

What is an overpayment?

Once your claim is accepted, you may be entitled to certain benefits from the Workers Compensation Board (WCB). If you received wage loss benefits to which you are not entitled, you have been overpaid.

Although we do our best to prevent overpayments from happening, they sometimes do occur.

How can I help prevent an overpayment?

You can help minimize or prevent overpayments if you promptly call your Adjudicator or Case Manager in any of the following situations:

- you return to work
- you receive other benefits or income (e.g. CPP disability benefits) while receiving WCB benefits; your Adjudicator or Case Manager will determine whether or not these other benefits or income will affect your WCB benefits
- there is a change in your circumstances that may affect the benefits paid to you
- you realize that the WCB has incorrect information about your earnings or you receive more WCB benefits than you expected. Wage loss benefits are usually paid based on 90% of your net earnings. (See the "Calculation of Wage Loss Benefits" Fact Sheet for more information.)

Your Adjudicator or Case Manager can explain how your benefits are being calculated and make any changes to minimize or prevent an overpayment.

What happens after an overpayment is identified?

As soon as we discover an overpayment, we will notify you to tell you how it happened and the amount of the overpayment. We will work with you to set up a repayment schedule.

Your employer will also be informed about the overpayment.

What if I don't believe I was overpaid?

If, after having received an explanation for the overpayment, you do not believe you were overpaid, you may appeal in writing. If you appeal the overpayment, we will temporarily suspend collection efforts until after the appeal is decided. Where, in the opinion of the WCB, your appeal issues do not give reasonable cause for a change in your overpayment of wage loss benefits, collection efforts will continue.

If you need help to appeal, contact your union or the Worker Advisor Office.



How does the WCB recover overpayments?

Overpayments are recovered in accordance with Policy 35.40.50 Overpayment of Benefits.

If you are continuing to receive wage loss benefits after the overpayment is discovered, we will arrange to deduct repayments from your bi-weekly benefit amount. Your Adjudicator or Case Manager will consult with you to determine a repayment schedule.

If you are no longer receiving benefits when the overpayment is discovered, the overpayment can be repaid in a lump sum or you can make arrangements to repay the amount in installments. Repayment arrangements will depend on the amount owing and your ability to pay.

Overpayments can also be recovered from any future amounts owed to you by the WCB, such as:

- future benefits on your current claim
- future benefits on a different claim
- permanent impairment awards
- reimbursement for claim related expenses you paid, such as prescriptions, travel costs, etc.
- special additional compensation or long term wage loss benefits
- amounts held by the WCB for retirement annuities (including your voluntary contributions).

What if I can't afford to repay the overpayment?

If you can't afford to pay back the money now, call your Adjudicator or Case Manager or our Collections Department at 204-954-4156. They will discuss your financial situation with you to arrange a satisfactory repayment plan.

If we consider that repaying the overpayment would cause you severe financial hardship, we may temporarily defer collection efforts until your financial situation improves. We do expect you to eventually repay us and we will periodically contact you to discuss whether you are now in a position to begin repayment.

What happens if I do not pay back the money?

If you are unwilling to negotiate a suitable repayment plan within a reasonable amount of time, legal action may be taken to collect the overpayment from you.

Legal action may include any or all of the following:

- Garnishment of wages or personal bank account
- Judgment against personal property in the form of a lien
- Seizure of assets.

You will be responsible to pay for the costs of these actions.

- Referring the collection of the overpayment to an external agency, which can negatively affect your credit rating.

A record of outstanding overpayments are kept for at least six years.

If you have another WCB claim in the future, we may deduct the unpaid overpayment from those benefits.

