

POLICY NUMBER: POL-117

Chapter:
CLAIMS

Subject:
VOCATIONAL REHABILITATION

Effective Date:
March 27, 2003

Last Update:
September 22, 2022

PURPOSE STATEMENT

The purpose of this policy is to describe how the Workers Compensation Board assists workers to re-enter the workforce when they have a prolonged loss of earning capacity and suitable work is not available with their employer.

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-11, Self-Employment Program

Workers Compensation Board Policy, POL-71, Conditions for Entitlement

Workers Compensation Board Policy, POL-76, Worker Role in Recovery and Return to Work

Workers Compensation Board Policy, POL-85, Extended Wage Loss Benefits

Workers Compensation Board Policy, POL-165, Employer Role in Worker Recovery and Return to Work

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

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- (ii) (ii) the date on which the worker completes vocational or occupational rehabilitation, where the worker is engaged in such rehabilitation on or after the date the Board determines the worker has an impairment.

“Impairment” means a medically measurable, permanent

- (i) loss of physiological function, anatomical function or anatomical structure, or
(ii) abnormality of psychological function, physiological function, anatomical function or anatomical structure.

“Labour market information” means information gathered about the job market from sources such as the National Occupational Classification, government sources and employers.

“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.

POLICY:

1. The Workers Compensation Board (WCB) recognizes that work is good for physical and mental health.
2. If a worker’s loss of earning capacity is prolonged and suitable work is not available with their employer following a workplace injury, the WCB will provide vocational rehabilitation benefits and services to prepare the worker to re-enter the workforce.
3. The WCB will work collaboratively with the worker to develop a safe, appropriate and cost effective vocational rehabilitation plan.
4. This policy explains the types of vocational rehabilitation assistance the WCB may provide to eligible workers.

Eligibility Criteria

5. Workers are eligible for vocational rehabilitation if all of the following criteria are met:
- They have an accepted workers compensation claim that meets the conditions set out in WCB policy, POL-71, Conditions for Entitlement.
 - Their workplace injury is preventing them from performing their regular job duties, as supported by objective functional and employment information.
 - They have an impairment or pending impairment as a result of the work-related injury.
 - The work-related injury has caused a loss of earning capacity.
 - Suitable work is not available with their pre-injury employer. Employers' obligations to provide suitable work are set out in WCB policy, POL-165, Employer Roles in Worker Recovery and Return to Work.

Vocational Rehabilitation Planning

6. Vocational rehabilitation planning starts as early as possible after a worker becomes eligible.
7. A vocational rehabilitation plan sets a goal for re-entry into the work force and identifies the services, supports and steps required to meet that goal.
8. The plan is based on objective medical or functional information of a worker's abilities, as well as a vocational rehabilitation assessment of the worker's employment and educational background, skills, abilities and potential. The plan must be cost effective.
9. Workers have essential roles and responsibilities for successful vocational outcomes, including active participation in vocational rehabilitation assessments, plans and programs.
- The worker's role is set out in more detail in WCB policy, POL-76, Worker Role in Recovery and Return to Work.
10. The WCB will assist workers in their vocational rehabilitation by:
- Obtaining information about functional abilities, including arranging for detailed functional assessments as required.

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- Conducting a vocational rehabilitation assessment prior to the development of the plan.
- Developing a vocational rehabilitation plan with the worker.
- Helping the worker to identify goals for re-entering the workforce and vocational rehabilitation options to achieve the goal.
- Consulting with the worker's health care providers, and external service providers, such as educational or training institutions, as required.
- Assessing vocational rehabilitation plan for consistency with the worker's abilities.
- Determining whether a vocational rehabilitation plan is safe, appropriate and cost-effective.
- Contracting external service providers as required.
- Monitoring the progress of the vocational rehabilitation plan and adjusting as required.
- Ensuring that workers understand their roles and responsibilities.

Vocational Rehabilitation Plan Approval

11. A vocational rehabilitation plan must meet all of the following criteria to be approved:
- The plan must be safe, in that it does not pose a safety hazard to the worker or others.
 - The plan must be appropriate, meaning that:
 - It is consistent with the workers functional abilities.
 - It is consistent with the worker's vocational rehabilitation assessment. The worker must have, or be able to acquire, the necessary skills to complete the program and perform the work.
 - It eliminates or reduces the worker's loss of earning capacity.
 - The work generally exists in the local labour market.
 - The plan must be cost effective. In most cases, cost effectiveness is determined by considering the estimated costs of potential vocational rehabilitation options compared to the estimated costs of future benefits with or without vocational rehabilitation.

Vocational Rehabilitation Options

Employment Preparation

12. An employment preparation program assists the worker for up to 12 weeks. The WCB may provide support to develop job search skills, understand the labour market, refer the worker for employment counselling, develop cover letters, resumes and job applications, and prepare for interviews.

Work Experience

13. A work experience program provides the worker with an opportunity to obtain work through employer-sponsored training. The WCB may provide funding to the employer during the program to subsidize the worker's wages up to an amount equal to the worker's temporary wage loss benefits. The worker and employer must sign a work experience agreement prior to program approval.

Formal Training

14. A formal training program may be provided to a worker who has the ability to acquire skills through a period of formal training with an accredited educational facility. The worker must sign a formal training agreement prior to program approval. Assistance is limited to one formal training agreement for the same work related injury.
15. Workers may be eligible for employment preparation assistance for up to 12 weeks at the completion of the training program and are required to prepare for and pursue employment opportunities during the program.

Self-Employment

16. Self-employment assistance may be considered only when all other vocational rehabilitation options have been explored and have been determined to be unsuitable, and the self-employment would eliminate the loss of earning capacity. The terms and conditions for self-employment are defined in WCB policy, POL-11, Self-Employment Program.

Vocational Rehabilitation Expenses

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17. The WCB will consider payment for expenses that are necessary and reasonable to participate in the vocational rehabilitation plan. All expenses must be pre-approved by the WCB.
18. Vocational rehabilitation expenses may include travel, career assessments and formal training program expenses, such as tuition, fees, course materials and living expenses.
19. Tools, equipment, and protective clothing may be provided if they are specifically required for completion of a program and not otherwise provided. Items must be pre-approved and once purchased, become the property of the worker.
20. The WCB 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 a result of the worker's work-related condition.

Duration of Vocational Rehabilitation Benefits and Services

21. The WCB will continue to pay the worker wage loss benefits if they have a loss of earning capacity while they are participating in an approved vocational rehabilitation program.
22. Upon completion of the vocational rehabilitation program, if the worker continues to have a loss of earning capacity, they may be entitled to extended wage loss benefits as set out in WCB policy, POL-85, Extended Wage Loss Benefits.

The worker's earning capacity is based on the greater of the worker's actual earnings or the amount the WCB determines the worker is capable of earning upon completion of the vocational rehabilitation plan.

23. The WCB will provide vocational rehabilitation benefits, expenses and services until one of the following occurs:
 - The vocational rehabilitation plan is complete.
 - The worker is no longer participating in the vocational rehabilitation plan.
 - The worker no longer has a loss of earning capacity or the loss is not a result of the workplace injury (eg. non-work conditions, retirement, resignations or no longer available for employment.)
 - The worker receives an offer of suitable work that restores the worker's pre-

injury earnings.

HISTORY:

September 22, 2022 – Requirement to develop a vocational rehabilitation plan within twelve weeks has been removed.

December 10, 2020 - Non-substantive changes to reflect revisions to policy, POL-85, Extended Wage Loss Benefits.

January 10, 2019 – Non-substantive changes to reflect the legislative amendment to the definition of impairment.

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 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
