

Client Services Policy Manual

Policy Number: **RE-12**
Subject: **Labour Market Re-entry Overview**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

Where the early and safe return to work does not result in a return to work that is suitable, available, and restores the worker's pre-injury earnings, WorkplaceNL shall provide the worker with a labour market re-entry assessment and, if necessary, a labour market re-entry plan. The capacity to work and earn, as demonstrated by the worker's transferable skills and functional abilities, is the relevant factor.

Effective labour market re-entry programming requires ongoing communication between the worker, the injury employer (where appropriate), the labour market re-entry planner, and WorkplaceNL.

Where the employer has a re-employment obligation under the Workplace Health, Safety and Compensation Act, 2022, 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.

A labour market re-entry flowchart has been attached to this policy to provide an overview of the full labour market re-entry process.

It is not appropriate for an employer to await the outcome of a labour market assessment before finalizing a decision on suitable work that is available. All suitable work options must be explored and ruled out with confirmation in writing from the employer before the labour market re-entry assessment begins, unless WorkplaceNL believes it is reasonable to proceed with the assessment or the assessment is required by the employer to determine what skills or plan are necessary to provide suitable work.

General

Purpose of Labour Market Re-entry

Labour market re-entry services ensure workers have the skills, knowledge and abilities to re-enter the labour market and reduce or eliminate their loss of earnings. This may include return to work with the injury employer.

Labour Market Re-entry Assessment

In order to determine whether a worker requires assistance to return to the workforce, WorkplaceNL will facilitate a labour market re-entry assessment. WorkplaceNL is responsible for paying the

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worker's benefits and expenses related to the labour market re-entry assessment, as considered appropriate, while the worker is co-operating in the activities of the assessment.

Once WorkplaceNL reviews the labour market re-entry assessment with the worker, the injury employer and health care provider (as appropriate), WorkplaceNL shall determine whether the worker has transferable skills to allow re-entry to the workforce or whether a labour market re-entry plan is required for the worker to re-enter the labour market and reduce or eliminate the loss of earnings due to the injury. WorkplaceNL will also determine if the employment is suitable for the worker.

Definitions

Suitable and available employment is work that meets all of the following criteria:

- i. the employment exists within the province of Newfoundland and Labrador, or the province of residence if that is more appropriate;
- ii. the work is within the worker's functional abilities;
- iii. the worker has, or is reasonably able to acquire, the necessary skills to perform the work;
- iv. the work does not pose a health or safety risk to the worker or co-workers, and
- v. the work restores the worker's pre-injury earnings, if possible.

Focus on Employability

The focus is on the worker's employability rather than actual employment. In other words, the worker's capacity to earn, not the availability of employment opportunities, is considered.

Labour Market Re-entry Plan

The labour market re-entry plan will be developed by WorkplaceNL 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

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employer.

Each labour market re-entry plan is developed to meet the individual needs of each client. A plan is developed and tailored to enhance a worker's transferable skills or, if necessary, to provide workers with new job skills enabling them to re-enter the labour market in suitable employment. WorkplaceNL pays for expenses related to the labour market re-entry plan in accordance with policy RE-17 "Labour Market Re-entry Expenses".

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".

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, 2022, Sections 63, 99 & 102*
Labour Market Re-entry Policies: RE-13 through RE-18

Amendment History

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

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Labour Market Re-entry (LMR) Process

