

Client Services Policy Manual

Policy Number: **RE-14**
Subject: **Labour Market Re-entry Assessments**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

A labour market re-entry assessment is conducted 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. A minimum of three labour market re-entry options will be identified in conjunction with the worker during the assessment process.

The success of a labour market re-entry assessment is facilitated by ongoing communication between the worker, employer, labour market re-entry planner, and WorkplaceNL.

General

Assessment Provided

WorkplaceNL shall provide a worker with a labour market re-entry assessment when:

- i. it is unlikely the worker will be re-employed with the pre-injury employer due to the nature of the injury;
- ii. the worker's employer has been unable to arrange work for the worker (as documented by the employer) that is consistent with the worker's functional abilities and that restores the pre-injury earnings;
- iii. the employer is not co-operating in the early and safe return to work process; or
- iv. the employer has not met the re-employment obligation for a worker who has been cleared for suitable work.

For workers who have successfully returned to suitable employment through early and safe return to work, WorkplaceNL may provide a labour market re-entry assessment where there is a subsequent deterioration of the work-related injury.

Assessment Not Provided

WorkplaceNL will not provide a labour market re-entry assessment if the worker returned to suitable employment through early and safe return to work but later stops working due to:

- i. temporary or permanent lay off;
- ii. labour strike or lock out; or
- iii. other circumstances unrelated to the compensable injury.

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Purpose of Assessment

Labour market re-entry assessments are used:

- i. to determine whether a worker has transferable skills that allow re-entry to the workforce;
- ii. to determine whether the worker requires a labour market re-entry plan to re-enter the labour market in suitable employment, or
- iii. to facilitate a return to work with the injury employer, or to restore pre-injury earnings.

Entitlement to Labour Market Re-entry Plan

Upon completion of a labour market re-entry assessment, the identified suitable employment options will be considered in conjunction with the worker. The employer will be informed of the suitable option and the rationale for the option. WorkplaceNL will then determine 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.

When determining entitlement to a labour market re-entry plan, WorkplaceNL may consider any non-work related condition a worker may have had prior to the work injury. However, any wage loss entitlement at the completion of the plan will be determined using the proportionment policy (see policy EN-02 "Proportionment").

Selecting the Labour Market Re-entry Plan

WorkplaceNL considers all information gathered in the labour market re-entry assessment for each labour market re-entry option, including but not limited to whether:

- i. the worker has transferable job skills or skills that can be improved to enable the worker to be market ready;
- ii. the worker requires a labour market re-entry plan to become employable;
- iii. the worker has the aptitude and physical ability to participate in and complete the activities outlined in the plan;
- iv. the labour market re-entry plan maximizes the worker's

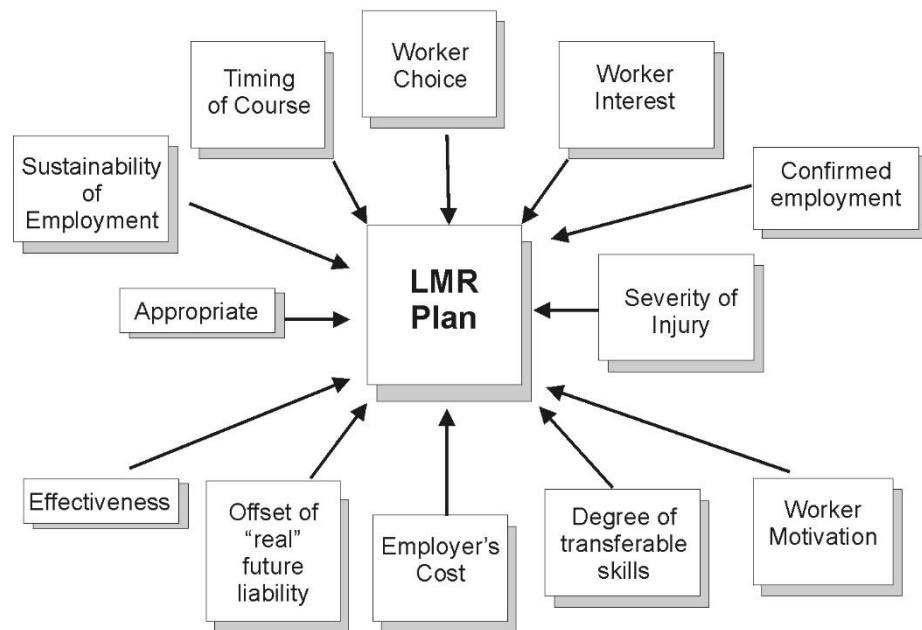
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- earning potential to the compensable pre-injury earnings level in an efficient and expedient manner;
- v. the costs/benefits associated with a labour market re-entry plan are reasonable;
 - vi. the identified suitable employment will restore the pre-injury earnings of the worker;
 - vii. a loss of earnings is expected if the worker is not provided with a labour market re-entry plan;
 - viii. a loss of earnings is expected following completion of a labour market re-entry plan;
 - ix. the options are feasible.

The following flowchart illustrates the factors considered when evaluating the options:

Evaluating LMR Options



Plan Not Provided

When the results of the labour market re-entry assessment indicate that the worker has the skills, knowledge and abilities to perform suitable employment and restore the pre-injury earnings, no labour

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market re-entry plan will be provided. Further entitlement will be determined under policy RE-15 “Determining Suitable Employment and Earnings.” In these cases, the worker and the employer are notified, verbally if possible, and in writing, of the decision and the reasons for that decision.

Labour Market Re-entry Reassessments

In general, workers are entitled to **one** labour market re-entry assessment and plan. WorkplaceNL may 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.

Changes in the Functional Abilities Status of the Worker

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

A re-assessment may be provided where there is improvement in the functional abilities of the worker as indicated by the health care provider. This may result in reconsideration of suitable employment.

WorkplaceNL will use the information from the re-assessment to determine whether the original suitable employment remains appropriate. If so, the worker will not require further labour market re-entry programming.

If the original suitable employment is not appropriate in light of the deterioration or improvement in the worker’s functional abilities, other appropriate labour market re-entry options will be explored.

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

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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*

Amendment History

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