

INTERACTION BETWEEN CPP-D AND WSIB BENEFITS

You may be eligible for both Canada Pension Plan Disability (CPP-D) and Workplace Safety and Insurance Board (WSIB) benefits. WSIB can take into consideration CPP-D benefits which are administered by Service Canada. Similarly, Service Canada can consider the benefits you receive from WSIB. Here are some of the things you should think about when asking for benefits under the two different programs.

What Kind of CPP Benefits Could Interact with WSIB Benefits?

CPP Disability benefits (CPP-D), CPP Survivor benefits (CPP-S), and CPP Retirement benefits (CPP-R) could all interact with WSIB benefits. This fact sheet only deals with CPP-D and WSIB benefits. For questions involving the other kinds of benefits under the Canada Pension Plan, please consult a qualified representative.

Can I Apply for CPP-D Benefits if WSIB Says I Can Work?

Yes. CPP-D and WSIB are two separate systems with different definitions of disability. You may be eligible for CPP-D benefits even if WSIB has decided you can perform some type of work. Also, where CPP-D considers all your health problems, WSIB generally considers only the health problems that are work-related.

What Is the Interaction Between CPP-D Benefits and LMR?

If you are being sponsored in a labour market re-entry (LMR) program by WSIB, you will generally be paid full WSIB benefits while you are re-training to return to work. If you then apply for CPP-D benefits during the LMR process, the WSIB adjudicator(s) could get the impression you are unable to return to work. As a result, your LMR program and benefits could possibly be terminated by WSIB.

If you are receiving CPP-D benefits and want to apply for LMR, then WSIB may not allow this as well. On the other hand, if you wait too long to apply for CPP-D benefits then you may no longer meet the CPP eligibility criteria.

From the Canada Pension Plan point of view, your enrolment in a WSIB sponsored LMR program may indicate you are capable of working. Your ability to work could mean that your disability is not severe enough to entitle you to CPP-D benefits. The CPP-D system does allow for some vocational re-training and your involvement in an LMR program would be viewed as part of the whole picture, so you could still be eligible for CPP-D benefits. Each situation is complex, different, and must be looked at on an individual basis. Given that the best course of action depends of the particular facts of your case, you should discuss your situation with a qualified representative.

What If I Am Receiving LOE or FEL and CPP-D Benefits?

WSIB may reduce your Loss of Earnings (LOE) or Future Economic Loss (FEL) benefits if you are receiving CPP-D benefits. For information on how LOE or FEL benefits are calculated, see OWA Fact Sheets 9 and 21 called “Loss of Earnings Benefits” and “Future Economic Loss Awards”.

If you are receiving a CPP-D benefit for your work-related injury only, then WSIB will consider the whole amount of your CCP-D benefit when deciding how much to deduct from your LOE or FEL benefits. If, however, your CPP-D benefit is due to one or more non work-related conditions, then WSIB should not consider the whole CPP-D amount, but only a percentage of that amount. WSIB may not always have information about your non-compensable conditions, therefore, you may need to provide them with some proof. A qualified representative can help you determine what kind of evidence is required by WSIB.

If you are getting a **full LOE or FEL** benefit, then WSIB will deduct the whole amount of your CPP-D benefit that is work-related. This means that if there is only one condition that makes you incapable of working and that condition is work-related, then WSIB will consider the full amount of your CPP-D benefit as post-accident earnings, and your LOE or FEL benefit will be adjusted accordingly.

If you are getting a **partial LOE or FEL** benefit, then WSIB has already decided you could be earning some income (called deemed earnings). If you also get a CPP-D benefit, WSIB will only deduct the amount of your CPP-D benefit that relates to your compensable injury and is greater than your deemed earnings.

WSIB recently changed its policy about deducting CPP-D benefits from LOE or FEL benefits and the information above only applies to entitlement periods on or after January 1, 2004. If you have questions about entitlement periods before January 1, 2004, you should speak to a qualified legal representative.

If you are receiving LOE or FEL benefits and are considering applying for CPP-D benefits, you should discuss the economic implications of your situation with a qualified financial representative.

When Do I Tell WSIB That I Have CPP-D Benefits?

Under the *Workplace Safety and Insurance Act, 1997*, a worker must advise WSIB of a material change in circumstances within **10 calendar days** of the change occurring. This means you must tell WSIB about the material change within **ten days** of the date on the Federal Government’s letter advising you of your entitlement to CPP-D benefits. Failure to report the material change to WSIB as soon as possible can result in some very serious consequences. For more information, see OWA Fact Sheet 7 called “Material Change in Circumstances”.

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

