

# PENSION RE-ASSESSMENTS

(For Accidents Before January 2, 1990)

## What Is A Pension Re-assessment?

- The Workplace Safety and Insurance Board (WSIB) completes a pension re-assessment when it must decide whether your permanent work-related disability has become worse.
- If WSIB decides your permanent disability has become worse, your pension may be increased.

## When Can You Apply For A Pension Re-assessment?

- If WSIB did not consider all your work-related medical problems when the amount of your pension was first decided, you should request they do this before you ask for a re-assessment. WSIB will automatically re-assess your pension if they agree you have another disability that was not previously considered.
- WSIB can re-assess your pension even when you have not experienced a new accident or injury.
- WSIB recognizes that many medical problems can become worse over time. As a result, WSIB will re-assess workers many years after their first assessment as long as there is medical evidence the condition has become worse.
- WSIB may hesitate to do a re-assessment if less than one year has passed since their doctors examined you.

**WSIB has the authority to increase or decrease your pension after a re-assessment. You should not apply for a re-assessment unless both you and your doctor are certain your condition has become worse.**

## How Can You Apply For a Pension Re-assessment?

- You should get a copy of the last pension assessment report from your WSIB claim file (see OWA Fact Sheet 5 called “Your Claim File and How to Get It”) and ask your doctor, or preferably a specialist, to compare your present condition with your pension assessment report.
- If the doctor agrees your condition has become worse, ask him/her to send a report to WSIB, including the following information: the physical findings, what your condition is now (the diagnosis), how your condition may change (the prognosis), any recommended further treatment, and an explanation of how your condition has become worse since the last pension examination by WSIB.
- If your doctor does not believe your medical condition has become worse, then do not apply for a re-assessment.

## Who Makes the Decision?

- Once a report is received from your doctor, the WSIB doctors will review your file and decide whether they should re-assess your pension.
- Because this process usually takes several months, it is a good idea to contact your WSIB Adjudicator about one month after your doctor submitted the report. You need to ensure the report was received by WSIB.
- The Adjudicator will advise you if you need to be re-examined, make arrangements for you to visit the WSIB doctors, and decide whether WSIB will increase or decrease your pension.
- You should call your WSIB Adjudicator if you have any questions.

## What If WSIB Denies a Re-assessment?

- Write a letter to WSIB explaining why you believe the decision is wrong.
- WSIB will decide whether to confirm the earlier decision or ask a senior WSIB doctor to examine you.
- If your Adjudicator confirms the WSIB decision, you can file an appeal to a WSIB Appeals Resolutions Officer (see OWA Fact Sheet 24 called “Appealing to WSIB”).
- If the Appeals Resolution Officer denies you a pension re-assessment, you can file an appeal to the Workplace Safety and Insurance Appeals Tribunal (WSIAT). Keep in mind that even WSIAT can decide to decrease rather than increase your pension award. See OWA Fact Sheet 25 called “Appealing to WSIAT”.
- Appeals involving pension re-assessments are usually quite straightforward and you may wish to pursue them on your own. You should collect the information suggested above and submit it to WSIB or WSIAT. **Your doctor must agree there is objective evidence to support that your condition is worse.** Please see the OWA Workers’ Information Kit called Appealing WSIB Decisions for guidance.

### 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*

