

## Client Services Policy Manual

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

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### Policy Statement

Where there is compelling evidence that a worker is committed to a jail or a mental facility for reasons directly related to or resulting from the work injury, then compensation may be continued to dependents in accordance with section 82. In such cases, the incarceration or institutionalization will be considered to arise out of the employment as a compensable consequence of the injury or treatment.

Where it cannot be reasonably established that the confinement is directly related to the injury, compensation is 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). There is no diversion of payment to dependents in this case.

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 and WorkplaceNL is satisfied that diversion is not required, or there are no dependents, compensation is not diverted.

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

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

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

### Amendment History

*Original Effective Date*                      2000 05 31