

Client Services Policy Manual

Policy Number: **RE-16**
Subject: **Labour Market Re-entry Plans**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

Where a labour market re-entry assessment has been completed, WorkplaceNL will determine a labour market re-entry plan in consultation with the worker that is necessary to allow the worker to re-enter the workforce and restore the pre-injury earnings, where possible.

Where the employer has a re-employment obligation under the Act, the obligation period may coincide with all or part of the labour market re-entry programming. Therefore, the employer will be required to offer suitable employment that becomes available during the worker's labour market re-entry period.

General

Preparing the Labour Market Re-entry Plan

The labour market re-entry plan will be developed in consultation with the worker, the worker's employer (where appropriate) and the worker's health care providers (as required). The plan will clearly document the steps necessary to achieve successful labour market re-entry. A copy of the labour market re-entry plan will be provided to the worker and the pre-injury employer showing the rationale for the selected plan. The plan must be signed by the worker to indicate understanding of, and agreement with the plan as well as to acknowledge adherence to the requirements of the program.

Where the worker requires modifications and/or assistive devices to participate in the labour market re-entry plan, they will be provided in accordance with Policy RE-18 "Post-Injury Accommodation".

Benefits

Workers are eligible to receive appropriate benefits while co-operating in all aspects of the labour market re-entry plan.

Labour Market Re-entry Plan – Program Types

Labour market re-entry plans may include one or more of the following program types as identified during the labour market re-entry assessment:

1. On-the-Job Training

When the worker requires new skills to obtain suitable employment, WorkplaceNL may sponsor a period of on-the-job training. The duration of on-the-job training will vary according to the amount of training required, the type of injury, and the nature of the worker's

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transferable skills. A period of employment readiness programming may be provided following on-the-job training. A short term job specific orientation period provided by the injury employer or another employer is not considered to be an on-the-job training program.

2. Academic Upgrading

Where the worker is assessed as having the potential to upgrade, WorkplaceNL may sponsor an upgrading program as part of the labour market re-entry plan if improving a worker's academic skills will enable the worker to re-enter the labour market, or if it is a prerequisite of a formal training program. The upgrading program must be provided by a provincially approved institution. Where academic upgrading is the labour market re-entry plan, it may be followed by a period of employment readiness programming.

3. Formal Training

Where the worker is assessed as having the potential, aptitude and physical ability to acquire vocational skills in another vocation, WorkplaceNL may sponsor a training program as provided by a provincially approved institution. The appropriate training period that enables the worker to regain pre-injury earnings will be applied.

Workers involved in formal training are expected to prepare for and pursue employment opportunities during the program. Such employment preparation is often a component of the formal programs. WorkplaceNL will cover employment readiness services during or immediately following formal training should the worker decide to avail of them. Earnings loss benefits are not continued during participation in these services beyond the formal training period.

4. Self-Employment

When a worker is unable to benefit from regular employment and training programs or when WorkplaceNL considers self-employment to be a viable option, WorkplaceNL may provide financial assistance for self-employment. WorkplaceNL only supports self-employment ventures in industries where unsatisfied demands exist in the market place.

In lieu of other return to work options, WorkplaceNL may award a one-time financial grant up to, but not exceeding, \$30,000 plus continuation of wage loss benefits to a maximum of six months.

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Employment Readiness

WorkplaceNL will provide Employment Readiness programming, including earnings loss benefits and the cost of employment readiness services, to workers displaced from their jobs because of the injury, but who are capable of re-entering the work force with another employer. The program will extend for a period of six weeks or a shorter period if the worker commences employment.

Labour market re-entry services may be limited to a period of employment readiness where the worker is market ready and considered capable of earning pre-injury earnings because he or she has transferable skills, other qualifications, alternate work experience, or little or no residual disability. At WorkplaceNL's discretion, employment readiness may be followed by further programming support where the worker locates an employer willing to provide an employment opportunity requiring, for example, a period of on-the-job training, and where it would reduce or eliminate the loss of earnings.

Labour market re-entry resources will be made available to the worker by WorkplaceNL in areas such as: resume preparation, job interview preparation, and learning to access information on securing job opportunities.

Workers who travel outside of their home community while participating in the employment readiness program may be eligible for cost reimbursement as outlined in policy RE-17 "Labour Market Re-entry Expenses".

Deterioration in worker's condition

If a worker is unable to participate in a labour market re-entry plan due to a deterioration in the work-related impairment, WorkplaceNL will consult with the worker and the treating health care provider. WorkplaceNL will make every reasonable attempt to revise the plan so that the worker may continue.

In these cases, WorkplaceNL will attempt to facilitate the worker's successful completion of the plan through accommodation before reconsidering suitable employment.

Improvement in worker's condition

If a worker's work-related impairment improves significantly,

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WorkplaceNL will reconsider the initial determination of suitable employment and earnings. If the original suitable employment is no longer appropriate, WorkplaceNL will reconsider the original labour market re-entry plan, taking into account the worker's improved condition.

Offer of suitable and available employment

A labour market re-entry plan may be discontinued if a worker receives an offer of suitable and available employment. In these circumstances, WorkplaceNL will re-examine the cost-effectiveness of the labour market re-entry plan.

Re-employment obligations during labour market re-entry plan

For employers with a re-employment obligation, the applicable obligation period may be ongoing during a labour market re-entry plan.

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.

Reference: *Workplace Health, Safety and Compensation Act (the Act), Sections 54.1, 88 & 89.2*

Amendment History

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| <i>Original Effective Date</i> | 2001 11 01 |
| <i>Revision #1</i> | 2002 10 11 |
| <i>Revision #2</i> | 2004 03 18 |