

Client Services Procedure Manual

Procedure: 10.00

Subject: Additional Child Care Costs

10.00 General

An injured worker will be reimbursed for child care expenses directly related to the compensable injury that are in excess of what they normally incurred while working, in the following circumstances:

1. During the acute recovery phase of the injury - the acute recovery phase is defined as the period immediately following the injury where the worker's compensable condition impacts his/her ability to perform the necessary functions of child care.
2. During the acute period of post-operative recovery from surgery required or medically necessary arising from the compensable injury where the worker's ability to perform the necessary functions of child care are impacted.
3. While the worker attends WorkplaceNL approved medical treatments for the work injury.
4. While the worker participates in a WorkplaceNL sponsored labour market re-entry (LMR) program.

10.01 Claiming for Additional Child Care Costs

WorkplaceNL may reimburse for additional child care expenses for any dependent child under the age of 18 years or any dependent special needs child over the age of 18 years living in the same household.

To be eligible for this benefit the following information is required:

1. An Additional Child Care Expense Claim Form; and,
2. Appropriate documentation of expenses (as outlined in #10.06, Documentation Required).

To be considered for additional child care costs following the acute recovery period or following compensable surgery, the worker's functional abilities must impact his/her ability to provide necessary functions of child care specific to the age and needs of the child. For example, a child under the age of three will require the worker to have functional abilities of lifting over 20 lbs, bending, twisting and kneeling. A pre-school child will require the worker to have functional abilities of bending and twisting. Functional abilities of driving and stair climbing may be required of the worker to care for a school age child.

Consideration may be given to information such as functional abilities information from the health care provider and/or the post-operative discharge summary report. An assessment by an Occupational Therapist or other qualified health care provider may be required to assist in making an entitlement decision, especially where there are special child care needs to be considered.

10.02 Decision Making Process

Client Services Assistants in the Compensation Services Department are responsible for deciding entitlement to additional child care benefits.

10.03 Family Members as Child Care Providers

Generally, child care provided by a spouse or any other family member living in the same household of the individual making the claim is not considered.

Family members who provided child care prior to the injury or LMR program are eligible for additional child care expense reimbursement, so long as appropriate documentation has been provided (as outlined in #10.06, Documentation Required).

10.04 Covered Expenses

WorkplaceNL will be responsible for reasonable additional child care expenses arising as a direct result of the injury. Increased expenses unrelated to the work injury (e.g., increased child care rates; loss or change of care provider; change in family circumstance), are not covered by WorkplaceNL.

Reimbursement of additional child care expenses will be made for direct child care expenses incurred (not including travel, meals or accommodations for the child care provider) and only after the service has been provided. Advance payments will not be authorized.

10.05 Weekly Threshold Amount

WorkplaceNL will recognize entitlement (subject to the provisions of this procedure) where a worker's weekly expenses exceed those regularly paid prior to the injury or LMR program. The amount regularly paid prior to the injury or LMR program is defined as the weekly threshold amount and is the amount beyond which WorkplaceNL will consider reimbursing:

1. The Client Services Assistant will establish the weekly threshold amount for all benefit applications.
2. Reimbursement will be based on the difference between the documented current amount and the weekly threshold amount. In the event of a recurrence, the weekly threshold amount will be established for the period immediately preceding the recurrence.

10.06 Documentation Required

Once all documentation required by WorkplaceNL has been received (including the Additional Child Care Expense Claim Form), an entitlement decision will be made.

Documentation of the claim must demonstrate both weekly threshold costs and additional current costs and may include one of the following:

1. receipts from a provincially licensed child care agency;
2. receipts from a non-licensed child care provider verifying costs, plus a copy of the worker's (or worker's spouse) last Canada Revenue Agency (CRA) return verifying the amount of child care reported for tax purposes;
3. a sworn affidavit from a non-licensed child care provider verifying costs.

10.07 No Weekly Threshold Costs

Where the worker claims there were no pre-injury (or pre-LMR program) child care expenses, required documentation may include:

1. a detailed explanation of the pre-injury child care arrangements and why they have changed;
2. appropriate CRA documentation (see #2 under 10.06, Documentation Required) that confirms child care expenses were not previously claimed;
3. a sworn affidavit from the current child care provider confirming that he/she did not provide child care services prior to the injury or LMR program.

10.08 New Dependents

It is reasonable to expect an increase in child care costs where the number of dependents increases. Such costs are not directly related to the injury or LMR program.

New child care expenses related to dependents added after the injury or LMR program will be covered where the worker can demonstrate, to the satisfaction of WorkplaceNL, that the new expenses are higher than the amount reasonably expected and the higher amount is due to the work injury or LMR program.

In this situation, the additional amount incurred (above what would have been otherwise expected) will be reimbursed.

10.09 Exceptional Circumstances

In cases 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. Such a decision will be considered for that specific case only and will not be precedent setting.

Reference: *Policy HC-09 Additional Child Care Costs*

Amendment History

<i>Original Effective Date</i>	1997 04 29
<i>Revision #1</i>	2004 01 01
<i>Revision #2</i>	2008 07 22