

Section	Policy
40	44.10.20.10

Section Title: Benefits Administration - *Adjudication and Compensation*
Subject: Pre-existing Conditions
Effective Date: For decisions on or after January 1, 2023

A. POLICY PURPOSE

Many workers who experience a workplace injury also have a pre-existing condition. The fact that the worker has a pre-existing condition does not disentitle them to compensation for their workplace injury. However, the workers compensation system is designed to compensate workers for **workplace** injuries, not all injuries. It is often necessary, therefore, to distinguish between a worker's pre-existing condition and their workplace injuries.

Policy 44.05, *Arising Out of and in the Course of Employment*, outlines the process the Workers Compensation Board (WCB) uses to determine whether an accident is related to the employment.

This policy explains what a pre-existing condition is. It also explains the principles governing payment of compensation for workplace injuries when a worker's pre-existing condition impacts the severity of the workplace injury experienced by the worker or increases their recovery time, or alternatively, when the workplace injury worsens the worker's pre-existing condition.

B. POLICY

What is a pre-existing condition?

A pre-existing condition is any medical condition the worker had prior to their workplace injury. Pre-existing conditions may contribute to the severity of a workplace injury or significantly prolong a worker's recovery. Workplace injuries can also have an effect on pre-existing conditions. When a worker's pre-existing condition is temporarily worsened because of a workplace injury, this is considered an aggravation of a pre-existing condition. When a worker's condition is permanently worsened because of a workplace injury, this is considered an enhancement of the pre-existing condition.

Compensation

1. Wage Loss Benefits

- a. When the WCB determines that the worker has a loss of earning capacity resulting in part from a workplace injury and in part from a non-compensable pre-existing condition or the relationship between them, wage loss benefits are payable to the worker.
- b. The WCB gathers, assesses and weighs all available evidence to determine whether the workplace injury is contributing to the worker's loss of earning capacity.
- c. The WCB continues to assess evidence as the worker's claim progresses. Evidence may include predictions regarding the progression of a pre-existing condition based on statistical norms.
- d. Wage loss benefits will cease when a worker has:
 - i. recovered from the workplace injury to the point that the injury is no longer contributing, to a material degree, to the worker's loss of earning capacity, and
 - ii. the pre-existing condition is not a compensable condition.

2. Impairment Award

The degree of a worker's impairment (impairment rating) is determined by the WCB in accordance with this policy and policy 44.90.10, *Permanent Impairment Rating*, and the schedules attached to that policy.

If a worker has a pre-existing condition and the WCB determines they have suffered an impairment, the worker is eligible for an impairment rating based on the difference between the total rating and the rating assigned to the pre-existing condition. The WCB will assign a fair rating to the pre-existing condition based on the best information available.

When practical, the WCB will assign a rating for the pre-existing condition based on the Schedules of policy 44.90.10 or other impairment schedules (e.g. the American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment). If this is not possible, the WCB will determine the impairment rating for the pre-existing condition as follows:

- i. A pre-existing condition that is determined to be minor will be assigned a 0% impairment rating;
- ii. A pre-existing condition that is determined to be major, as described below, will be assigned an impairment rating equivalent to 50% of the impairment rating for that body structure.

A pre-existing condition is considered to be major for the purpose of the impairment rating if:

- i. The impairment was/is significantly affected by the pre-existing condition; or
- ii. The WCB has determined that the workplace injury enhanced the pre-existing condition; or
- iii. The WCB has determined that the pre-existing condition contributed to the workplace injury.

The presence of a co-existing condition will be treated in the same manner as a pre-existing condition when determining the impairment rating. A co-existing condition is a medical condition that occurs after the date of the workplace injury.

3. Fatality Benefits

Where the WCB determines that the worker's pre-existing condition contributed to the severity of the work-related injury, and the worker dies as a result of their work-related injury, compensation is payable to the deceased worker's dependants and/or estate.

4. Medical Aid

Pre-existing conditions may impact the provision of medical aid. The WCB will consider the worker's pre-existing condition when providing medical aid to assist the worker in recovering from the effects of their workplace injury. Further guidance on the necessity and sufficiency of medical aid is provided in WCB Policy 44.120.10, *Medical Aid*.

5. Recurrences

If the pre-existing condition resulted from a previous workplace injury, the WCB must determine whether the worker has experienced a recurrence. For guidance on recurrences, see WCB Policy 44.10.20.60, *Recurring Effects of Injuries and Illnesses (Recurrences)*.

6. Removal of Claim Costs

The application of cost relief for pre-existing conditions is set out in Schedule A of policy 31.05.10, *Cost Relief/Cost Transfer - Class E Employers*.

C. REFERENCES

The Workers Compensation Act, sections 4(1) and 81(1)(c)(i) (On or after January 1, 1992)

Related WCB Policies:

31.05.10, *Cost Relief/Cost Transfer - Class E Employers*

44.05, *Arising Out of and in the Course of Employment*

44.10.20.60, *Recurring Effects of Injuries and Illnesses (Recurrences)*

44.90.10, *Permanent Impairment Rating*

44.120.10, *Medical Aid*

History:

1. Approved by the Board of Directors by Board Orders 30/92 and 38/92 on June 22, 1992, effective June 23, 1992.
2. Minor title changes made to the policy and Schedule I was deleted as it is not referenced in the policy – November 2002.
3. Minor grammatical changes made throughout the policy.
4. Minor formatting and grammatical changes were made to the policy and the history section has been updated, June 27, 2012.
5. Policy updated by Board Order No. 34/14 on October 30, 2014, effective January 1, 2015. Policy updated with respect to the effect of pre- or co-existing conditions on impairment rating, to reflect revisions to Policy 44.90.10, *Permanent Impairment Rating*.
6. Policy updated November 10, 2017 to reflect consequential amendments to incorporate changes arising out of transition to the new rate setting model. Changes also made to reference the division of the revised Impairment Rating Schedule.
7. Minor formatting changes were made to the policy, April 2021.
8. In September 2022, the name of policy 31.05.10 was changed from *Cost Relief/Cost Transfer - Class E* to *Cost Relief/Cost Transfer - Class E Employers*.
9. Policy updated by Board Order No. 40/22 on December 15, 2022, effective for decisions on or after January 1, 2023. Revisions include clarifying that workers are entitled to compensation when a pre-existing condition contributes to the severity of a workplace injury or significantly prolongs their recovery; and how a worker's impairment rating is determined when they have a pre-existing condition. Changes also state, in plain language, that compensation is payable to workers when the workplace injury worsens their pre-existing condition; and wage loss benefits will continue to be paid to the worker if the loss they are experiencing is, to some degree, due to their work-related injury. References and a brief explanation of the additional policies relevant to the payment of compensation for claims involving pre-existing conditions were added to the policy.