

Duration of benefits – Retirement date Q & A

Bill 23, *Workers Compensation Amendment Act, 2020*

What are some of the changes to when WorkSafeBC determines retirement dates?

Through recent amendments to the *Workers Compensation Act*, the provincial government has changed when we determine a worker's retirement date. One of the changes is that we used to determine the retirement date when we decided a worker's permanent disability benefits, and now we generally defer that determination until after a worker turns 63. This change came into effect on January 1, 2021 and impacts any decisions regarding duration of benefits made on and after that date.

The legislative change also allows WorkSafeBC to make a new retirement date determination on some claims where a retirement date was determined prior to January 1, 2021. See below for more details.

How does a worker's retirement date relate to benefits?

The duration of a worker's temporary and/or permanent benefits depends on the worker's retirement date as determined by WorkSafeBC.

How will these changes benefit workers?

Before January 1, 2021, we determined a worker's retirement date based on their circumstances at the time of their injury. Given we can now wait until after someone turns 63 to make that determination, we can now consider the worker's circumstances closer to when they would retire.

What constitutes evidence?

To determine a worker's retirement date, we weigh evidence and facts so we can make a fair and informed decision. We review a range of information — from medical reports, to statements from the worker and employer, banking information, the worker's retirement and financial plans, and any other information that will help us make the determination. We'll explain this in greater detail when we contact you after you turn 63 to learn more about your retirement plans.

How can I easily tell if my retirement date can be redetermined?

WorkSafeBC may redetermine your retirement date if:

- You were injured on or after July 1, 2002
- You're currently receiving disability payments
- You were under the age of 63 at the time of your injury
- Your retirement date was previously determined before January 1, 2021
- You haven't yet reached the retirement date determined on your claim (i.e., often, that date is your 65th birthday)

If you meet all of these conditions, we will contact you after you turn 63.

Can WorkSafeBC redetermine my retirement age before I turn 63?

Unfortunately, the legislation does not allow us to redetermine your retirement date until after you turn 63. We won't be able to assist you on this matter before then. Rest assured that we will contact you when the time comes. Thank you for your patience.

I was injured before January 1, 2021, but the decision about my entitlement to permanent disability benefits was made after the changes came into effect. Am I entitled to a redetermination?

Given we made the decision about your permanent disability benefits after the government's changes came into effect, we won't need to redetermine your retirement date. Instead, we'll contact you after you turn 63 to discuss your circumstances and set your retirement date.

I was injured in 2015. I was under 63 at the time, and my retirement age was set at 65. Now, I'm 63 and I recently provided a financial plan and information from my employer that shows I now plan on working until I'm 70. Will you redetermine my retirement date and extend my permanent disability benefits to reflect my new retirement age?

We'll consider the evidence on your claim and the information you and your employer provide about your plans to work until you're 70. Given you haven't yet reached the retirement age of 65 already determined on your claim, we'll be able to re-examine your retirement date. As you're now 63, we'll be contacting you in the months ahead to gather more information and learn more about your plans.

I'm 61 and was injured in May 2019. I've recently changed my retirement plans. Should I contact you to provide more information?

No, it's not necessary for you to contact us. We won't be able to redetermine a retirement date for you and consider your circumstances until you turn 63. When the time comes, we'll communicate with you. Thank you for your patience.

Can you redetermine my retirement date more than once?

No, we can redetermine your retirement date only once on each claim.

Who isn't entitled to a redetermination?

Workers who were older than 63 at the time of their injury and/or if their benefits have ended because they've already reached the retirement date previously determined on their claim are not entitled to a redetermination. Workers who were injured prior to June 30, 2002, are also not entitled.

I'm still in my 30s. Why do I need to know about retirement dates?

We wanted you to be aware of these changes as they may affect you in the future. We'll need to be able to contact you after you turn 63 to discuss your plans, so we encourage you to keep your contact details up to date.

What will happen if you can't contact me? Will you still be able to redetermine my retirement date?

We'll make every possible attempt to contact you. However, if your contact details are not up to date and we haven't been able to get a hold of you by the time you reach the retirement date already established on your claim, your previously determined retirement date will continue to apply and unfortunately, we will not be able to redetermine it after that.

How can I update my contact details?

You can update your contact details through our online services on **worksafebc.com**. Select the Claims tab, and then "Change contact information" under "Manage a claim" to update your information. It takes only a few minutes and doing so will give you peace of mind. Alternatively, you can call 604.231.8888, or toll-free at 1.888.967.5377, to speak to a customer care agent. We encourage you to put a reminder in your calendar to check your contact details every year.