

Client Services Policy Manual

Policy Number: **RE-13**
Subject: **Labour Market Re-entry Co-operation**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

The Act requires workers to participate in all aspects of a labour market re-entry assessment or plan. This can be achieved by workers actively and positively pursuing the goal of labour market re-entry, striving to overcome obstacles and taking responsibility for their own re-entry. A worker is expected to be ready to co-operate with the labour market re-entry assessment/plan and be motivated to achieve its goals. WorkplaceNL will provide advice and support that will facilitate the worker's progress in the labour market re-entry process.

General

Role of the Worker

Workers are required to:

- i. communicate with the labour market re-entry assessment parties (e.g. the employer, the labour market re-entry planner, the health care provider as required, and WorkplaceNL);
- ii. participate and co-operate in the development of the labour market re-entry assessment or plan;
- iii. be motivated, and to actively and positively pursue the goals of the labour market re-entry assessment or plan; and,
- iv. report any circumstances that may affect their ability to participate in the labour market re-entry assessment or plan.

Workers are eligible to receive appropriate benefits while co-operating in the labour market re-entry process.

Role of the Employer

Employers are required to:

- i. explore and rule out all suitable work options as the pre-injury employer before the worker begins the labour market re-entry process. Written confirmation is required by WorkplaceNL;
- ii. consider all opportunities for suitable work that would be available with additional skills obtained through a labour market re-entry plan;
- iii. offer suitable work that may become available during the labour market re-entry plan; and
- iv. provide any other relevant information required.

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Role of the Health Care Provider

The health care provider is responsible for:

- i. providing functional abilities information as necessary to the worker, employer or WorkplaceNL;
- ii. providing medical information to the worker and WorkplaceNL, as required; and,
- iii. encouraging re-entry to the workforce for the worker.

Role of the Labour Market Re-Entry Planner

The labour market re-entry planner responsible for:

- i. reviewing all referral documentation provided by WorkplaceNL;
- ii. meeting with the worker to obtain all relevant vocational information, and to review the functional and medical status of the worker;
- iii. completing a transferable skills analysis and referring for necessary testing, as required, to determine labour market re-entry options;
- iv. communicating the outcome of the labour market re-entry assessment to the worker and WorkplaceNL;
- v. providing a thorough report within the time frames as set out by WorkplaceNL; and
- vi. communicating any issues or barriers which may impact the development of the labour market re-entry assessment and/or plan.

Role of WorkplaceNL

WorkplaceNL is responsible for facilitating labour market re-entry by:

- i. communicating to the worker in person, where possible, and to the employer, the reasons for the labour market re-entry assessment, the process for the assessment and the information that will be gathered during the process;
- ii. monitoring the activities and progress of the labour market re-entry assessment and/or plan;
- iii. selecting the most suitable option in consultation with the worker and determining if the worker requires a labour market re-entry plan. The employer may be consulted in the selection process to determine if there are any options which may result in confirmed employment with the pre-

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- injury employer. Such confirmed employment would be considered in evaluating options as outlined in policy RE-14 “Labour Market Re-Entry Assessments”; and
- iv. approving appropriate benefits and expenses related to the labour market re-entry assessment and plan.

Suspension, reduction or termination of benefits

Where a worker, in the judgement of WorkplaceNL, is not applying himself or herself to the goals of the labour market assessment and plan, WorkplaceNL may suspend, reduce or terminate benefits and services.

There may be circumstances where a labour market re-entry assessment or plan is interrupted or delayed due to reasons not related to the work injury. In such cases, benefits may be reduced or suspended in accordance with Policy EN-17 “Interruptions and Delays in Work Injury Recovery.

Services and benefits will be terminated in the following circumstances:

- i. the worker refuses, without good cause, to accept a labour market re-entry assessment and/or plan;
- ii. the worker terminates a program without good cause;
- iii. the worker does not comply with the requirements of the program without good cause;
- iv. the worker is terminated from a program because of non-adherence to school or employment regulations, or for lack of effort in the program; or,
- v. the labour market re-entry plan is prepared but is not implemented due to the worker’s non co-operation.

Notice of Non-Co-operation

If WorkplaceNL determines that a worker is not co-operating in all aspects of the labour market re-entry assessment or plan, the worker will be given an opportunity to respond to WorkplaceNL regarding the reason for not co-operating. If WorkplaceNL determines that the worker is not co-operating and does not have a legitimate reason for not co-operating, the worker will be given verbal notice, where possible. The verbal notice will also be immediately confirmed in writing in every case.

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The worker is notified, verbally and in writing, of:

- i. the obligation to co-operate in the labour market re-entry assessment and plan;
- ii. the finding of non-co-operation, and
- iii. the consequences of this finding.

Where the worker fails to demonstrate co-operation within one week of notification and does not have a legitimate reason for not co-operating, WorkplaceNL shall reduce, suspend or terminate a worker's benefits and terminate the labour market re-entry assessment or plan.

Where the worker was in receipt of benefits at the time of the finding of non-co-operation, those benefits will be continued during the notice period.

Where there is evidence that a worker has been formally notified in writing on non-co-operation in the labour market re-entry assessment or plan on the same claim or on a subsequent claim, WorkplaceNL will not provide a subsequent one week notification before benefits are suspended, reduced or terminated. However, the worker will be given an opportunity to co-operate before any finding is made on the same or a subsequent claim. A suspension, reduction or termination of benefits will only be implemented where the worker fails to demonstrate co-operation to the satisfaction of WorkplaceNL and does not have a legitimate reason for not co-operating.

Exceptional Circumstances

In cases where the individual circumstances of a case are such that the provisions of this policy 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.

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Reference: *Workplace Health, Safety and Compensation Act (the Act), Sections 54.1, 88 & 89.2.*
Policy EN-17 Interruptions and Delays in Work Injury Recovery

Amendment History

<i>Original Effective Date</i>	2001 11 01
<i>Revision #1</i>	2004 03 18