

Client Services Policy Manual

Policy Number: **EN-21**
Subject: **Compensation Entitlement During Confinement**
Chapter: **Entitlement**

Policy Statement

Where a worker is incarcerated or held in a place of lawful confinement for reasons related to or resulting from the work injury, then compensation may be continued to workers or dependents. This is in accordance with section 82 of the Workplace Health, Safety and Compensation Act (the Act). In such cases, the confinement will be considered to arise out of the employment as a compensable consequence of the injury.

In order for compensation to be continued to dependents under section 82, WorkplaceNL must be satisfied that the worker provided support to the dependents or should have provided support prior to confinement. The portion of compensation to be diverted depends on the number of dependents and their needs. If support prior to confinement cannot be shown or there are no dependents, compensation is not diverted.

Where it cannot be reasonably established that the confinement is related to the injury, compensation may be suspended. This is consistent with the approach taken in other circumstances for non-compensable factors that result in loss of earning capacity (refer to Policy EN-17 Interruptions and Delays in Work Injury Recovery).

In either case, further entitlement shall be determined following the confinement period.

Merits and Justice

In making a decision under this policy, it is important to consider Policy EN-22 Merits and Justice.

Client Services Policy Manual

Reference: Workplace Health, Safety and Compensation Act, Sections 2(g.1), 5, 19, 54.1, 74, 82(3) and 82(4).

Policies: EN-17 Interruptions and Delays in Work Injury Recovery
EN-22 Merits and Justice
EL-05 Assignment/Attachment Compensation Benefits

Amendment History

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