [Act, s.2(ae)] Generally, any person eligible to make a claim for *compensation* following a workplace *accident*; any person within the scope of the *Act* in the capacity of a worker.

Worker (*Re-employment*) - All workers for whom the employer will complete a T4 Supplementary, such as full-time, part-time and temporary employees and workers absent with pay. Categories of workers are the same as those required to be included for Revenue Canada reporting purposes and include:

regular or permanent full time: employment for a minimum of 35 hours per week;

regular or permanent part time: employment for less than the normal schedule or less than 35 hours per week;

temporary: employment for a fixed period of time, for either full-time or part-time hours; may be employed intermittently by the same employer a number of times;

contract: hired on either a full-time or part-time basis for a limited duration; often self-employed individuals;

casual/contingent: employment on an occasional or "on call" basis, usually for brief periods of time depending on the requirements of the employer; hours of work may vary from a few hours per week to full time;

seasonal: employment for part of the year dependent on an employer's needs to meet seasonal changes in supply of labour; and

job sharing: a new version of regular or permanent part time employment in which two or more employees voluntarily share responsibilities for one position.

Workers' Advisers Program [Act, ss. 259 - 274] - A program, administered by the Nova Scotia Department of Labour, which provides legal advice and representation, free of charge, to *workers* who wish to appeal a decision of the *Board* and who satisfy the eligibility criteria set out in the Workers' Advisers Program Eligibility Regulations; preceded, under the *former Act*, by the Workers' Counsellor Program.

Work Hardening - A *vocational rehabilitation* program designed for a *worker* who has been out of the work place for a lengthy period and/or is unable to return to his or her pre-accident position. This program will focus on maximizing the workers's physical capabilities and increasing work day tolerance. Education, as well as stress and pain management, constitute major portions of the program.