

## Client Services Procedure Manual

**Procedure: 44.00**

**Subject: Labour Market Re-entry Co-operation**

### 44.01 Introduction

A worker who co-operates with the labour market re-entry assessment and/or planning process by actively and positively pursuing its goals, striving to overcome obstacles and taking responsibility for its progress and outcome will help to ensure his/her own successful re-entry into the labour market. A worker is expected to be ready to co-operate with the labour market re-entry assessment and/or plan and be motivated to achieve its goals. Workers are entitled to receive appropriate benefits during the labour market re-entry process.

#### 44.02.1 Co-operation

Labour Market Re-entry services are provided to the worker to the extent required for a thorough analysis of the worker's needs to successfully re-enter the labour market at an earnings level as near as possible to that of the pre-injury occupation.

The success of labour market re-entry depends upon the worker co-operating in their labour market re-entry assessment and/or plan. Examples of cooperation may include:

1. attending all scheduled appointments and arriving on time prepared for all activities;
2. being available and cooperative in the provision of the labour market re-entry assessment and/or plan;
3. following the requirements of all facilities and persons providing labour market re-entry services;
4. reporting any circumstances immediately to the Case Manager which may affect his/her ability to participate in the labour market re-entry assessment and/or plan, or which interferes with achieving the goals outlined in the labour market re-entry plan;
5. accurately providing information for a thorough assessment; and,
6. following the provisions and schedules developed in the labour market re-entry plan.

Workers continue to receive benefits while co-operating during the labour market re-entry process.

#### 44.03 Non Co-operation

The Case Manager thoroughly investigates all circumstances surrounding potential non co-operation through discussion with the worker, treating physicians, if relevant, and other parties as appropriate. Workers must be given an opportunity to co-operate before a finding of non-co-operation can be made. Where there are legitimate reasons for non-co-operation, other policies may be applied, for example, EN-17 "Interruptions and Delays in Work Injury Recovery".

Cases being considered for non-co-operation must be reviewed with the Client Services Manager before a finding of non-co-operation can be made. This is to review all activity to date and to ensure that all opportunities for co-operation have been exhausted.

Where there is non-co-operation on the part of the worker, the Case Manager will provide immediate verbal notification, where possible, document the verbal notification on a case worksheet, and follow up immediately in writing advising of:

1. the finding of non-co-operation;
2. the worker's obligation to co-operate; and
3. the consequences of non-co-operation.

Where the worker fails to demonstrate co-operation within one week of the date of written notification and does not have a legitimate reason for non-co-operation, the Case Manager will terminate the worker's benefits and terminate the labour market re-entry assessment and/or plan. In cases where benefits are terminated due to non-co-operation, there will be no entitlement to Extended Earnings Loss Benefits even in cases where there may have been entitlement under the proposed labour market re-entry plan.

Where the labour market re-entry assessment recommends full time labour market re-entry programming, WorkplaceNL encourages full time participation because it may result in decreased claim duration, decreased expenses, timely re-entry into the labour market, and effectively utilize transferable skills. However, if in exceptional circumstances and due to legitimate, non-compensable causes (See Policy EN-17 "Interruptions and Delays in Work Injury Recovery"), a worker is unable to participate in a designated full time program, consideration may be given to a part time program with a corresponding reduction in benefits; however, any additional costs resulting from the worker's part time status, for example, additional travel, child care costs, etc., may be the responsibility of the worker.

#### **44.04 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:** *The Workplace Health, Safety and Compensation Act, Sections 54.2, 88 and 89.2*  
*Policy RE-13 Labour Market Re-entry Co-operation*

#### **Amendment History**

<i>Original Effective Date</i>	2001 11 01
<i>Revision #1</i>	2004 03 23
<i>Revision #2</i>	2008 05 23