

POLICY NUMBER: POL-117

Chapter:
CLAIMS

Subject:
VOCATIONAL REHABILITATION

Effective Date:
March 27, 2003

Last Update:
March 9, 2018

PURPOSE STATEMENT

The purpose of this policy is to describe the vocational rehabilitation programs available to assist injured workers, where an impairment exists that prevents the worker from returning to pre-injury employment.

REFERENCE:

Workers Compensation Act, R.S.P.E.I., 1988, Cap. W-7.1, Section(s) 18(3), 18(12-14), 41(1), 86, 86.1 - 86.12

Workers Compensation Board Policy, POL-03, Travel and Related Expenses

Workers Compensation Board Policy, POL-11, Self-Employment Program

Workers Compensation Board Policy, POL-76, Responsibilities of Recovering Workers

Workers Compensation Board Policy, POL-93, Return to Work

Workers Compensation Board Policy, POL-116, Estimating Earning Capacity

DEFINITION:

In this policy:

“Extended wage loss benefits” means wage loss benefits payable to a worker from the later of (i) the date which the Board determines that the worker has an impairment, and (ii) the date on which the worker completes vocational or occupational rehabilitation, where the worker is

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engaged in such rehabilitation on or after the date the Board determines the worker has an impairment.

“Impairment” means a medically measurable permanent anatomical loss or disfigurement and includes, amputation, loss of vision, loss of hearing, impaired nerve function, scarring causing disfigurement, joint ankylosis, or joint fusion from surgery.

“Labour market information” means information gathered about the current job market from sources such as employers, Human Resources Development Canada and the National Occupational Classification handbook.

“Loss of earning capacity” means the difference between the worker’s net average earnings before the accident, and the net average amount the Workers Compensation Board determines the worker is capable of earning after the accident.

“Suitable work” means work that a worker has the necessary skills to perform and is medically able to perform, and that does not pose health or safety hazards to the worker or co-workers, as determined by the Workers Compensation Board.

“Vocational rehabilitation programs” include Job Search, Work Experience, Formal Training, and Self-Employment Programs.

POLICY:

Eligibility

1. The Workers Compensation Board may provide vocational rehabilitation as part of the return to work process when a worker:
 - has an impairment or pending impairment assessment;
 - has a loss of earning capacity; and
 - is functionally unable to return to or continue in pre-injury employment.

 2. There must be written confirmation with supporting objective evidence from a treating health care provider that a worker is not functionally able to return to or continue in pre-injury employment, and:
 - the worker’s employer has confirmed in writing that they are unable to provide
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- alternative employment that is consistent with the worker's functional abilities;
 - the worker's employer has not complied with the return to work obligations, or
 - the employer does not have a duty to accommodate.
3. A worker with an anticipated impairment, i.e., an impairment is likely but cannot be assessed yet, may be eligible for vocational rehabilitation services to facilitate the return to work process. Eligibility will be determined on a case-by case basis.
4. The worker is required to actively and positively pursue the goal of returning to work, and share the responsibility for return to work, in keeping with the requirements set out in Workers Compensation Board policy, POL-76, "Responsibilities of Recovering Workers."

Vocational Rehabilitation Assessment

5. To determine a worker's eligibility for vocational rehabilitation, an assessment of the worker's employment and educational background, skills, abilities and potential will be completed by the Workers Compensation Board, prior to the development of a vocational rehabilitation plan.

Vocational Rehabilitation Plan

6. The Workers Compensation Board will work collaboratively with the worker to develop an appropriate and cost effective vocational rehabilitation plan which is, where possible, consistent with the worker's employment and educational background, skills, abilities and potential. The worker's employer, health care providers, and external service providers, such as educational or training institutions, may be consulted in the development of the plan.
7. In most cases, cost effectiveness is determined by considering the following:
- the total estimated costs of required vocational rehabilitation services;
 - the estimated cost of future benefits to compensate for earnings loss;
 - the estimated cost of alternative vocational rehabilitation plans; and
 - the estimated benefit costs if there is no vocational rehabilitation plan provided.
8. The Workers Compensation Board will develop a vocational rehabilitation plan with the worker within twelve weeks of the initial vocational rehabilitation assessment. The plan

will include the appropriate vocational rehabilitation program(s) and document the steps necessary for the worker to achieve re-entry to the work force.

9. If the worker is unable to participate in any step included in vocational rehabilitation planning due to a change in the work-related impairment or injury, the Workers Compensation Board will consult with the worker, employer, if applicable, and treating health care providers to attempt to revise the plan in order that the worker may continue to participate in the plan.

Vocational Rehabilitation Programs

10. Vocational rehabilitation programs must be approved by the Workers Compensation Board and include Job Search, Work Experience, Formal Training and, under exceptional circumstances, Self-Employment.

Job Search

11. A Job Search program provides assistance to the worker for up to 12 weeks in areas such as:
 - understanding the labour market;
 - employment counselling;
 - covering letter and resume preparation;
 - job application and interview preparation; and
 - job search skills.

The Workers Compensation Board may contract with external providers for these services.

12. Upon completion of the Job Search program, if the worker continues to have a loss of earning capacity, extended wage loss benefits will be calculated based on the higher of:
 - the actual wages if the worker is successful in obtaining employment; or
 - estimated earnings based on Workers Compensation Board policy, POL-116, "Estimated Earning Capacity."

Work Experience

13. The Work Experience program provides the worker with an opportunity to obtain work through employer-sponsored training. The Workers Compensation Board will provide

funding to the employer during the program to subsidize the worker's wages. The amount payable will not exceed the amount of temporary wage loss benefits. The worker and employer must sign a Work Experience agreement prior to program approval.

14. Upon completion of the Work Experience program, if the worker continues to have a loss of earning capacity, extended wage loss benefits will be calculated based on the higher of:
- the actual wages paid in the Work Experience program; or
 - estimated earnings based on Workers Compensation Board policy, POL-116, "Estimated Earning Capacity."

Formal Training

15. A Formal Training program may be provided to a worker who is identified as having the ability to acquire skills through a period of formal training with an educational facility. A worker participating in a formal training program is required to prepare for and pursue employment opportunities during the program. The Formal Training program must be provided by an accredited educational facility. The worker must sign a Formal Training agreement prior to program approval.

Vocational rehabilitation is limited to one formal training agreement for the same work related injury.

16. A maximum of twelve weeks of temporary wage loss benefits may be provided for job search, beyond the formal training agreement end date or until the worker begins employment, whichever is earlier.
17. A worker who completes the formal training agreement, has an impairment, and continues to have a loss of earning capacity will be eligible for extended wage loss benefits. Extended wage loss benefits are calculated based on the higher of:
- actual wages if the worker is successful in obtaining employment; or
 - estimated earnings of the entry level position for which the worker has received training.

Estimated earnings are defined in the Workers Compensation Board policy, POL-116, "Estimating Earning Capacity."

Revisions to the Vocational Rehabilitation Plan

18. If the worker is unable to participate in the job search, work experience or formal training program due to a change in the work-related impairment or injury, the Workers Compensation Board will consult with the worker, treating health care providers and, if applicable, the employer and external service provider, to attempt to revise the vocational rehabilitation plan so that the worker may continue to participate in the program.

Self-Employment

19. A Self-Employment program may be considered only when all other vocational rehabilitation programs have been explored and have been determined, as a result of the Vocational Rehabilitation planning process, to be unsuitable.

The terms and conditions for self-employment are defined in the Workers Compensation Board policy, POL-11, "Self-Employment Program."

20. A worker who is approved for the Self-Employment program is not eligible for extended wage loss benefits or any further temporary wage loss benefits in respect of the work related injury.

Vocational Rehabilitation Expenses

21. All vocational rehabilitation expenses must be pre-approved by the Workers Compensation Board. In making this determination, the Workers Compensation Board will consider whether the expenses are necessary and reasonable. The payment of expenses will be discontinued when the vocational rehabilitation plan is complete or if the plan is terminated before completion.
22. Vocational rehabilitation expenses that may be approved by the Workers Compensation Board include travel, career assessments, formal training program expenses, tools, equipment, protective clothing and assistive devices.

Travel

23. Reimbursement of mileage expenses related to vocational rehabilitation programs are

outlined in Workers Compensation Board policy, POL-03, “Travel and Related Expenses.”

Career Assessments

24. The Workers Compensation Board will pay the expenses related to appropriate academic and career assessments required to assist in the development of the worker’s vocational rehabilitation plan.

Formal Training Program Expenses

25. The Workers Compensation Board will pay for reasonable expenses related to formal training including, but not limited to, the following:
- application fees;
 - tuition;
 - text books;
 - course materials (items or supplies specifically required for a course or project);
 - student/lab fees;
 - certifications;
 - exams;
 - parking costs;
 - transcript fees for the purpose of registration;
 - living expenses, such as reasonable room and board, if participating in an out-of-province training program, with reimbursement for travel home limited to one trip per semester (e.g., midterm break).

Tools, Equipment, or Protective Clothing

26. The Workers Compensation Board will consider payment for reasonable costs of tools, equipment, and protective clothing when these items are specifically required for completion of a program and if they are not provided as part of the program. Items must be pre-approved and once purchased, become the property of the worker.

Assistive Devices

27. The Workers Compensation Board will pay for reasonable modifications and assistive devices required for participation in a vocational rehabilitation program. The

modifications and assistive devices must be pre-approved and related to the worker's work-related condition.

Discontinuation of Vocational Rehabilitation

28. Vocational rehabilitation will be discontinued in the following circumstances:
- the worker receives an offer of suitable work; or
 - the worker is non-compliant as per Workers Compensation Board policy, POL-76, "Responsibilities of Recovering Workers." Non-compliance related to vocational rehabilitation includes, but is not limited to:
 - refusing to participate in the development of a vocational rehabilitation plan;
 - terminating a vocational rehabilitation program without prior approval of the Workers Compensation Board; or
 - not complying with the requirements of a vocational rehabilitation program or being terminated from a program because of non-adherence to program requirements or lack of effort in the program.
29. Where a worker has failed or refused to submit to or cooperate in vocational rehabilitation determined to be appropriate in the Vocational Rehabilitation planning process, the worker is not entitled to wage loss benefits until the worker has complied.
30. Wage loss benefits are not payable for the period in which the worker failed to submit to or cooperate in vocational rehabilitation.

HISTORY:

March 9, 2018 – Non-substantive change to the definitions to be consistent with other policies.

September 26, 2017 - Amended to clarify eligibility criteria, the types of vocational rehabilitation assistance available, and entitlement to wage loss benefits. The amendments provide for enhanced flexibility to reflect the unique circumstances of injured workers and to maximize return to work outcomes.

March 29, 2012 - Amended to add the criteria the Workers Compensation Board will consider when evaluating what is an appropriate and cost effective vocational rehabilitation plan. Also, made other changes to provide clarity with respect to the development of the vocational

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rehabilitation plan.

March 26, 2009 - Amended to clarify that the worker must cooperate in the development, implementation, and participation of a Vocational Rehabilitation Plan.

June 26, 2003 - Amended to reword # 16 of the policy to ensure equitable treatment to workers who have completed Vocational Rehabilitation and are incurring a loss of earning capacity.

March 27, 2003 - Replaces policy and practice "Formal Retraining Programs: Eligible Expenses and Conditions" dated November 7, 1995, "Job Search Strategy Program" dated November 8, 1994, "Work Experience Program" dated November 8, 1994, "Summer Months Program" dated November 15, 1994 and "Relocation Allowance Program" dated November 8, 1994.

Board of Directors Approval Date: March 27, 2003