



**YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD**

SUBJECT: CLAIMS AND BENEFITS POLICY NO.: CL - 47  
BOARD APPROVAL: *[Signature]*  
APPROVAL DATE: 94-03-08  
BOARD ORDER NO.: \_\_\_\_\_  
EFFECTIVE DATE: 94-04-01

## **POLICY STATEMENT**

SECTION  
REFERENCE: **20, 22, 28, 30**

POLICY:

**REVOKED**

**JAN 01 2008**

*replaced by CL-47  
Pre-Existing Conditions effective  
Jan 1, 2008*

### **PRE-EXISTING CONDITIONS**

#### **GENERAL INFORMATION**

The Workers' Compensation Act states that a worker is eligible for compensation benefits if they have suffered a work-related disability that arises out of and in the course of employment. A worker may be entitled to receive loss of earnings benefits, medical aid, rehabilitation, and/or a permanent impairment award.

There may be circumstances when a work-related disability may aggravate a pre-existing condition. This policy provides guidelines in assessing whether a pre-existing condition shall be considered compensable or non-compensable.

All claims decisions are appealable to the Workers' Compensation Health and Safety Board.

#### **POLICY**

##### **A. DEFINITIONS**

###### **(a) PRE-EXISTING CONDITION**

A pre-existing condition means a known or unknown abnormal physical and/or psychological state of health that existed prior to the compensable disability.

(b) AGGRAVATION

An aggravation means the temporary or permanent effect of a compensable condition on a pre-existing condition.

(c) NON-COMPENSABLE PRE-EXISTING CONDITION

A non-compensable pre-existing condition is a condition that did not arise out of and in the course of employment. It is not work-related.

**B. ENTITLEMENT TO COMPENSATION**

A pre-existing condition may not negate a worker's entitlement to compensation benefits.

If it can be shown that the pre-existing condition is worsened by the compensable condition, the pre-existing condition shall be considered compensable to the extent that the pre-existing condition has deteriorated as a result of the compensable condition.

Loss of earnings benefits shall be paid for a compensable aggravation of a non-compensable pre-existing condition.

Loss of earnings benefits shall not be paid for a pre-existing condition if the worker has recovered from the aggravation of a pre-existing condition to the extent that there is no loss of earnings caused by the aggravation, and the disability is the sole result of a pre-existing non-compensable condition.

That portion of a claim which can be attributed to the non-compensable pre-existing condition shall not be charged to the employer's experience account.

Each situation shall be dealt with on an individual basis.

**C. MEDICAL AID AND/OR REHABILITATION**

Medical aid and/or rehabilitation may be provided to a worker where a non-compensable pre-existing condition is aggravated as a result of a compensable condition.

**D. PERMANENT IMPAIRMENT AWARD**

A permanent impairment award shall be made for the permanent worsening of that portion of a non-compensable pre-existing condition to the extent the worsening or deterioration is the result of a compensable condition.

A permanent impairment award shall be determined by the Claims Adjudicators in consideration of the value of the total current clinical impairment as assessed under the Permanent Impairment policy minus the value of the total pre-existing clinical impairment as assessed under the Permanent Impairment policy.

**REFERENCES**

Workers' Compensation Health and Safety Board:  
Permanent Impairment Policy Statement  
Rehabilitation Policy Statement