

Section Title: Benefits Administration - Adjudication and Compensation
Subject: Secondary Injury
Effective Date: January 1, 2023

A. POLICY PURPOSE

As a consequence of a previous workplace accident, some workers may experience a secondary injury.

The WCB determines that an injury is a secondary injury where:

- it is caused to the worker by an intervening incident, event or exposure ("intervening event");
- the intervening event is not work related; and,
- there is a causal link or relationship between the intervening event and the previous workplace accident.

This policy explains when a secondary injury will be compensable.

Where the WCB determines that the secondary injury is compensable, cost relief may be available to the accident employer (i.e. the worker's employer at the time of the previous workplace accident).

A secondary injury is not a recurrence. For guidance on recurrences, see Policy 44.10.20.60 *Recurring Effects of Injuries and Illnesses (Recurrences)*.

B. POLICY

A secondary injury will be compensable:

- (i) **when the dominant cause of the intervening event that caused the secondary injury is the previous workplace accident** - for the secondary injury to be compensable on this basis, the WCB must determine that the previous workplace accident is the dominant or primary cause of the intervening event that caused the worker's secondary injury.
- (ii) **when the secondary injury is caused by an intervening event over which the WCB exercises direct, specific control** - this includes, but is not limited to, situations such as when the worker is injured when participating in an activity or service offered by the WCB (e.g. a work assessment or on the job training), or when the worker is injured while travelling to an appointment arranged by the WCB, in circumstances where their travel is also arranged and paid for by the WCB.
- (iii) **where the secondary injury was caused by the delivery of treatment for the previous workplace accident** - for the secondary injury to be compensable on this basis, the injury must have occurred during the course of treatment authorized by the WCB.

Injuries that are part of the normal course of treatment and recovery, including known or expected complications, are not secondary injuries.

Where the WCB determines that the secondary injury is not compensable, and the worker is still recovering from the previous workplace accident, the WCB will continue to pay compensation for the estimated amount of time that would have taken the worker to recover from the previous workplace accident.

Removal of Claim Costs

In the circumstances described in Schedule C of Policy 31.05.10, *Cost Relief/Cost Transfer - Class E Employers*, additional claim costs of a secondary injury will be removed from the Class E accident employer's claim costs experience.

C. REFERENCES

The Workers Compensation Act, sections 4(1) and 60(2)

Related WCB Policies:

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

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

History

1. Policy originally approved by Board Order 157/89 as "Compensable Consequences of Work Injuries" on November 20, 1989.
2. Re-issue to Policy Manual approved by Board Order 9/91, June 19, 1991.
3. Policy re-written to conform to original policy and approved as to form only by Board Order 5/93 on January 28, 1993.
4. Policy amended and approved as 44.10.80.40.01 to cease effect on April 30, 1993, by Board Order 15/93 on April 30, 1993.
5. Policy 44.10.80.40 approved by Board Order 15/93 on April 30, 1993.
6. Guidelines incorporated and reviewed by the Policy Committee on August 5, 1993.
7. Guidelines revised and reviewed by the Policy Committee on November 14, 2002.
8. Minor formatting and grammatical changes were made to the policy June 27, 2012.
9. Minor formatting changes were made to the policy, April 2021.
10. Policy amended and renamed by Board Order No. 50/21 on December 14, 2021 effective January 1, 2022. *Further Injuries Subsequent to a Compensable Injury* has been rescinded and has been removed from the WCB Policy Manual effective January 1, 2022.
11. 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*.
12. Policy 31.05.10, *Cost Relief/Cost Transfer - Class E Employers*, including Schedule C - Secondary Injury, was revised by Board Order No. 41/22 on December 15, 2022 effective for all decisions on or after January 1, 2023. As a result, consequential changes were made to this policy. Injuries that are part of the normal course of treatment or recovery, including known or expected complications, do not constitute secondary injuries. Cost relief is mandatory when the criteria in the various schedules in policy 31.05.10 have been met.