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Bulletin

No. A-16/95

Property & Casualty

- Auto

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The bulletins posted may contain forms that are no longer current. For the current version of any FSCO form, please visit the [forms area](#) of this website.

Standard Form for Assigning Workers' Compensation Benefits

To the attention of all insurance companies in the Province of Ontario**licensed to transact automobile insurance**

On behalf of the Workers' Compensation Board (WCB) of Ontario, the Ontario Insurance Commission (OIC) is enclosing a copy of the standard WCB form entitled "Assignment of Workers Compensation Benefits".

This is the designated form for both insurance companies and injured workers to use for assigning workers' compensation (WC) benefits that may be payable to some workers who are injured in automobile accidents. It supercedes any existing form that deals with the assignment of WC benefits.

This form takes effect immediately. Please note that the WCB will not consider an application for the assignment of WC benefits that is requested through any other assignment form.

Purposes of assignment

An assignment has two purposes. First, it ensures that the claimant receives benefits when there is a dispute as to whether WC or automobile accident benefits are payable. Second, it also ensures that an automobile insurance

company will be repaid if it turns out that WC benefits, and not automobile accident benefits, are payable.

Background

The requirement to assign WC benefits arises when there is a dispute about whether WC or automobile accident benefits are payable. When such a dispute arises, the injured worker is entitled to claim benefits from the automobile insurance company on an interim basis until the dispute is settled.

If it is determined at a later date that the worker should be in receipt of WC benefits, and an approved assignment is on file, the WCB will forward the appropriate compensation benefits to the insurance company prior to forwarding any funds to the worker.

The WCB shall pay to the insurance company the compensation benefits that are payable to the worker for the same time period that the worker received insurance benefits. The WCB cannot reimburse insurance companies for insurance benefits in excess of the amount of compensation payable by the WCB. If the amount of compensation payable by the WCB exceeds the amount of insurance benefits already paid, the insurance company will be reimbursed first with any surplus being paid to the worker.

It is also important to know that insurance companies can only be reimbursed for benefits paid if they are similar in nature to the WC benefits, such as compensation for lost earnings or health care benefits that are covered under the *Workers Compensation Act* as well as the *Statutory Accident Benefits Schedule* (SABS). Insurance benefits such as child care expenses are not reimbursed by the WCB.

Under the SABS an automobile insurance company is not required to pay benefits where there is an outstanding dispute between it and an injured worker, until the assignment is made.

How to obtain forms

To obtain additional copies of the required standard form, please photocopy both sides of the form provided with this OIC Bulletin, or contact Nick Norvack at the WCB at (416) 344-3148.

Mailing of Assignments

When the assignment form is filled out and signed by the insurance company, the injured worker and their respective witness, it should be mailed or faxed (if immediate approval is necessary) to:

Workers' Compensation Board

Legal Branch Attn.: Nick Norvack

Simcoe Place

200 Front St. West, 7th floor

Toronto, Ontario

M5V 3J1

Fax No.: (416) 344-3160

If you have any questions about the WCB assignment form or the assignment of WC benefits, please contact:

Nick Norvack

Legal/Policy Analyst

Workers' Compensation Board

Tel. (416) 344-3148

D. Blair Tully

Commissioner

September 20, 1995

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