



YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD

SUBJECT: CLAIMS & BENEFITS POLICY NO.: CL - 30  
BOARD APPROVAL: *[Signature]*  
APPROVAL DATE: 94-05-10  
BOARD ORDER NO.: \_\_\_\_\_  
EFFECTIVE DATE: May 10, 1994

**REVOKED**

JUL 01 2008

## POLICY STATEMENT

SECTION  
REFERENCE:

**3, 7, 14, 16, 32, 85, 101**

POLICY:

### SUSPENSION, REDUCTION AND TERMINATION OF COMPENSATION

#### GENERAL INFORMATION

In limited circumstances, the board is permitted to suspend, reduce, or terminate compensation that is payable to a worker or his/her dependants.

Any decision made pertaining to the suspension, reduction or termination of compensation may be appealed.

#### POLICY

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

- (a) **Compensation** means any amount payable or services provided under this Act in respect of a disabled worker including, but not limited to, loss of earnings, medical aid, rehabilitation assistance, or loss of personal property.
- (b) **Suspension of compensation** means that compensation is not payable to a worker and/or services provided to a worker during the identified period of suspension.
- (c) **Reduction of compensation** means that the board may reduce the amount of compensation payable to a worker and/or services provided to a worker during the identified period of reduction.
- (d) **Termination of compensation** means that the board has concluded that no further specific benefit is payable to a worker and/or no further specific service is to be provided to a worker.

**B. SUSPENSION OR REDUCTION OF COMPENSATION**

The decision to suspend or reduce compensation that is payable to a worker or his/her dependants rests with the Claims Adjudicator and/or the Director of Claims. Suspension or reduction decisions are made on a case-by-case basis.

When a claim is being case managed, the staff of Client Services and Claims Branch shall consult. The authority to suspend or reduce compensation shall remain with the Claims Adjudicator and/or the Director of Claims.

The Claims Adjudicator may suspend or reduce compensation if any of the following circumstances exist:

1. if a worker refuses to undergo or attend medical treatment or rehabilitation which the board considers necessary to the recovery or rehabilitation of the worker;
2. if a worker knowingly undertakes an activity which endangers or slows the worker's recovery from a disability;
3. if a worker switches medical practitioners without referral from the previous medical practitioner or without permission of the board;
4. if a worker refuses to undergo a medical examination or other evaluation;
5. if a worker refuses to undergo an independent medical examination;
6. if a worker is unable to participate in a prescribed medical treatment or rehabilitation program;
7. a worker is suffering a non-work-related disability which is or has impacted the compensable condition; or
8. if it is evident that a worker knowingly provided false or misleading information and may be liable to prosecution.

The Claims Adjudicator may, in addition, suspend compensation if the following circumstances exist:

1. a worker refuses to accept compensation benefits; or
2. a worker moves and his/her whereabouts are no longer known.

**C. DISCRETIONARY DECISIONS**

All discretionary decisions to suspend or reduce compensation which are not identified in section **B. SUSPENSION OR REDUCTION OF COMPENSATION**, must be referred by the Claims Adjudicator to the Director of Claims.

**D. REINSTATEMENT OF SUSPENDED OR REDUCED COMPENSATION**

Compensation may be reinstated if circumstances change and a worker ceases the activity that originally resulted in compensation benefits being suspended or reduced. Benefits may be reinstated on a retroactive basis.

**E. TERMINATION OF COMPENSATION**

A worker's compensation shall be terminated if it is determined that:

1. there is no disability;
2. the disability is not work-related;
3. the injured party was not a worker at the time of the injury;
4. a worker is no longer disabled due to the work-related injury and does not require any further assistance from the board such as retraining or re-employment benefits;
5. a worker has returned to work and no further benefits are payable;
6. the disability was intentionally caused by a worker in order to claim compensation benefits; or
7. a worker has died.

A worker's compensation may be terminated if the board determines that a worker is fit to return to either their former employment, or alternate employment.

A worker's loss of earnings shall be terminated if it is determined that the worker has reached the age of 65 years.

A dependent child's compensation shall be terminated if it is determined that:

1. a dependent child reaches 19 years of age; or
2. a dependent child reaches 21 years of age and is no longer in full-time attendance at a recognized educational institution.

**F. SUPPORT COURT ORDERS**

When a court order is issued for support of a spouse or dependants, a portion of a worker's compensation benefits may be diverted to a worker's spouse and/or dependants as determined by the board.

**G. WORKERS INCARCERATED IN A PENAL INSTITUTION**

Compensation ceases to be payable to a worker if a worker is incarcerated in a penal institution. Compensation that otherwise would have been payable for the period may be diverted to one or more of a worker's dependants.

**REFERENCES**

Workers' Compensation Health and Safety Board:

Appeals Policy Statement

Pre-Existing Policy Statement

Loss of Earnings for a Worker Age 63 or Over Policy Statement