

TEMPORARY DISABILITY BENEFITS

Workers injured before January 1, 1998 may continue to receive temporary disability benefits from the Workplace Safety and Insurance Board (WSIB). Workers injured on or after January 1, 1998 do not get temporary disability benefits, although they may receive Loss of Earnings (LOE) benefits. See OWA Fact Sheet 9 called “Loss of Earnings Benefits”.

There are two types of temporary disability benefits: temporary total benefits and temporary partial benefits.

What Are Temporary Total Benefits?

- You get these benefits while under the care of your doctor, and where WSIB agrees you are unable to work at any kind of job because of your work-related injury or medical problem.
- Temporary total benefits are equivalent to 90% of the take-home pay from the job you were performing when injured.

How Long Will You Receive Temporary Total Benefits?

- You will receive temporary total benefit payments for as long as WSIB agrees with your doctor that you cannot work at any kind of job, and where WSIB believes you will be able to work in the future.
- For accidents before January 1, 1990 → WSIB will stop paying temporary disability benefits when your medical condition reaches a point where it will likely not improve. You will then receive a pension, perhaps with a supplement. If your work-related disability comes to an end, but later returns or if it temporarily becomes worse than when WSIB assessed your pension, you may receive temporary disability benefits again.
- For accidents after January 1, 1990 → If you do not fully recover from your injury, WSIB will usually assess you for a future economic loss (FEL) award after twelve or eighteen months. Once you are awarded the FEL, you will no longer receive temporary total benefits. For more information on FEL awards, see OWA Fact Sheet 21 called “Future Economic Loss Awards”. You may also receive a non-economic loss (NEL) award. For more information on NEL awards, see OWA Fact Sheet 13 called “Non-economic Loss Awards”.

What Are Temporary Partial Benefits?

WSIB pays temporary partial benefits while you are able to do some type of suitable work, but not your regular job. If you have returned to work, you will receive 90% of the difference between what you earned before the accident and what you are earning after the accident.

If you have not returned to work, you will receive the same amount as if you were totally disabled for as long as you co-operate with WSIB in a medical rehabilitation program, an early and safe return to work (ESRTW) program, or a labour market re-entry (LMR) plan; or you remain available for suitable work.

When Will WSIB Reduce Your Benefits?

WSIB will reduce your benefits, usually to 50% of what you would have received as total temporary benefits, if:

- you do not co-operate in medical rehabilitation, ESRTW or LMR,
- you are not looking for work, but WSIB believes you should be looking for work.

WSIB will reduce your benefits by the amount of your earnings if:

- you worked while receiving temporary partial benefits.

When Will WSIB Stop Paying You Temporary Benefits?

WSIB will stop paying you temporary benefits if:

- you refuse a job that WSIB believes is suitable and would pay as much as you earned before your injury,
- WSIB decides you have completely recovered from your injury,
- you begin receiving a pension or FEL benefits.

What Can You Do When Your Benefits Are Reduced or Cut-off?

- If you disagree with the reasons provided, you can object to the decision at the WSIB level within **six months**. If the decision was about co-operation in ESRTW or LMR, then you must object to the WSIB decision within **30 days**. Once WSIB has made a final decision, you can file an appeal to the Workplace Safety and Insurance Appeals Tribunal (WSIAT) within **six months** of the WSIB decision.
- You may ask a qualified representative to assist you.

IMPORTANT INFORMATION

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called "Appealing to WSIB" and "Appealing to WSIAT".

This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

Cette feuille-info est aussi disponible en français

