

2010

# WCB facts

Workers Compensation Board of Manitoba

## CHANGE IN BENEFITS OR SERVICES

**Is it possible that the benefits and services I am now receiving from the WCB will change or stop at a later date?**

Yes. WCB benefits, payments or services may be reduced, suspended or stopped at some time during your claim.

**Why would benefits be reduced, suspended or stopped?**

Sometimes, the WCB must make changes to the level of benefits or services you receive because the change is required through *The Workers Compensation Act* or WCB Policy. In these cases, the WCB does not have a choice about the change in benefits, payments or services. The following are some examples of changes that may be required due to legislation or policy:

- you return to work or we are informed by a doctor that you are fit to return to pre-injury work
- you are receiving a collateral benefit or some other post-injury earnings
- you have received wage loss benefits for a total of two years and you wish to contribute to a retirement annuity
- you were 61 years of age or older when the injury happened and have received wage loss compensation for a total of four years
- you reach 65 years of age or become entitled to Old Age Security benefits.

At other times, the WCB makes a decision based on the circumstances of the case. In these cases, the WCB is making a “discretionary” decision about whether to make the change. Some examples of discretionary changes are:

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- the WCB considers you are fit to return to work even though you have not returned to work nor have you been advised to return to work by your doctor
- the WCB considers that you do not have a loss of earning capacity even though you do not have any post-injury earnings
- the WCB considers that you are capable of some form of work and should be provided with vocational rehabilitation benefits and services
- you request vocational rehabilitation services
- the WCB considers you are capable of earning a specific wage even if you are not currently earning a wage at that level
- the WCB considers that you are not cooperating with healthcare professionals and/or the WCB in all aspects of your recovery.

### **How much notice will I receive if the benefits or services I am now receiving are going to be changed?**

For WCB claims, there are two types of notices – one for a change that the WCB must make and one for a discretionary change.

If the WCB is making a discretionary decision to change benefits, payments or services, you will be told before the change is actually made. Seven days advance notice is normally given, but in exceptional circumstances, more notice may be provided.

If we are making a change to comply with the Act or WCB Policy, the change may be made without advance notice. Notice is provided for in the Act, WCB Policy Manual or other WCB publications. In these cases, even though advance notice is not required, we will make every effort to tell you the change is coming.

Sometimes, notice about a change in benefits or services cannot be provided before the decision must be communicated. This can happen when unexpected information is received by the WCB and

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prompts an immediate decision to change benefits or services. Again, when this situation occurs, we will make every attempt to tell you first.

#### **How will I be notified of the change?**

Your adjudicator or case manager will give you advance notice in person, over the phone or in writing. The notice will include reasons for the change and is always documented on your file. In each case, our first priority is to contact you in person or over the phone.

The period of notice will normally be seven calendar days; beginning from the date of the notice letter or the date when verbal notice is provided. The change in benefits or services will come into effect after the period of notice is over.

#### **How am I supposed to remember the changes that are required through the Act or WCB Policy or when they will happen?**

Although we don't expect you to remember everything that could happen with your claim, there are a few steps you can take to help you stay informed and make plans when changes are inevitable.

- carefully read all letters and information packages you receive from the WCB; if there is anything you do not understand, call us right away so we can make it clear for you
- read our publications and fact sheets; these are good sources of information and were written to clearly explain the various aspects of the compensation system
- if at any stage during your claim, you have any questions about what is going on or what you can expect, call your adjudicator or case manager; it is important to us that you understand how you will be affected.

**What if I don't agree with the decision to change my compensation benefits or services?**

If you don't agree with the decision to change your benefits, you may appeal the decision. You will have to tell us, in writing, why you believe the changes should not have been made and on what grounds you're basing your appeal.