 Yukon Workers' Compensation Health and Safety Board	<b>Part:</b>	<b>Entitlement</b>	
	<b>Board Approval:</b>	<i>Original Signed by Chair</i>	<b>Effective Date:</b> <b>July 1, 2008</b>
	<b>Number:</b>	<b>EN-13</b>	<b>Last Revised:</b>
	<b>Board Order:</b>		<b>Review Date:</b>

## **CLAIMS COST RELIEF AND CLAIMS COST TRANSFER**

### **GENERAL INFORMATION**

The principle of claims cost relief and of claims cost transfer is to ensure that an employer's experience account is not charged claims costs for a work-related injury which exceeds the employer's responsibility.

The amount of claims costs applied against an employer's experience account determines whether an employer receives a super-assessment. As a result, it is important that only appropriate claims costs are charged to an employer's experience account.

### **PURPOSE**

This policy provides direction on the relief or transfer of claims costs from the cost experience of an employer.

### **DEFINITIONS**

- 1. Claims Cost Relief:** costs that are removed from the cost experience of an employer and charged to the employer's industry.
- 2. Claims Cost Transfer:** claims costs that are moved from the cost experience of one employer to that of another employer.

### **POLICY STATEMENT**

#### **1. Claims Cost Relief and/or Claims Cost Transfer**

An injured worker's present employer may be eligible for claims cost relief and/or claims cost transfer under the following circumstances:

- a) if a claim is accepted, but, based on further investigation, the claim is subsequently denied;

- b) if a claim is accepted, but, based on the outcome of an appeal, the claim is denied;
- c) if claims costs are the result of administrative errors of the Yukon Workers' Compensation Health and Safety Board (YWCHSB);
- d) if claims costs are the result of a fraudulent claim;
- e) if claims costs are recovered through a subrogated claim;
- f) if claims costs are recovered through the Interjurisdictional Agreement;
- g) if a worker's injury is the result of the actions of another employer, or a worker of another employer;
- h) if a worker suffers a subsequent injury as a consequence of a work-related injury;
- i) if claims costs are the result of an occupational disease which cannot be attributed to an injured worker's employer; or
- j) if claims costs are the result of a pre-existing condition which contributes to or delays recovery of a work-related injury.

In situations where negligence is found, YWCHSB policy, "Negligence Cost Transfer" must be applied.

**2. Exception Clause**

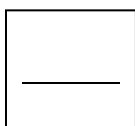
Exceptions to policy may be made by the Director of Claimant Services. Notification of any exception must be immediately provided to the President/CEO with reasons for the exception.

**3. Review Clause**

This policy shall be evaluated three years from its effective date.

**EXCEPTIONAL CIRCUMSTANCES**

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied, or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case based on YWCHSB policy, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.



**APPEALS**

Decisions made by the YWCHSB under this policy can be appealed directly in writing to the hearing officer of the YWCHSB in accordance with subsection 53(1) of the *Workers' Compensation Act* S.Y. 2008 (the "Act"). Notice of the appeal must be filed within 24 months of the date of the decision by the YWCHSB, in accordance with section 52 of the *Act*.

**ACT REFERENCES**

Sections 52, 53, 54, 71 and 72

**POLICY REFERENCES**

EN-02, "Merits and Justice of the Case"  
GN-07, "Negligence Cost Transfer"

**HISTORY**

CL-50, "Claims Cost Relief and Claims Cost Transfer", effective January 1, 2008, revoked July 1, 2008.

