

No Workers' Comp Replacement Benefits for Retired Workers



Under Section 43 of the *Workers' Comp Act*, injured workers receiving wage loss benefits when they reach age 65 are entitled to the 'registered employer sponsored pension plan' benefits as a replacement. But the WCB denied replacement benefits to a pair of retired workers, Phillips and Meyer, because their company's RRSPs didn't qualify as 'registered employer sponsored plans' under Sec. 43. The Tribunal upheld the Phillips denial but reversed the Meyers denial. Both sides appealed to the Court of Appeal, the highest court in PEI. Result: Two employer wins. The finding that Phillips' RRSP Phillips was federally registered and a completely different animal from a registered employer sponsored plan was reasonable albeit sketchy. The Meyer ruling, on the other hand, was flawed and didn't follow proper rules for interpreting a statute [*Phillips v WCB (Prince Edward Island)*, 2018 PECA 22 (CanLII), Aug. 1, 2018].