

## **Update: Workers Safety Insurance Act (WSIB)**

A recent ruling by Ontario's Divisional Court determined that the Workplace Safety Insurance Act's cut off for Loss of Earnings benefit for older workers does not violate the Canadian Charter of Rights and Freedoms.

Subsection 43(1) of the WSIA cuts off earnings benefits when an employee reaches age 65, if the worker was less than age 63 on the date of the injury, or two years after the date of the injury if the worker was 63 years or older when the injury occurred.

Loss of earnings are not payable for life, the implication being people don't work until they die. The court noted earnings should be replaced by retirement income benefits at an age reflecting typical retirement.

Edge Benefits has a longer benefit period, extending to age 70, regardless of "retirement age." As well, injury benefits are payable until age 75, if the individual is still working and for two years if the injury date is before the insured's 75<sup>th</sup> birthday.

### ***Edge issues benefits for working individuals 65 - 69. (Injury only)***

Business owners and workers in the construction industry in Ontario who intend to work beyond age 65, but are required by regulation to insure themselves with WSIB, can top up with Edge to \$5000 monthly and continue the benefits beyond age 70 to age 75.

