

## Client Services Procedure Manual

**Procedure:** 59.00  
**Subject:** Home Modifications for Seriously Injured Workers with Significant Functional Impacts

### 59.00 General

This procedure provides details of coverage for home modifications for seriously injured workers whose injury has significantly impacted their functional abilities.

### Significant Functional Impact

Significant functional impact is defined as a major impact or impediment to the worker's ability to perform regular daily functions of independent living as a result of a serious work-related injury (e.g., head injury or spinal cord injury). The regular daily functions impacted must involve the worker's ability to safely and independently access the home, or the home community and beyond, and impact the ability to perform essential activities of daily living.

### Home Assessment

The decision maker will determine the need for a home assessment. This may require consultation with a WorkplaceNL health care consultant.

The following factors will be considered to determine whether a home assessment is necessary:

- Medical evidence indicates that the injury is causing a significant functional impact;
- Modifications and assessments are considered necessary and directly related to the compensable injury; and
- Post-operative information, or the previous involvement of an occupational therapist in a hospital setting, provides insufficient or unclear information regarding equipment or home modifications needed for the compensable injury.

The decision maker will advise the worker in writing if it is determined that the:

- Injury does not meet the criteria for injuries with significant functional impacts; or
- Significant functional impacts are not directly related to the compensable injury.

A home assessment is not necessary if occupational therapy hospital discharge reports or post-operative information is sufficiently detailed for WorkplaceNL to make a decision regarding equipment or home modification needs.

## 59.01 Home Modifications

Home modifications are defined as significant structural changes to a residence or dwelling that are not temporary in nature and cannot be readily undone, including but not limited to widened doorways, lowered counter tops and fixtures.

Home modifications do not include safety equipment that is installed or provided to a worker to enhance safety in the home, such as raised toilet seats, bath chairs or transfer benches, lift chairs, reachers, sock-aids, dressing aids, “Obus” cushions, temporary wheelchairs, canes, walkers, bathing aids, and toileting aids.

Refer to Procedure 58.00 Health Care Devices and Supplies, section 58.14 for details on coverage for safety equipment.

WorkplaceNL will cover the cost of home modifications where a worker experiences permanent access barriers within their home due to a serious injury with significant functional impact. Coverage is also considered where an injury requires the use of a wheelchair or other adaptive mobility aids in the home on a regular basis.

The decision maker will determine the necessary assistance required for a reasonably barrier-free dwelling to allow the worker safe, reasonable access and mobility within the home. Home modifications are made on a one-time-only basis and will consider both the worker’s current and future mobility and functionality. The decision maker will involve a WorkplaceNL medical consultant if there is evidence that the compensable injury may deteriorate in the future.

Recommendations from the home assessment will be reviewed based on:

- Compensability for the work injury;
- Evidence-based, objective findings and clinical rationale, and
- Cost-effective and practical solutions that address the workers’ mobility needs that are necessary for their independence.

Any non-compensable issues and recommendations for these issues will be clearly identified as non-compensable before any decision is made on home modifications.

## 59.02 Analysis of Options

### Worker Owns or has a Mortgage on a Home at Time of Injury

Where the worker owns or has a mortgage on a home at the time of the injury, the options for home modification are considered in the following order:

- **Option 1 - Modify the Primary Residence**

Following the home assessment, the first option considered is coverage for the cost of

appropriate modifications to the worker's primary residence to allow the worker safe, reasonable access and mobility within the home.

- **Option 2 - Move to Alternate, Accessible Residence**

Wherever the cost of modifying the worker's home is higher than would normally be expected, given the age, repair or design of the home, a cost-benefit analysis based on purchasing the most appropriate, alternate, accessible dwelling available will be considered.

In determining the overall appropriateness of an alternate dwelling, WorkplaceNL will consider factors including but not limited to the needs of the injured worker defined through the home assessment, the size of the home, age of the home, general features and general location of the home. WorkplaceNL will require a market search by a real estate agent, of WorkplaceNL's choosing, to determine availability of appropriate, accessible homes.

- **Option 3 – Modify an Alternate Residence**

Where an appropriate alternate, accessible home is not available, WorkplaceNL will conduct a market search for homes with the potential for modification. Where it appears that an existing dwelling can be modified, WorkplaceNL may require a home inspection to assist in determining the feasibility of modifications.

- **Option 4 - Build an Accessible Residence**

In certain situations, it may be necessary to consider the option of constructing a reasonably barrier-free home.

Where WorkplaceNL determines that Option 2, 3, or 4 is the most reasonable option, the worker must contribute an amount equivalent to the present fair market value of their home. In these cases, WorkplaceNL will cover the reasonable costs for real estate fees, legal fees, property appraisal and relocation. These costs will also be considered in the cost-benefit analysis for that option. WorkplaceNL will prepare an agreement for both the worker and WorkplaceNL to sign.

WorkplaceNL acknowledges that the most cost-effective option may not always be the most appropriate. An option with a 10% differential including all costs associated with that option is considered reasonable. The worker will be given discretion to select either option WorkplaceNL considers reasonable. The worker will not be responsible for the excess cost in these circumstances.

### **Worker Rents at Time of Injury**

Where the worker rents accommodations at the time of the injury, the following options will be

considered based on the ability to meet the worker's specific needs and respective costs and benefits:

- **Option 1 - Renovate the worker's current rental unit**

The worker must provide a copy of the lease agreement and obtain the written consent of the landlord before any modifications are made to the current rental unit.

Modifications to the rental property are made on a one-time only basis and contain certain inherent risks to the worker (e.g., landlord sells or evicts worker after modifications are complete), which must be made clear to the worker before modifications are made.

WorkplaceNL must be satisfied that modifying the rental property is in the best interest of the worker, based on factors including, but not limited to, length of time in the property, relationship with the building owner and length of lease with the landlord. WorkplaceNL may withdraw the option of renovating the existing rental property based on the above noted factors.

- **Option 2 - Move the worker to an appropriate, accessible rental accommodation**

WorkplaceNL will cover the costs of the move (including any lease penalties at the current rental) and any increased rental and utility costs of the new rental.

In determining the overall appropriateness of a dwelling, WorkplaceNL will consider factors including, but not limited to, the needs of the worker defined through the home assessment, the size of the accommodation, age of the rental accommodation, general features and general location of the accommodation. WorkplaceNL will require a market search to assist in choosing appropriate, accessible accommodations.

If the worker wishes to pursue an option identified as meeting their needs, but not the most appropriate option identified by WorkplaceNL, WorkplaceNL may elect to contribute an amount equal to the costs that WorkplaceNL would otherwise have covered to allow the worker to pursue the option of their choice.

Where additional costs are related to the worker's personal choices beyond what is required to provide an appropriate, accessible dwelling, the costs will be the responsibility of the worker.

### **59.03 Requirements for Completing Home Modifications**

The following are the requirements to complete once it has been identified that home modifications are required:

- If a worker owns or has a mortgage on a home at the time of the injury, the worker must provide proof of home ownership (i.e. deed or other document as determined appropriate by WorkplaceNL) and replacement insurance coverage (copy of home owner's policy document). The worker and all property owners must provide written consent for the modifications.
- The decision maker will consider all identified options as outlined in section 59.02.
- The decision maker will inform the worker of the recommendations identified in the occupational therapy home assessment report. If requested, a copy of the report can be provided to the worker.
- Additional costs associated with recommendations made for non-compensable issues will not be the responsibility of WorkplaceNL. Any recommendations for non-compensable issues will be documented in the home assessment report and communicated to the worker in the event that they wish to proceed with these recommendations at their own expense.
- The decision maker will make a referral to Newfoundland and Labrador Housing Corporation (NLHC) to complete a scope of work and cost estimate for the home modification.
- The scope of work and cost estimate are reviewed by the decision maker to confirm that they meet the medical needs of the worker, are the result of the compensable injury and are cost effective. A decision will be provided to the worker outlining the specifics of what is approved or denied.
- The worker secures a contractor to complete the home modification within the approved cost.
- After all work is complete, WorkplaceNL requires that NLHC visit the property to ensure that all work has been completed in a satisfactory manner and in accordance with the scope of work, the functional needs of the worker and applicable national, provincial or local standards or codes. Periodic inspections by NLHC may be completed throughout the home modification process.

#### **59.04 Ownership and Maintenance to Modifications and Equipment (for workers who are renting or property owners)**

WorkplaceNL considers a worker to own all structural modifications made to, and equipment installed in their home. The worker is responsible for the maintenance and repair of structural modifications that are provided pursuant to this procedure. This includes maintenance and repair to all indoor and outdoor finishing work (e.g., painting, staining, plastering, flooring, plumbing and light fixtures). A worker is also responsible for the cost of moving any installed equipment to a subsequent dwelling, except where the move was directly required by a

change in the compensable injury.

WorkplaceNL will cover the cost of preventative service, maintenance and repair of equipment (e.g., lifts, ramps which have been damaged due to adverse weather conditions, indoor and outdoor elevators). Coverage for these costs must be adjudicated using Procedure 58.00 Health Care Devices and Supplies, specifically section 58.9, Equipment Maintenance, Repair and Replacement when making decisions regarding the repair and replacement of equipment.

Home modifications are made on a one-time only basis. Loss of access to the modified dwelling for reasons unrelated to a change in the compensable injury (e.g., divorce, separation, move) is not the responsibility of WorkplaceNL.

### **59.05 Merits and Justice**

Where the individual circumstances of a case are such that the provisions of this procedure cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent-setting.

#### **Reference:**

Workplace Health, Safety and Compensation Act, 2022

Policies:

EN-22 Merits and Justice

HC-13 Health Care Entitlement

Procedures:

58.00 Health Care Devices and Supplies

#### **Amendment History**

|                         |            |
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| Original Effective Date | 2004 01 01 |
| Revision #1             | 2006 01 24 |
| Revision #2             | 2008 02 12 |
| Revision #3             | 2026 01 13 |