

**Alberta WCB
Policies &
Information**

Chapter:
GENERAL POLICIES

Subject:
INTERIM RELIEF

Authorization:
BoD Resolution 2018/02/16

Date:
April 17, 2018

REFERENCE:

[Workers' Compensation Act, RSA 2000, Sections 13.1, 45, and 119](#)

POLICY:

Interim relief is financial support provided to workers and employers during the review or appeal process. It is only provided in exceptional circumstances where workers and employers can demonstrate financial need.

The WCB Dispute Resolution and Decision Review Body (DRDRB) or the Appeals Commission will consider whether there is an *arguable case* to determine eligibility.

Interim relief to the worker may be provided when an injured worker requests a review or an appeal of a decision affecting entitlement to wage loss benefits, if the time to have the review or appeal determined would place the worker and his/her family in necessitous circumstances (see Application 1, Question 1).

Interim relief to the employer may be provided where the outcome of a decision under review or appeal may significantly impact an employer's ability to carry on business.

Interim relief is not intended as a way for a worker to prolong benefits or an employer to avoid paying invoices.

This policy is effective September 1, 2018, and applies to reviews or appeals initiated on or after September 1, 2018, except when noted otherwise in specific policy section(s).

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INTERPRETATION:

- 1.0 Arguable case** An arguable case is a case that presents sufficiently detailed facts, identifies legal or factual issues that are plausible and which, if accepted by the decision maker, could substantially affect the decision in the case.

- 2.0 Interim Relief for Workers** Interim relief for workers is intended to ensure the worker is financially able to meet basic living expenses during the review and appeal process.

- 3.0 Interim Relief for Employers** Interim relief for employers is intended to ensure the employer is able to continue operating while a decision is under review or appeal.

Please see Part II for additional information on the following subjects:

Application

- 1 – [General](#)

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APPLICATION 1: GENERAL

1. *When is interim relief available?*

Interim relief is only provided in exceptional circumstances. Interim relief is available during the review or appeal process to provide needed financial support to workers and employers. To qualify, workers and employers must meet the requirements outlined below:

Workers

Interim relief may be available to a worker while a decision is under review or appeal, if all of the following criteria are met:

- the worker has an arguable case (as outlined in Part I); and
- the decision under review or appeal affects the entitlement to current wage loss benefits, and the sum in question is greater than \$500; and
- the worker, spouse, or adult interdependent partner is ineligible for any other financial support; and
- without interim relief, the worker and his/her family would:
 - be placed in necessitous circumstances* such as probable inability to afford basic necessities of life such as food, clothing and shelter, or
 - face probable forfeiture or seizure of assets (for example, the family home).

Interim relief will not be available if a worker submits multiple reviews or appeals separately in order to prolong the review or appeal process and collect interim relief more than one time on the same claim at the same review or appeal level.

*Note: a person is not in necessitous circumstances simply because of an inability to maintain a particular lifestyle that the person is accustomed to.

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APPLICATION 1: GENERAL

*Interim relief available
(continued)*

Employers

Interim relief may be available to an employer if all of the following criteria are met:

- the employer has an arguable case (as outlined in Part I); and
- the decision under review or appeal impacts assessed premiums by more than \$500; and
- the employer demonstrates that the waiting time to have the matter resolved will place the employer in significant financial hardship such as:
 - the inability to continue operations, or
 - the employer being forced to lay off a significant portion of its workforce.

Reviews or appeals for cost relief adjustments affecting an employer’s experience rating must, at the time of the review or appeal, fall within the time limits outlined in Policy 07-02, Part II, Application 2, Experience Rating.

Interim relief will not be available if an employer submits multiple reviews or appeals separately in order to prolong the review or appeal process and be granted interim relief more than one time to avoid paying invoices for an extended or indefinite period of time.

2. What relief is provided to eligible workers and employers?

Workers

The interim relief provided to workers and employers differs, as indicated below:

WCB pays eligible workers interim wage loss benefits based on the *lesser* of:

- a) the worker’s annual gross earnings, or
- b) earnings equivalent to full-time employment at Alberta

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Workers (continued)

minimum wage.

If the worker is receiving any wage loss benefits or employment income, these amounts will be deducted from the interim relief amount.

In no case will the amount of interim relief exceed the amount of the wage loss benefits that are the subject of the review or appeal.

Employers

WCB provides eligible employers interim relief in the form of delayed collection of the disputed portion(s) of an assessment while a matter is under review or appeal. Undisputed portions of the employer’s invoices are still payable.

Interim relief for employers is not the same as cost relief (see Policy 05-02, *Cost Relief*).

3. Who decides if interim relief should be provided?

Interim relief can be granted by either the WCB Dispute Resolution and Decision Review Body (DRDRB) or the Appeals Commission.

Decisions made by the DRDRB regarding interim relief are appealable to the Appeals Commission (see Question 6).

An individual at the DRDRB or the Appeals Commission who decides whether interim relief is granted is not eligible to conduct a review or appeal in respect of the decision or matter under review or appeal.

4. How long does interim relief continue?

If granted, interim relief is provided from the date the application for interim relief is received and typically continues until the matter is decided at the respective

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Duration (continued)

review or appeal level.

The DRDRB or the Appeals Commission may grant interim relief with conditions. Conditions may include such things as the worker or employer pursuing the review or appeal with all due haste, being available for meetings or hearings and presenting no barriers or delays in the review or appeals process.

Should the worker or employer fail to meet those conditions, the relief will be discontinued.

5. Do workers and employers need to apply for interim relief?

Yes, workers and employers must submit a request to receive interim relief while a decision is under review or appeal.

Documentation must be provided by the worker or employer to demonstrate the conditions outlined in Question 1 are met.

6. Can a worker or employer apply for interim relief at both the DRDRB level and Appeals Commission level?

Yes, but not at the same time on the same claim. In general:

- a worker or employer applies to the DRDRB for interim relief while a matter is being decided by the DRDRB,
- a worker or employer applies to the Appeals Commission for interim relief while a matter is being decided by the Appeals Commission.

An exception to this is if the DRDRB does not grant interim relief, the worker or employer can appeal to the Appeals Commission on the question of interim relief. If the Appeals Commission grants interim relief in such circumstances, the relief lasts until the matter under

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Applications at both DRDRB and the Appeals Commission (continued)

review is decided by DRDRB.

If a worker or employer is granted interim relief at the DRDRB and the decision on the issue under review is not successful, interim relief ends when the DRDRB decision is made. If the worker or employer:

- subsequently appeals the matter to the Appeals Commission **AND**
- if the appeal is filed within 60 days of the DRDRB decision,

the Appeals Commission can presume that the worker or employer still qualifies for interim relief, unless a material change in the worker’s or employer’s financial circumstances is shown.

7. What happens when the review or appeal is finalized?

When the review or appeal is finalized, interim relief ends. Wage loss benefits (for workers) or premiums (for employers) may be adjusted as follows:

Workers

If the worker is successful and entitled to retroactive benefits, the value of the interim relief will be deducted from the arrears owing to the worker.

If the worker is not successful, the interim relief ends and WCB will not recover the interim benefit amount that was paid to the worker unless there was deliberate misrepresentation or fraud on the part of the worker. In such cases, WCB will treat the interim relief amount paid to the worker as an overpayment and will take action to recover the amount (see Policy 05-01, Part II, Application 1).

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*Review or appeal is finalized
(continued)
Employers*

Once the review or appeal is finalized, the employer's account will be reconciled based on the final decision.

8. What happens to the charges resulting from the provision of interim relief to a worker?

Interim relief costs are not charged to the employer's account and instead are directed to the **Accident Fund**.

If the worker's review or appeal is subsequently successful and the worker is entitled to interim relief and retroactive benefits, the interim relief costs will be removed from the general Accident Fund and charged appropriately to the employer's account.

9. When is this policy application effective?

This policy application (Application 1 – General) is effective September 1, 2018, and applies to reviews or appeals initiated on or after September 1, 2018, except when noted otherwise in specific policy section(s).