

Client Services Procedure Manual

Procedure: 45.00
Subject: Labour Market Re-entry Assessment

45.00 Introduction

The labour market re-entry assessment is an objective, independent evaluation used to determine whether a worker has transferable skills or requires assistance to re-enter the labour market and to determine whether a labour market re-entry plan is required.

The worker's active involvement is critical to conducting the labour market re-entry assessment. The key success factors are the involvement and understanding of the injured worker and their active participation in the whole process.

In general, workers are entitled to one labour market re-entry assessment and/or plan. Where possible, a minimum of three labour market re-entry options will be identified in conjunction with the worker during the assessment process. In consultation with the worker, WorkplaceNL will implement the option that enables the worker to re-enter the labour market at an earnings level as near as possible to that of the pre-injury earnings.

45.01 Labour Market Re-entry Process

Communication

To facilitate the worker's understanding of the labour market re-entry process, the Case Manager will meet where possible, or remain in contact with the worker before, during (where necessary) and after the assessment process.

The following information is discussed with the worker prior to the labour market re-entry referral:

1. the reasons and rationale for the assessment;
2. the roles and responsibilities of the worker, employer, planner and WorkplaceNL;
3. the process for assessment; and
4. the information gathered during the assessment.

Prior to the labour market re-entry referral, the Case Manager will contact the injury employer verbally and in writing to inform him/her of the reasons for the assessment process. The employer will be given an opportunity to consider suitable employment that may be available with labour market re-entry programming. The employer must provide written confirmation to the Case Manager within two weeks of receiving the request to confirm whether suitable employment opportunities exist.

Referral and Evaluation

A referral is made to the Labour Market Re-entry Planner (Planner) for a labour market re-entry assessment using the computerized referral form. The Planner will meet with the worker as frequently as required to obtain the necessary information, inform the worker of the results of the various assessments and include the worker in developing the most appropriate options for a successful re-

entry into the labour market. The Planner will provide a completed report to the Case Manager within a maximum of 60 days from the date of referral depending on the complexity of the intervention required (see table below), which will include the Planner's analysis, and, where possible, three (3) suitable employment options. Prior to finalizing the Labour Market Re-entry Assessment, the planner must arrange an exit interview with the worker and the Case Manager to ensure effective communication regarding the contents of the assessment.

A transferable skills analysis determines whether the worker has the skills and abilities to immediately return to the workforce in comparable, suitable employment. Additional evaluation of skills may be required through work samples and/or psychometric testing to determine what other programs are necessary to assess the worker's ability to participate in further training/employment. These programs may include:

1. a period of skill development to build on existing transferable skills. For example, a worker whose work history includes employment as a stenographer may require a refresher course in order to bring those skills up to date for the current labour market;
2. on-the-job training;
3. academic upgrading;
4. formal retraining; or
5. self-employment.

Assessment	Details	Turnaround time from referral date in calendar days
Transferable Skills Analysis	<ul style="list-style-type: none"> • Interview(s) with worker • File review • Work history review • Labour market research • Final report 	30 days
Transferable Skills Analysis & Work Samples	<ul style="list-style-type: none"> • Transferable skills analysis • At least two (2) work samples 	40 days
Transferable Skills Analysis & Psychometric Testing	<ul style="list-style-type: none"> • Transferable skills analysis • Wechsler Adult Intelligence Scale - 3rd edition • Canadian Adult Achievement Test • Other psychometrics required for completion of the assessment as determined by the psychologist 	50 days
Transferable Skills & Work Samples & Psychometric Testing	<ul style="list-style-type: none"> • Transferable skills analysis • At least two (2) work samples • Psychometrics as indicated above 	60 days

45.02 Labour Market Re-entry Assessment Outcome

No Options Identified

Where no options have been identified due to a non-compensable factor or factors, the Planner will outline an appropriate method to acquire the necessary skill or skills (for example, money handling abilities) to facilitate the identification of a suitable option(s). Where the worker is successful in acquiring the skills for the identified option, the minimum wage will be applied in accordance with RE-15. However, where it has been determined that a worker is not capable of acquiring the basic skills necessary for “labouring and other elemental occupations” full extended earnings loss will be payable, subject to legislative and policy provisions regarding benefit calculation and deductions for employment related income.

Worker is Market Ready

In cases where the labour market re-entry assessment indicates the worker has transferable skills and is therefore market ready (i.e. has the skills, knowledge, and abilities to perform suitable employment at the pre-injury earnings) the worker will be entitled to up to six (6) weeks of benefits under employment readiness.

If the worker locates and commences suitable employment before the six (6) week period, benefit entitlement will cease.

Worker is Not Market Ready

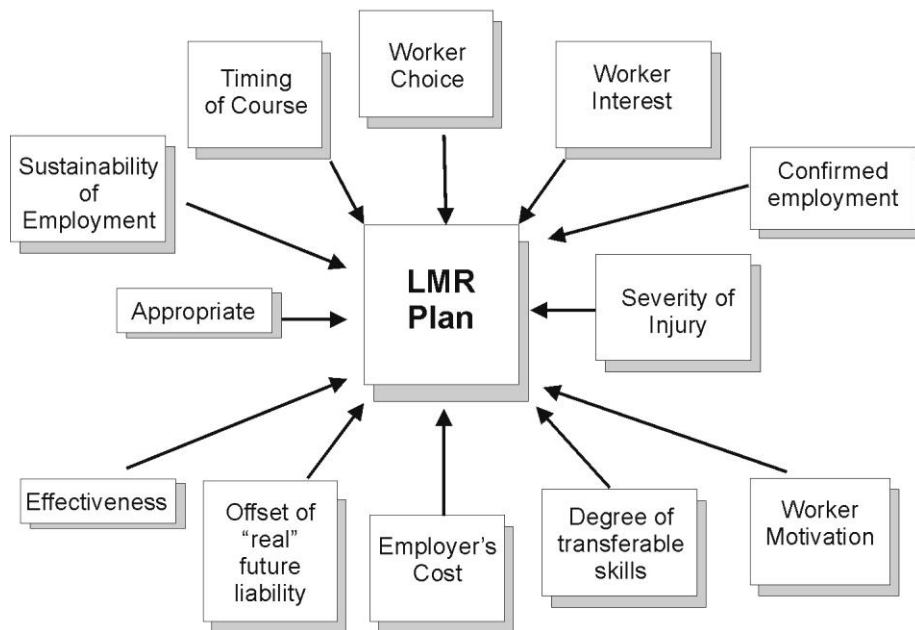
Where a labour market re-entry assessment determines that the worker does not have the skills/abilities to immediately return to the workforce in comparable, suitable employment, the Planner will identify all methods available to achieve the skills required for the identified suitable option(s). This information will contain the recommended time frame, the place of training, the name of the program, and the costs, etc., for formal training, academic upgrading, self-employment or on-the-job training options. Refer to Policy RE-16, Labour Market Re-entry Plans and Procedure 47.00, Labour Market Re-entry Plans for additional information.

45.03 Selecting the Labour Market Re-entry Option

Upon completion of a labour market re-entry assessment, the potential suitable employment options identified will be reviewed in conjunction with the worker. The Case Manager will then determine, within three weeks of receipt of the report, which option provides the worker with the best chance of successfully returning to the workforce with the skills necessary to re-enter the labour market at an earnings level as near as possible to that of the pre-injury occupation. All factors will be weighed in the selection process.

The following chart provides examples of factors that are considered in selecting an option. For other factors considered, refer to Policy RE-14, Labour Market Re-entry Assessments.

Evaluating LMR Options



WorkplaceNL determines whether a labour market re-entry plan is required as the most appropriate and cost effective means of returning the worker to the workforce or restoring the pre-injury earnings.

WorkplaceNL acknowledges that the most cost effective option may not always be the most appropriate. An option with a maximum of a 10% total cost differential, including; wage loss benefits, tuition and other labour market re-entry expenses, and potential capitalized reserve following the plan, is considered acceptable. A more costly option must be reviewed with the Client Services Manager prior to approval.

45.04 Determining Entitlement

Post Labour Market Re-Entry Entitlement

The Case Manager will discuss with the worker and document what his/her considered earning capacity will be following completion of the labour market re-entry assessment and/or plan, (see Policy RE-15, "Determining Suitable Employment and Earnings"). This decision will be communicated verbally and through written correspondence.

All workers are entitled to employment readiness services following completion of a labour market re-entry assessment. For additional information, please refer to Policy RE-16, Labour Market Re-Entry Plans and Procedure 47.00, Labour Market Re-Entry Plans.

Non-compensable Factors

The impact of non-compensable factors will be taken into account when determining a suitable labour market re-entry assessment and/or plan. For example, a worker with a non-compensable hearing loss will not be considered for positions where the bona fide occupational qualification for hearing exceeds the worker's hearing level.

Proportionment (See Policy EN-02 "Proportionment") will not be a consideration when determining entitlement to a labour market re-entry plan but its implications on the worker's post labour market re-entry entitlement to benefits should be identified and discussed with the worker at this stage.

45.05 Labour Market Re-Entry Re-assessment

In general, workers are entitled to one labour market re-entry assessment and/or plan, if appropriate. The Case Manager shall provide a labour market re-entry re-assessment if the worker's attempt to return to extensively accommodated employment in the suitable employment is unsuccessful. Extensively accommodated refers to work/workplace accommodations so significant that a comparable job is unlikely to exist in the labour market.

Labour market re-entry re-assessments may also be considered where a worker has a new compensable injury if the physical restrictions resulting from that injury are greater than those resulting from a previous injury(ies).

Deterioration of Work-related Injury

WorkplaceNL may provide a labour market re-entry re-assessment if, due to deterioration in the work related injury, the worker is unable to continue working in the suitable employment.

Deterioration is defined as per Policy EN-03 (Recurrences). In determining deterioration, the Case Manager will consider if the current symptoms are resulting from and are medically compatible with the original work injury.

To properly decide the matter of medical compatibility, a worker's complete medical history, particularly since the original work injury, must be compared with his or her current condition. A medical opinion from WorkplaceNL's medical officer will be necessary to assist in determining medical compatibility.

The Case Manager must first determine if there is a deterioration of the work related injury and secondly how this deterioration is impacting on the worker's ability to perform the essential job duties of his/her present employment or training. If the worker is unable to participate in a labour market re-entry plan due to a deterioration in the work related impairment, the Case Manager will make every reasonable attempt to revise the plan through accommodation so that the worker can continue. The Case Manager, through a medical review and functional assessment, will determine if the worker can perform the essential job/training duties. If so, he/she will not require a further labour market re-entry assessment.

45.06 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, Section 89.2*
Policies: RE-14 Labour Market Re-entry Assessments
EN-02 Proportionment
RE-15 Determining Suitable Employment & Earnings

Amendment History

<i>Original Effective Date</i>	2001 11 01
<i>Revision #1</i>	2004 03 23
<i>Revision #2</i>	2008 12 10