



# **Extended Earnings Replacement Benefit (EERB) Review**

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Final Policy Decision and Supporting Rationale

March 18, 2026

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# Introduction

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In the fall of 2025, Bill 144 amended the Workers' Compensation Act (the "Act") to allow the WCB to review an extended earnings-replacement benefit (EERB) at any time instead of only at fixed intervals (36 and 60 months). The change became effective January 1, 2026. This change to the Act will enable the WCB to adjust an EERB to ensure it reflects a worker's earnings loss due to a work-related injury on a more frequent basis. Please refer to [Bill 144](#) for details.

On February 13, 2026, in response to the changes to the Act, the WCB released Policy Background Paper: Review of Extended Earnings Replacement Benefit (EERB) and a draft policy.

The WCB received feedback on this policy during two webinars, and feedback through [policy@wcb.ns.ca](mailto:policy@wcb.ns.ca). We received written feedback from four employers or employer organizations, and from four workers or labour.

This report includes:

- An explanation of the changes the WCB has made to the policy in response to feedback.
- A summary of WCB responses to feedback received (Appendix A);
- A marked-up version of the EERB review policy showing changes made in response to feedback (Appendix B); and
- The WCB's final EERB review policy (Appendix C).

This report concludes policy development on the topic of EERB review.

## Changes made to the EERB review policy in response to feedback

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The WCB considered all stakeholder feedback received and made the following changes in response:

- Clarified the examples used in Section 1.2 that are used to illustrate when the WCB may deviate from annual reviews or initiate a review after the fifth anniversary of the EERB award.
- Adjusted the phrasing in Section 4.2 a) to clarify that when the WCB determines through a review that an EERB should be adjusted on a go-forward basis, the current amount is paid until the end of the month in which the review was completed.

## Conclusion

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The WCB values stakeholder participation in policy development and considered all feedback carefully.

The major theme running through employer feedback was concern that the policy was too flexible, and that annual reviews should be on-going with no delays or cessation at the 5-year point from the anniversary of the EERB award. They also believe updated claim information should be obtained annually.

Not unexpectedly, workers are concerned about the change in EERB review frequency and the potential impact on their benefits. Some worker/labour feedback was supportive of annual EERB reviews, considering it an opportunity for workers experiencing a deterioration in their condition to have it recognized in the amount of their EERB payment sooner than in the past. Of most concern was ad hoc reviews that will be carried out in response to reported changes in a worker's circumstances that may impact the amount of the EERB award. Workers expressed concern about financial instability and negative psychological effects. The WCB will be reaching out to workers to advise them of the change in EERB reviews and their role in ensuring the WCB has up-to-date information about any changes in circumstances that may affect their EERB payment. This will decrease the likelihood of unexpected changes in EERB payments.

Much of the remaining feedback we received was out of scope or operational in nature.

This policy enables the WCB to administer an EERB review program that makes the most effective use of resources to ensure EERBs reflect a worker's true loss of earnings (LOE), while also supporting a worker's return to work, health and dignity.

The final decision and policy will be communicated broadly to stakeholders. Please see a summary of the feedback received in Appendix A, and the final policy in Appendix B.

## Appendix A- Stakeholder Feedback

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The following is a summary of the feedback we received. Some of this feedback was out of scope for the consultation and is not included in the table below. It includes:

- The Government's decision to amend the legislation to allow for more frequent EERB reviews.
- The WCB's legal authority to review and adjust EERBs awarded before and after January 1, 2026. The *Act* does not limit the WCB's ability to review EERBs (both full and partial) awarded prior to January 1, 2026.
- Claim specific questions or issues.
- Questions related to operational details of how the WCB will conduct EERB reviews.
- General claims adjudication (e.g. work-relatedness).
- The policies and procedures used to award EERBs, including the use of estimated earnings.
- Claims costs and rate setting.

This feedback has been provided to the appropriate WCB department for consideration where appropriate.

We greatly appreciate the time and effort it takes to participate in policy consultation including webinar attendance, asking follow-up questions, and providing a formal submission. While we reviewed all the feedback in detail, we have focused on the common themes that were directly related to the content of the policies. If you have any questions about a particular issue that is not specifically addressed here, please feel free to contact the Policy Team at [policy@wcb.ns.ca](mailto:policy@wcb.ns.ca) and we would be happy to discuss it with you.

## Both employer and worker/labour

### Feedback

### WCB Comment

**In reference to the examples used in S. 1.2 to illustrate when the WCB may not carry out an annual review, or may initiate a review after the 5-year mark, employers and workers had questions:**

- **What is meant by “severely disabled? Who decides this?**
- **Why are you using VR as an example? It has not been normal practice for the WCB to provide VR to workers who have an EERB.**
- **What do you mean by “operational” reasons for the WCB not carrying out EERB reviews?**

The WCB agrees the examples could be clearer and has modified the wording and added examples of operational reasons for why the WCB may not carry out EERB reviews.

We have also made it clear that these are not the only situations where we may vary the review schedule, by adding the phrase “Examples include, but are not limited to:” in the intro to the list of examples.

As part of re-imagining our approach to servicing EERB recipients, the WCB will explore a variety of options for continuing to support them in safely returning to work. This includes potentially exploring and providing VR services and programs to EERB recipients where appropriate.

## Employers and employer organizations

### Feedback

### WCB Comment

**Employers generally believed there should be no flexibility in the annual review schedule - reviews should take place annually until the worker reaches age 65. But, if they aren't scheduled after 5 years, there should still be an opportunity to review if necessary.**

The WCBs approach to the timing of EERB reviews is consistent with the approach taken in other WCBs. Annual reviews are the norm, with ad hoc reviews undertaken when there is information indicating a change in a worker's circumstances that may affect the amount of their EERB.

The 5-year milestone provides the WCB an opportunity to do a comprehensive review of the claim and assess the likelihood of future changes in the worker's circumstances that could impact their EERB amount. If the WCB believes it's appropriate to schedule more annual reviews, we will do so. Additionally, workers continue to have an obligation to report any changes in circumstances that could affect the amount of their EERB for the entire time they are in receipt of an EERB.

<p><b>Employers generally believe the WCB should always obtain updated medical/functional, vocational, and labour market information during an EERB review to support a return to work. Employers are paying for the system and the WCB has an obligation to ensure EERBs are correctly awarded.</b></p> <p><b>Additionally, staff should have specific and clear direction on when to obtain information for a review.</b></p>	<p>As is the case with the timing of EERB reviews, the WCB believes discretion and flexibility is required to ensure the WCB carries out the appropriate level of review. For example, a worker who has been receiving an EERB for several years, whose injury is complex, and has not been working may not require updated functional scans or labour market information to support the review. Alternatively, for a worker recently awarded an EERB, living in an area with new economic opportunities, the review approach may differ – potentially leading to new vocational rehabilitation opportunities for the worker and a return to employability.</p> <p>We agree that staff should have clear direction on what, and when, to obtain information to support an EERB review. To that end, the WCB is in the process of updating relevant procedures and guidance.</p>
<p><b>The policy states WCB will pursue recovery of overpayments that are created by workers not reporting changes in circumstances. Current practice is that they are often moved to a ‘non recoverable overpayment’. Is recovery going to be made mandatory given the “will” language in this policy.</b></p>	<p>As stated in policy 10.2.1R1- Recovery of an Overpayment, an overpayment occurs “when the worker is paid benefits exceeding their entitlement according to the <i>Act</i>, policies or procedures.” The WCB will consider and apply this policy when making a decision to recover an overpayment.</p> <p>The overpayment policy sets out a series of criteria that guide the WCB’s decision to pursue recovery of an overpayment. This includes legality, reasonableness (should the worker have reasonably known that the payment was in excess of what was owed to them?), time since discovery of the overpayment, cost, and fraud (the WCB always pursues overpayments that result from fraud).</p> <p>The WCB will pursue overpayments where a consideration of the facts and the criteria result in a decision that a recoverable overpayment has occurred.</p>
<p><b>In S. 4.1 where did 10% come from?</b></p>	<p>The <i>Act</i>, in S. 73(2) states that the WCB may adjust the amount of EERB paid to a worker if changes in the LOE used to calculate the EERB at the time of the EERB award, or most recent EERB review, results in at least a ten-percent variation in the EERB amount being paid to the worker at the time of the review.</p> <p>This requirement is not new – it has been in the <i>Act</i> since it became effective in 1994.</p>

**There should be significant accountability on the worker to provide information annually to the WCB to support ongoing entitlement to EERB. A yearly declaration from the worker should be considered.**

During the annual EERB review the WCB will be in contact with the worker to obtain the information required for the review. The worker is also required by the policy to report any changes in circumstances that could affect the amount of their EERB. The WCB may, as appropriate, seek out updated information (e.g. functional testing).

As well the *Act*, in S. 84 (1) (c) and (d) requires workers to take all reasonable steps to provide to the WCB full and accurate information on any matter relevant to a claim for compensation, and notify the WCB immediately of any change in circumstances that affects or may affect the worker's initial or continuing entitlement to compensation. Non-compliance may result in suspension, reduction or termination of compensation.

The WCB does not believe a yearly declaration is necessary in light of these requirements.

**Section 4.2 of the policy appears contradictory and offers no guidance as to when an EERB adjustment should be effective the following month after the review, and when a retroactive adjustment would be appropriate.**

EERBs are monthly benefits paid at the same time every month.

We have adjusted the phrasing in S. 4.2 a) to clarify that when the WCB determines through a review that an EERB should be adjusted on a go-forward basis, the current amount is paid until the end of the month in which the review was completed.

A retroactive adjustment may be appropriate if the WCB determines there was a change in the worker's circumstances that impacted their LOE, prior to the commencement of the EERB review. As discussed previously, the WCB will consider the facts of the claim in combination with policy 10.2.1R1- Recovery of an Overpayment to determine if a recoverable overpayment has occurred.

## Workers and labour/worker organizations

Feedback	WCB Comment
<p><b>There is concern that reviews will primarily focus on identifying reasons to lower payments.</b></p>	<p>The purpose of EERB reviews is to ensure the benefit continues to accurately reflect a worker's LOE. The WCB will respond to changes in a worker's circumstance, be that (for example) the receipt of CPP-D, starting a new job, or changes in functional abilities, by adjusting an EERB accordingly.</p>
<p><b>Some worker/labour submissions were supportive of annual reviews of EERBs believing this will result in improved accuracy of benefit calculations and earlier corrections of underpayments. However, a worker association believes reviews should not be done until the fourth and fifth anniversary of the EERB award.</b></p> <p><b>"Ad hoc review should not be done. They cause fiscal uncertainty making it difficult for workers to manage long-term financial commitments."</b></p> <p><b>Concern was also expressed by a labour organization that psychological injury may result from worry over constant reviews.</b></p>	<p>The WCBs approach to the timing of EERB reviews is consistent with the approach taken in other WCBs. Annual reviews are the norm, with ad hoc reviews undertaken when there is information indicating a change in a worker's circumstances that may affect the amount of their EERB.</p> <p>The WCB recognizes that this is an important change for workers and some may be concerned about the potential impact on their benefits. The WCB will be reaching out to EERB recipients to explain the changes and what it means for them – including a worker's duty to report changes in circumstances that could impact their EERB eligibility. Reporting changes as soon as they happen is the best way to avoid unexpected changes in a benefit.</p> <p>The physical and psychological safety of the workers and employers we serve is paramount. We will ensure our staff interactions are guided by understanding, empathy, awareness, and clear communication when discussing this new approach to EERB review.</p>
<p><b>The policy should include a statement that estimated earnings will only be part of an EERB review in exceptional circumstances and specific examples of such circumstances should be identified.</b></p>	<p>The WCB compares what a worker was earning before and after the work-related injury to determine if the worker has a loss of earnings (LOE). As per S. 38 of the <i>Act</i>, earnings the WCB estimates a worker is capable of earning in suitable and reasonably available employment is considered when calculating a worker's LOE, and ultimately the amount of their EERB. To ensure an EERB continues to reflect a worker's true LOE the WCB will, where appropriate, review the functional/medical, vocational, and labour market information upon which an estimation is based. This may result in an adjustment to the estimation and the EERB amount.</p>

<p><b>The term “change in a worker’s situation” in S. 3 is vague and subjective. This opens the door to reviews being triggered by minor, temporary, or purely administrative changes—such as speculative medical opinions, brief failed return-to-work attempts, or theoretical employability assessments that do not reflect real labour market conditions in Nova Scotia.</b></p>	<p>Section 84(1) (d) of the <i>Act</i> states “Every worker shall ... notify the Board immediately of any change in circumstances that affects or may affect the worker’s initial or continuing entitlement to compensation.” We believe the policy clarifies this <i>Act</i> requirement by specifying that workers must notify the WCB immediately if there is a change that may affect the worker’s LOE used to calculate the amount of EERB they are receiving, since the time of the EERB award or last EERB review. The policy goes on to list the types of changes a worker must report to the WCB.</p>
<p><b>Identify a reasonable time frame for a worker to report a change in circumstances.</b></p>	<p>Identifying a “reasonable” timeframe is challenging. What is reasonable in one set of circumstances may not be in another – reflective of the sentiments in Section 186 of the <i>Act</i> that requires the WCB to base decisions on the real merits and justice of a case. As part of the development of updated procedures for EERB review, the WCB will provide guidance to staff to ensure the requirement to report changes in circumstances immediately is considered in the context of the facts of a claim.</p>
<p><b>Workers may avoid attempting modified work, retraining, or therapeutic activities out of fear that any effort to improve could be used as justification to reduce their benefits. This creates a perverse incentive that runs counter to the stated goals of recovery, reintegration, and dignity.</b></p>	<p>Nova Scotians working is a principle we all share. If an EERB recipient wants to re-connect with work, we want to help them with appropriate supports and services. The WCB’s goal isn’t to reduce benefits. Our goal is to support workers in Return to Work (RTW). A consequence of that may be a reduction in an EERB because the worker has earnings and is moving towards independence.</p>
<p><b>Early reviews should be limited to clear, objective, and demonstrably permanent improvements. Injured workers deserve stability, transparency, and fairness, not ongoing uncertainty.</b></p>	<p>The WCB agrees that evidence of a change in a worker’s circumstances (including functional abilities) must be present before an EERB can potentially be adjusted. As discussed above, the WCB is focused on worker RTW in suitable work that provides stability, health, and dignity.</p>
<p><b>Statement 4.1 (c) is redundant. The deduction for CPP/QPP Disability is legislated and need not to be reinforced. Include a statement</b></p>	<p>We believe it is important for transparency to include S. 4.1 (c).</p>

**that estimated earnings for a worker also in receipt of CPP/QPP disability payments will not be considered employment earnings in an initial or continuing entitlement to an EERB.**

There is no legislated authority to not consider estimated earnings (as set out in S. 38 (b)(ii)) for the purposes of the calculation of an EERB.

**The effective date for EERB adjustments should vary depending on whether the adjustment is an increase or a decrease to the EERB amount. An increase should be effective the beginning of the month following the month the review was completed. If the adjustment results in a decrease to the EERB, the adjustment is implemented at the beginning of the third month after the review is completed to give the worker the ability to make any necessary personal economic changes.**

As discussed above, the WCB will be reaching out to EERB recipients to explain the changes and what it means for them. The WCB will ensure there is open communication with workers about the potential results of an EERB review to reduce the likelihood of unexpected changes in benefits. It is also important to note that reporting changes as soon as they happen is the best way to avoid unexpected changes in a benefit.

# Appendix B – EERB Review Policy With Mark-up

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(Additions indicated by **bold and underlined**, deletions by ~~strikeout~~)

## Policy Number: 3.4.3 Review of Extended Earnings Replacement Benefit (EERB)

Topic: Review of Extended Earnings Replacement Benefit (EERB)

Section: Short-Term and Long-Term Benefits

Subsection: Extended Earnings Replacement Benefit (EERB)

Effective: XXXX

Issued: XXXX

Approved by Board of Directors: XXXX

## Preamble

A worker may be eligible for an Extended Earnings-Replacement Benefit (EERB) when they have a permanent medical impairment and experience a loss of earnings resulting from a work-related injury.

As set out in Section 73(1) of the Workers' Compensation Act (the "Act"), the WCB may review and adjust its determination of the amount of EERB paid to a worker at any time. This policy describes when an EERB will be reviewed to ensure that the EERB is still based on accurate information and continues to reflect the worker's true earnings loss.

## Policy Statement

### 1. Timing of EERB reviews

#### 1.1 General

The WCB may review EERBs at any time. Generally, the WCB will review EERBs:

- a) annually, commencing on the anniversary date of the EERB award, until the fifth anniversary of the award; and
- b) on an ad hoc basis at any time.

#### 1.2 Annual reviews

The WCB may suspend or vary the frequency of annual reviews due to the circumstances of a claim, operational considerations, or other reasons. ~~For example:~~ **Examples include, but are not limited to:**

- a) **The WCB determines a worker's earning capacity is unlikely to change. This may be the case with some severely disabled workers where it may be more**

**appropriate to carry out a review at the third or fifth year anniversary of the EERB award or suspend annual reviews altogether.** The WCB may determine an annual review of an EERB is unnecessary if the worker is severely disabled and it is unlikely the worker's earnings capacity will change. In such a case the WCB may schedule reviews less frequently or suspend annual reviews altogether.

- b) **A worker is participating in WCB programming that may change their earning capacity.** When there may be a change in the worker's circumstances that could affect the amount of the EERB award. For example, **This would include** the a worker **who** is participating in a vocational rehabilitation training plan **than runs past** at the fifth anniversary of their EERB award. In such a this case, the WCB **may choose** to extend the **annual review schedule past the fifth anniversary of the EERB award.**
- c) **The WCB is impacted by events including, but not limited to, a natural disaster, cyber-attack, or labour disruption that may temporarily impact the ability of the WCB to carry out annual EERB reviews.**

### 1.3 Ad hoc reviews

The WCB may review an EERB on an ad hoc basis at any time. Examples of when an ad hoc EERB review may be initiated include:

- a) a worker reports changes in circumstances (see Section 3) which may affect the worker's LOE earnings used to calculate the current amount of EERB in pay; or
- b) fraud or misrepresentation is suspected. As part of the review, the WCB will consider and apply *Policy 10.3.7R2 - Fraud and Misrepresentation* and *Policy 10.2.1R1- Recovery of an Overpayment* as appropriate.

*References: Workers' Compensation Act, Sections 38, 73, and 84.*

## 2. EERB review

During an EERB review the WCB collects information to determine if there have been changes in the LOE used to calculate the EERB since the time of the EERB award, or last EERB review. This information may include, but is not limited to:

- a) actual earnings from employment. This will include a review of a worker's information received from the Canada Revenue Agency (CRA). The WCB may use alternate means of verifying a worker's earnings where appropriate. This includes asking the worker to provide proof of earnings through pay stubs or other similar records;
- b) whether the worker is receiving Canada Pension Plan (CPP) or Quebec Pension Plan (QPP) disability benefits;
- c) updated medical/functional information; or
- d) updated labour market/vocational information as required.

*References: Workers' Compensation Act, Sections 73, 84(1)(c) and (d), 194.*

## 3. Worker responsibility to report change in circumstances

A worker must notify the WCB immediately of a change in circumstances that affects, or may affect, the worker's initial or continuing entitlement to compensation. In particular, a worker must

notify the WCB immediately if there is a change that may affect the worker's LOE used to calculate the amount of EERB they are receiving, since the time of the EERB award or last EERB review. The types of changes the worker must report to the WCB include, but are not limited to:

- a) change in employment status or earnings;
- b) receipt of CPP/QPP disability benefits; and
- c) change in functional abilities.

Workers are expected to maintain adequate records to assist the WCB in comparing the LOE used to calculate the EERB to the worker's current LOE.

If possible, a worker should notify the WCB of a change, such as a planned return to work, before it happens. This helps prevent an overpayment that will need to be recovered from the worker. The WCB will pursue recovery of overpayments that are created by workers not reporting changes in circumstances as per *Policy 10.2.1R1- Recovery of an Overpayment*.

*References: Workers' Compensation Act, Sections 73, 84 (1)(c) and (d), 84(2).*

## **4. Adjusting an EERB**

### *4.1 Variation of ten-percent or more in EERB amount*

- a) As set out in Section 73 (2) of the *Act*, the WCB may adjust the amount of EERB paid to a worker if changes in the LOE used to calculate the EERB at the time of the EERB award, or most recent EERB review, results in at least a ten-percent variation in the EERB amount being paid to the worker at the time of the review.
- b) The WCB will terminate an EERB if the review indicates the worker no longer has a LOE due to the work-related injury. Increases to the amount of EERB paid to a worker will be considered if the worker's reduced earning capacity is due to the effects of the work-related injury on the worker's functional abilities.
- c) Notwithstanding Section 4.1 (a), the WCB will always adjust an EERB to reflect worker receipt of CPP/QPP disability benefits.

### *4.2 Effective date of adjustment*

- a) If the WCB determines through the EERB review that an EERB should be adjusted **on a go-forward basis**, the current EERB amount will continue to be paid ~~on a go-forward basis~~ until the end of the month in which the review was completed. The new EERB amount is effective the following month.
- b) If the WCB determines through the EERB review that an EERB should be adjusted retroactively, the adjustment is calculated based on the date when the change to the worker's LOE is determined to have occurred.

*References: Workers' Compensation Act, Sections 38, 73(2).*

## **Application**

This policy applies to EERB reviews completed on or after January 1, 2026.

## Appendix C – Final EERB Review Policy

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### Policy Number: 3.4.3 Review of Extended Earnings Replacement Benefit (EERB)

Topic: Review of Extended Earnings Replacement Benefit (EERB)

Section: Short-Term and Long-Term Benefits

Subsection: Extended Earnings Replacement Benefit (EERB)

Effective: XXXX

Issued: XXXX

Approved by Board of Directors: XXXX

### Preamble

A worker may be eligible for an Extended Earnings-Replacement Benefit (EERB) when they have a permanent medical impairment and experience a loss of earnings resulting from a work-related injury.

As set out in Section 73(1) of the Workers' Compensation Act (the "Act"), the WCB may review and adjust its determination of the amount of EERB paid to a worker at any time. This policy describes when an EERB will be reviewed to ensure that the EERB is still based on accurate information and continues to reflect the worker's true earnings loss.

### Policy Statement

#### 1. Timing of EERB reviews

##### 1.1 General

The WCB may review EERBs at any time. Generally, the WCB will review EERBs:

- a) annually, commencing on the anniversary date of the EERB award, until the fifth anniversary of the award; and
- b) on an ad hoc basis at any time.

##### 1.2 Annual reviews

The WCB may suspend or vary the frequency of annual reviews due to the circumstances of a claim, operational considerations, or other reasons. Examples include, but are not limited to:

- a) The WCB determines a worker's earning capacity is unlikely to change. This may be the case with some severely disabled workers where it may be more appropriate to carry out a review at the third or fifth year anniversary of the EERB award or suspend annual reviews altogether.
- b) A worker is participating in WCB programming that may change their earning capacity. This would include a worker who is participating in a vocational rehabilitation plan that

runs past the fifth anniversary of their EERB award. In this case, the WCB may choose to extend the annual review schedule past the fifth anniversary of the EERB award.

- c) WCB operations are impacted by events including, but not limited to, a natural disaster, cyber-attack, or labour disruption that may temporarily impact the ability of the WCB to carry out annual EERB reviews.

### *1.3 Ad hoc reviews*

The WCB may review an EERB on an ad hoc basis at any time. Examples of when an ad hoc EERB review may be initiated include:

- a) a worker reports changes in circumstances (see Section 3) which may affect the worker's LOE earnings used to calculate the current amount of EERB in pay; or
- b) fraud or misrepresentation is suspected. As part of the review the WCB will consider and apply *Policy 10.3.7R2 - Fraud and Misrepresentation* and *Policy 10.2.1R1- Recovery of an Overpayment* as appropriate.

*References: Workers' Compensation Act, Sections 38, 73, and 84.*

## **2. EERB review**

During an EERB review the WCB collects information to determine if there have been changes in the LOE used to calculate the EERB since the time of the EERB award, or last EERB review. This information may include, but is not limited to:

- a) actual earnings from employment. This will include a review of a worker's information received from the Canada Revenue Agency (CRA). The WCB may use alternate means of verifying a worker's earnings where appropriate. This includes asking the worker to provide proof of earnings through pay stubs or other similar records;
- b) whether the worker is receiving Canada Pension Plan (CPP) or Quebec Pension Plan (QPP) disability benefits;
- c) updated medical/functional information; or
- d) updated labour market/vocational information as required.

*References: Workers' Compensation Act, Sections 73, 84(1)(c) and (d), 194.*

## **3. Worker responsibility to report change in circumstances**

A worker must notify the WCB immediately of a change in circumstances that affects, or may affect, the worker's initial or continuing entitlement to compensation. In particular, a worker must notify the WCB immediately if there is a change that may affect the worker's LOE used to calculate the amount of EERB they are receiving, since the time of the EERB award or last EERB review. The types of changes the worker must report to the WCB include, but are not limited to:

- a) change in employment status or earnings;
- b) receipt of CPP/QPP disability benefits; and
- c) change in functional abilities.

Workers are expected to maintain adequate records to assist the WCB in comparing the LOE used to calculate the EERB to the worker's current LOE.

If possible, a worker should notify the WCB of a change, such as a planned return to work, before it happens. This helps prevent an overpayment that will need to be recovered from the worker. The WCB will pursue recovery of overpayments that are created by workers not reporting changes in circumstances as per *Policy 10.2.1R1- Recovery of an Overpayment*.

*References: Workers' Compensation Act, Sections 73, 84 (1)(c) and (d), 84(2).*

## **4. Adjusting an EERB**

### *4.1 Variation of ten-percent or more in EERB amount*

- a) As set out in Section 73 (2) of the *Act*, the WCB may adjust the amount of EERB paid to a worker if changes in the LOE used to calculate the EERB at the time of the EERB award, or most recent EERB review, results in at least a ten-percent variation in the EERB amount being paid to the worker at the time of the review.
- b) The WCB will terminate an EERB if the review indicates the worker no longer has a LOE due to the work-related injury. Increases to the amount of EERB paid to a worker will be considered if the worker's reduced earning capacity is due to the effects of the work-related injury on the worker's functional abilities.
- c) Notwithstanding Section 4.1 (a), the WCB will always adjust an EERB to reflect worker receipt of CPP/QPP disability benefits.

### *4.2 Effective date of adjustment*

- a) If the WCB determines through the EERB review that an EERB should be adjusted on a go-forward basis, the current EERB amount will continue to be paid until the end of the month in which the review was completed. The new EERB amount is effective the following month.
- b) If the WCB determines through the EERB review that an EERB should be adjusted retroactively, the adjustment is calculated based on the date when the change to the worker's LOE is determined to have occurred.

*References: Workers' Compensation Act, Sections 38, 73(2).*

## **Application**

This policy applies to EERB reviews completed on or after January 1, 2026.