

Section	Policy
30	36.60

Section Title: Finance, Assessments and Administration - Payments
Subject: Payment of Compensation: Special Circumstances
Effective Date: January 1, 2022

A. POLICY PURPOSE

The Workers Compensation Act (the Act) provides the Workers Compensation Board (WCB) with the authority to determine the most convenient and appropriate manner in which to pay compensation.

This policy outlines the special circumstances in which the WCB may exercise its authority to pay compensation to someone other than the worker or dependant.

B. POLICY

The workers compensation system is designed to provide benefits to injured workers and their dependants in a fair and timely manner. In most circumstances, the WCB will pay compensation directly to the worker or dependant entitled to receive it.

In certain special circumstances, however, the WCB may find it more convenient and appropriate to pay the worker's benefits to another person. This may occur when an injured worker becomes unable to manage their financial affairs or in cases of sudden catastrophic injury or fatality.

Where a worker or dependant is entitled to compensation under the Act and has a committee appointed to make decisions for him or her under *The Mental Health Act*, the WCB will pay compensation to the committee.

Where a worker or dependant is entitled to compensation under the Act and has a substitute decision maker appointed to make decisions in respect of his or her property under *The Vulnerable Persons Living with a Mental Disability Act*, the WCB will pay compensation to the substitute decision maker.

The WCB may exercise its discretion to pay compensation to someone other than the worker or dependant in other special circumstances, including:

- When a worker or dependent sustains a sudden loss of mental capacity (e.g. due to a catastrophic injury) but no committee under *The Mental Health Act* or substitute decision maker under *The Vulnerable Persons Living with a Mental Disability Act* has been appointed to make decisions on his or her behalf; or
- In fatality cases, where a worker dies and no formal execution or administration of an estate has been put in place.

In the absence of a committee or substitute decision maker, the WCB will only pay compensation to someone other than the worker or dependant if it is reasonably satisfied that payment of compensation to the worker or dependant would result in significant financial hardship to the worker or dependant, or their families. In such cases, the WCB will conduct investigations and adopt procedural safeguards to identify the most appropriate recipient of compensation and to ensure security of the injured worker's benefits.

C. REFERENCES

The Workers Compensation Act, sections 24(7) and 24(8)

The Mental Health Act

The Vulnerable Persons Living with a Mental Disability Act

History:

1. Policy 36.60 *Payment of Compensation: Special Circumstances* established by Board Order No. 12/20 on April 17, 2020, to align with Bill 18, *The Workers Compensation Amendment Act*. This replaces policy 36.60, *Payments on Behalf of Persons with Mental Illness*, which has been repealed removed from the WCB Policy Manual. These changes are effective January 1, 2022.