

Client Services Policy Manual

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

Policy Statement

WorkplaceNL may provide an LMR plan to an injured worker when their LMR assessment indicates that they require additional training or education to overcome labour market obstacles imposed by the work injury.

WorkplaceNL will consult with the worker after an LMR assessment has been completed to determine an LMR plan that allows the worker to re-enter the labour market and restore their pre-injury earnings level as near as possible to that of the pre-injury occupation.

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 LMR programming. Therefore, the employer will be required to offer suitable employment that becomes available during the worker's LMR period.

General

Preparing the LMR Plan

The following workplace parties will be consulted to develop the LMR plan:

- 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 LMR plan will be provided to the worker and the pre-injury employer showing the rationale for the selected plan. The worker must sign the plan to indicate that they understand and agree with the plan which includes their compliance with the program requirements.

WorkplaceNL will provide modifications or assistive devices that are required for a worker to participate in the LMR plan (see Policy RE-18 Hierarchy of Return to Work and Accommodation).

Services and Benefits

Workers are eligible to receive appropriate services and benefits while co-operating in all aspects of the LMR plan.

LMR Plan – Program Types

LMR plans may include one or more of the following program types as identified during the LMR assessment:

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1. On-the-job Training

WorkplaceNL may sponsor a period of on-the-job training when the worker requires new skills to obtain suitable employment. 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 transferable skills. A period of employment readiness services and benefits may be provided following on-the-job training. A short-term job specific orientation period provided by the pre-injury employer or another employer is not considered to be an on-the-job training program.

2. Academic Upgrading

WorkplaceNL may sponsor an upgrading program when the LMR plan indicates that the worker was assessed as having the potential to upgrade. The LMR plan must indicate that the upgrading is necessary to improve a worker's academic skills to directly re-enter the labour market, or it is a prerequisite of a formal training program. The upgrading program must be provided by a provincially-approved institution. There may be a period of employment readiness services and benefits provided where academic upgrading is the final component of the LMR plan.

3. Formal Re-training

WorkplaceNL may sponsor a formal re-training program provided by a provincially-approved institution where the worker is assessed as having the potential, aptitude and physical ability to acquire vocational skills in another vocation. The appropriate training period is flexible depending on the program.

WorkplaceNL will provide employment readiness services during or immediately following formal re-training should the worker decide to avail of them. Formal re-training programs include an employment preparation component. Therefore, employment readiness benefits (i.e., wage-loss benefits) are not paid after the worker has finished the formal re-training program.

4. Self-Employment

WorkplaceNL may provide financial assistance for self-employment when:

- A worker is unable to benefit from regular employment and training programs; or
- WorkplaceNL considers self-employment to be a viable option.

WorkplaceNL only supports self-employment ventures in industries where unsatisfied demands exist in the market place. WorkplaceNL will provide independent external community resources to determine the feasibility of self-employment ventures.

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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.

Employment Readiness Services and Benefits

WorkplaceNL may provide employment readiness services and benefits up to a maximum of 12 weeks in order to prepare the worker for re-entry to the workforce.

Employment Readiness Services

WorkplaceNL will provide employment readiness services to workers who have been displaced from their job because of their injury but are capable of re-entering the workforce in a different capacity. Employment readiness services prepare and assist injured workers in securing sustainable employment for the future. These services are available to all workers who have participated in an LMR assessment. The types of services include resume and cover letter development, job search techniques, locating suitable employers, finding available labour market information and interview skills. The services provided depend upon the individual needs of each worker and they can be accessed at any point following an LMR assessment.

Employment Readiness Benefits

WorkplaceNL will provide employment readiness benefits in the form of wage-loss benefits to an injured worker following an LMR assessment for a period of 12 weeks or a shorter period if the worker becomes employed. An injured worker is entitled to these benefits where:

- A direct-entry option is identified;
- On-the-job training is identified;
- The worker locates an employer willing to provide an employment opportunity that would reduce or eliminate the loss of earnings (i.e., a period of on-the-job training is required); or
- Academic upgrading is the final component of the LMR plan.

Employment readiness benefits are not provided after a formal re-training program has ended.

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

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Deterioration in Worker's Condition

WorkplaceNL will consult with the worker and the treating health care provider if a worker is unable to participate in an LMR plan because the work-related impairment has deteriorated. Before reconsidering suitable employment, WorkplaceNL will make every reasonable attempt to revise the plan through accommodation, so that the worker may continue to successfully complete the plan.

Improvement in Worker's Condition

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

An LMR plan may be discontinued if a worker receives an offer of suitable and available employment. In these circumstances, WorkplaceNL will re-examine the suitability of the LMR plan.

Re-employment Obligations During the LMR Plan

The applicable obligation period may be ongoing during an LMR plan for employers with a re-employment obligation.

Merits and Justice

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 as outlined by Policy EN-22 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 and 102

Policies:

EN-22 Merits and Justice

RE-17 Labour Market Re-entry (LMR) Expenses

RE-18 Hierarchy of Return to work and accommodation

Procedure 47.00 Labour Markey Re-entry (LMR) Plans

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Amendment History

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