

## **If I Get a Permanent Injury at Work, Will I Get a Pension? How Much? How Long Will It Last?**

If you get permanently injured at work you should get one of two kinds of pension from the WCB.

**Permanent Functional Impairment (PFI) pension:** this is intended to compensate for loss of function. For example a physical injury might result in restrictions such as loss of range of motion, loss of strength or loss of sensation, or in symptoms such as chronic pain. The WCB should assess these impairments and pay you a pension based on the extent of loss compared to a non-disabled person. You will receive the pension in a lump sum payment or monthly. You are entitled to this pension regardless of your earnings levels after the injury, whether they go up or down compared to what you were earning before your injury.

**Loss of Earnings (LOE) pension:** If you can't return to your old job and can't make as much in the long term as you did prior to your injury, then the WCB should pay you what you are losing, the difference between what you used to make and what you now are capable of making.

Which pension you should get depends on the effect of the injury on your employability. For example, say two workers Harry and Padma both suffer a crush injury that resulted in them having to have a wrist fusion. A wrist fusion is granted a 12.5% loss of function pension by the WCB. Harry worked construction; he can't do his job as a carpenter any longer and won't be able to earn anywhere close to what he made pre-injury. In his case, the WCB should assess him to see how much he is actually losing and pay him the difference. Padma, however, has a job where she is not required to do any heavy work. She was able to return to work after her recovery and was able to resume her pre-injury job with only slight modifications. In her case, she is not actually losing any earnings. She still gets the 12.5% loss of function pension but will not be assessed for loss of earnings.

It used to be that the WCB had to consider both kinds of pension in every case and pay the worker whichever was greater. After the BC Liberals came into power however they built in a series of hurdles to getting loss of earnings pensions for someone in Harry's situation. As with so many benefits due to injured workers, the Liberals have not only reduced the amount of overall compensation but also imposed a number of hurdles for accessing that compensation at all.

**How much?** Padma will receive 12.5% of her pre-injury average earnings, which is usually based on one's earnings in the 12 months prior to your injury. The WCB pays you 90% of net of your average earnings. It used to be 75% of gross but the Liberals don't want to "reward" you for being injured so they now hold-back 10%.

**How long will my pension last?** While pensions used to be for life, if you were injured after June 30, 2002, your pension will last until age 65. You can get the pension extended to a later date if you can convince the WCB that you planned to work later or if you appeal the decision and convince an appellate tribunal that you would have.

**Will my spouse continue to receive my WCB pension after I die?** No, not unless you die *from* your compensable injury or occupational disease.

**Will my pension be indexed to the cost of living?** Pension used to be indexed in the pre-Liberal era. Today they are indexed, every year, to 1% below the cost of living to a maximum of 4%. What that means is that those who are most seriously injured, are actually falling behind the cost of living every year.

**What if I Don't Agree?** Believe it or not, the WCB routinely fails to grant workers the permanent compensation they are entitled to. This was supposed to be a user friendly system; however, the changes the Liberals brought in mean that the most seriously disabled often have to fight tough appeals to get the compensation they deserve.

**When do I need advice?** You may be far from recovery, receiving full benefits, when the WCB begins taking steps to reduce your pension. If the WCB is telling you that some of your ongoing conditions are non-compensable or deemed only temporary, there's a pretty good chance that the WCB is doing this in order to limit the amount of permanent pension it may eventually have to pay you. You may have to appeal these decisions in order to preserve your right to a fair pension assessment.

**What else can we do?** Courtesy of a mean-spirited government that has no concern for injured workers, it's now not only much harder to get a decent pension. When you get it, you get paid at a lower rate, for a shorter period of time and with indexation that's going to see you drop behind the cost of living every year.

Remember that if you are unhappy with how injured workers are treated in this province, you are not going to change the system until you get a new government at the top; one that cares about those injured on the job, and not just how much money they can save employers.