

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

VOCATIONAL SERVICES

Authorization:

BoD Resolution 96/10/53

Date:

November 26, 1996

APPLICATION 1: GENERAL

1. *What is the WCB's role in vocational services?*

The WCB is responsible for helping a worker return to employability, and may use a variety of tools to do so, as part of a vocational plan. The word "helping" is important, as the worker shares responsibility for overcoming the effects of an injury.

The WCB is also required to manage the Accident Fund effectively by ensuring that the services provided are appropriate and cost-effective.

2. *How does the WCB determine the worker's eligibility for vocational services?*

The extent of services is determined by the anticipated outcome of a compensable injury.

Workers are only eligible for vocational services while they have a compensable disability. Once the disability and entitlement under s.51 of the Act have ceased, then the worker's eligibility for vocational services also ends.

The following questions are a guide for determining whether a worker is eligible for vocational services:

Does the worker have any compensable work restrictions?

There are two parts to this question: are there work restrictions, and are they compensable? The worker is only entitled to vocational services if there are *compensable* work restrictions.

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Are the identified compensable work restrictions temporary or permanent?

Part of the case management process is determining the anticipated outcome of an injury: is the worker expected to recover with or without permanent compensable work restrictions?

Work restrictions are normally considered temporary during medical (clinical) convalescence. The work restrictions may change as the worker's recovery progresses. When the worker's condition has reached a medical plateau (see Glossary) and no significant change is anticipated, any remaining work restrictions would be considered permanent, unless there is evidence to the contrary.

If temporary, do the work restrictions result in total or partial disability?

Work restrictions are considered total when the worker is not medically fit to return to employment. They are partial when a fitness-to-work examination indicates that the worker is able to return to some type of modified or light work.

Do the work restrictions affect the worker's earning capacity?

The effect of compensable work restrictions on the worker's earning capacity must be taken into consideration when determining entitlement for either temporary or permanent earnings replacement and vocational services.

At the conclusion of the vocational rehabilitation process, any remaining impairment of earning capacity resulting from the injury will be considered when determining permanent disability compensation.

3. Who develops the vocational plan?

Developing a vocational plan is a cooperative effort that includes the WCB and the worker and, when possible, the accident employer and health care providers. Other parties should be consulted as needed.

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4. *How are vocational goals determined?*

The ideal outcome is to help the worker return to the same job with the accident employer, with no loss of earnings. If the worker has permanent compensable work restrictions, this may not be possible. The WCB will then work with the worker to identify other options. In all cases, priority will be given to using the skills and knowledge the worker already has.

If it appears that the worker must change occupations, the WCB will help the worker identify transferrable skills and may arrange a vocational assessment, including a career assessment inventory, and tests to determine aptitude, interests, IQ, manual dexterity, etc.

5. *Will the WCB retrain a worker?*

The WCB may sponsor retraining. See Application 4, Training, for details.

6. *Will the WCB help modify the workplace to accommodate work restrictions?*

The WCB may help modify an employer's premises to enable a worker with permanent work restrictions to gain access to the workplace and perform the required job duties. Portable aids may be given directly to the worker, so that they can be transferred to another workplace if necessary.

Limited modifications, such as an ergonomic chair or vehicle hand controls may be made to accommodate temporary work restrictions

7. *What about tools and equipment needed for a new job?*

The WCB may lend tools and equipment or give the worker financial assistance to buy tools and equipment for assessment, retraining, or employment. The worker is responsible for maintenance, repair, and replacement of the tools and equipment.

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8. *What counselling services does the WCB provide?*

The WCB may provide counselling when it is evident that counselling may lessen the financial, social, vocational, or psychological effects of the compensable injury.

In addition to vocational counselling, the WCB may also provide the following counselling services:

- early interventional counselling to help the worker adjust to the compensable disability
- assessment of the financial implications of the resulting employment disruption
- assistance with personal and family problems which are delaying rehabilitation
- counselling for any other concerns delaying the worker's rehabilitation, such as pain management, substance abuse, etc.

The WCB may provide the counselling directly, or refer the worker to other agencies.

9. *What if there are no suitable employment opportunities within commuting distance?*

If permanent compensable work restrictions make it advisable for a worker to change occupations and there are no suitable jobs available in the worker's area, the WCB may recommend that the worker relocate to an area with appropriate employment opportunities. See Application 5, Relocation, for further details.

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10. *What services are available for a worker who is expected to recover with no permanent work restrictions?*

Workers who are expected to recover with no permanent compensable work restrictions may be eligible for limited services such as a temporary modified work program or limited job search assistance while still convalescing. They are not eligible for services such as retraining, which are intended to facilitate an occupation change.

If the worker is assessed as fit to return to modified or light work, the WCB will try to arrange a temporary modified work program. See Application 2, Temporary Modified Work Programs, for further details.

If the worker does not have a job to return to with the accident employer, the WCB may provide limited job search assistance, such as help with resume writing, job leads, etc. while the worker is still disabled (see Application 3, Job Search). This assistance will end when the worker has recovered with no remaining compensable work restrictions.

11. *Under what circumstances will the WCB end vocational services?*

The WCB will end vocational services for any of the following reasons:

- the worker voluntarily ends employment or is terminated for reasons unrelated to the compensable injury
- the worker refuses to accept suitable employment
- the worker does not co-operate in the rehabilitative process

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*Ending vocational services
(continued)*

- the worker moves from Alberta to a place where employment is restricted or vocational services are not readily available
- any other circumstances which, according to established WCB policy, are considered detrimental to the worker's vocational rehabilitation.

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APPLICATION 2: TEMPORARY MODIFIED WORK PROGRAMS

- 1. *When does the WCB place workers in temporary modified employment?*

A worker, while still recovering from a compensable injury, may benefit from temporary modified employment that promotes the gradual restoration to the worker's pre-accident level of employment. In such cases the WCB will actively seek and promote modified work opportunities for the injured worker.

When a worker is offered suitable modified employment that is appropriate to his or her physical and medical condition, the WCB will determine whether it is reasonable for the worker to accept the employment. If the WCB determines that it is reasonable for the worker to accept the offer, it will adjust the worker's compensation benefits accordingly.

- 2. *What is suitable modified work?*

Modified work may consist of, but is not limited to, the worker's normal work that has been changed, redesigned, or physically modified, including reductions in time or volume. It may also encompass a training opportunity, work which is normally performed by others, or work which has been specifically designed or designated as a modified work program.

At worksites where collective agreements are in place, the modified work plan must not violate the collective agreement. If there is an objection from the worker's union, the WCB will try to work out a solution acceptable to all parties.

For work to be considered **suitable modified employment**, the following conditions must be met:

- the job, task, function, or combination of tasks which the worker will be required to perform must

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APPLICATION 2: TEMPORARY MODIFIED WORK PROGRAMS

*Suitable Modified Work
(Continued)*

accommodate the worker's compensable medical restrictions so that the worker can perform the duties without endangering his/her recovery or safety, or the safety of others,

- the work must contribute to the worker's physical and vocational rehabilitation by keeping the worker active and involved in the workplace and by promoting the gradual restoration to the worker's pre-accident level of employment,
- the work must be a meaningful and productive part of the employer's operations, and
- it is fair and just to expect the worker to accept the work.

If, from the medical information provided, it is unclear whether the worker is medically fit to perform the modified duties, the claim will be referred for a medical opinion.

3. How does the WCB determine if modified work is suitable?

When determining if proposed modified work is suitable, the WCB will consult with the injured worker, employer, and physician to evaluate the proposal.

The evaluation will be based on, but not limited to, a detailed description of the job being offered, including the physical requirements, and detailed medical information outlining the worker's physical restrictions and medical requirements that must be accommodated in a modified work plan.

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4. *How are benefits calculated for modified work?*

If, after evaluating the proposal, the WCB considers it reasonable for the worker to accept the modified work, compensation benefits will be adjusted in accordance with Section 51(8) of the Act. The basis of calculation is:

(a) the worker's pre-accident biweekly net earnings calculated in accordance with the Act and General Regulations,

LESS

(b) the worker's biweekly post-accident net earnings calculated in accordance with the Act and General Regulations.

The temporary partial disability benefit will be a proportionate part of 90% of the earnings loss [the difference between (a) and (b)], based on the WCB's estimate of the degree to which the earnings loss is caused by the residual disability.

5. *What if the worker refuses the modified work?*

When work is made available and the worker refuses to accept the modified work, the WCB will consider the reasons for refusal. If, after evaluating the proposal, the WCB still considers it reasonable that the worker accept the employment, the worker's compensation benefits will be adjusted effective the date of the decision, as if the employment had been accepted.

The following are examples of possible reasonable grounds for refusal:

- revised medical opinion as to the suitability of the work
- physical or mental suitability

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*Worker refuses modified
work (continued)*

- a significant discrepancy between the proposed and actual requirements of the work, so that the actual requirements do not meet the conditions described in Q2, above.

If it is apparent that the modified work does not meet the WCB conditions for suitable work, the WCB will try to arrange appropriate changes. If this is not possible, the WCB will reinstate total temporary disability benefits for as long as necessary.

6. *How long do modified work
programs usually last?*

The duration of any modified work plan will depend on the injured worker's medical recovery, but will normally not exceed six months. Revisions to the modified work may be made as the worker's medical condition changes, until the worker is considered medically fit to return to pre-accident level of employment or permanent work restrictions are identified.

If the medical prognosis changes and it is determined that the worker will have permanent work restrictions, the modified work program will be re-evaluated to determine whether it is still an appropriate part of the long-term rehabilitation plan.

7. *What if the modified work
program is terminated?*

If the modified work program is terminated before the worker is fully recovered, the WCB will consider the reasons for termination and the worker's remaining entitlements. Depending on individual circumstances, the WCB may either re-instate temporary total disability benefits; continue to pay the temporary partial disability benefits which the worker had been receiving while doing modified work; pay re-employment assistance while the worker looks for work; or terminate benefits.

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APPLICATION 2: TEMPORARY MODIFIED WORK PROGRAMS

*Modified work terminated
(continued)*

The decision will depend on the remaining level of work restrictions and whether the termination resulted from circumstances beyond the worker's control or the worker was responsible for the termination. Each case will be judged on its own merits.

8. What are the reporting requirements when modified work is made available?

All accidents are to be recorded as required by Occupational Health and Safety regulations and First Aid Regulation, 1981 (Alta. Reg. 299/81).

No Time Loss

If a worker's employment is modified beyond the day of the accident to accommodate a compensable injury, the accident must be reported to the WCB, even if there is no time loss or loss of earnings.

The WCB will be satisfied with the worker accepting a modified work program immediately, provided the attending physician, employer, and worker agree on suitable modified employment. The WCB will review the suitability of the program when the accident reports are received.

Time Loss

All injuries with time loss for more than the day of the accident must be reported to the WCB in accordance with the Act.

Usually, the WCB will review proposed modified work plans before the injured worker returns to modified employment. If, however:

- (a) the worker misses only a short period beyond the day of the accident and is declared medically fit to return to modified employment before a WCB claim has been established, and

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Reporting requirements

Time Loss (continued) (b) the attending physician, employer, and worker agree on suitable modified employment,

then the worker may begin the modified work program.
The WCB will review the suitability of the program when the accident reports are received.

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APPLICATION 3: JOB SEARCH

1. *Why does the WCB provide job search services?* The WCB provides job search services to help workers find employment or gain job-search skills that will help them be competitive in the job-market.

2. *When are workers eligible for job search services?* These services are normally provided to workers with permanent work restrictions who are ready to re-enter the job market.

The WCB may also provide the services to workers with temporary work restrictions who do not have a job to return to. Services will be provided to these workers only while they have a remaining disability that entitles them to benefits under Section 51.

3. *What services are provided?* Services may include such things as help with resume writing, employment leads, and job-search and employment skills counselling (for example, employment search techniques, interview skills, presenting a business-like appearance).

4. *What job search service methods are normally used?* The usual means are individual counselling by the WCB, and job clubs (see Glossary) or individual counselling by a contracted service provider. The method used depends on the individual circumstances of each case.

5. *What limitations are there?* Workers are eligible only while they have temporary or permanent work restrictions due to a compensable injury.

External service providers must be approved by the WCB.

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APPLICATION 4: TRAINING

1. *When does the WCB sponsor retraining programs?*

When a worker is unable to return to the pre-accident occupation or earnings level because of permanent compensable work restrictions, the WCB may sponsor a cost-effective training plan to improve the worker's post-accident earnings potential.

As indicated in policy 04-07, Services for Workers with Severe Injuries, the WCB may make an exception for severely disabled workers, and sponsor a training program for reasons unrelated to earning capacity.

2. *What limitations are there?*

The WCB sponsors retraining only to the extent that is reasonably necessary to rehabilitate the worker to pre-accident earning capacity. The training plan must be cost effective, with a reasonable probability of success.

The WCB assesses the worker's abilities, aptitudes, interests, and educational readiness to ensure a probability of success in the training program. The program must also be compatible with the worker's physical characteristics (mental, physical, etc.) and any ongoing medical treatment.

Also, the WCB will sponsor only one overall training plan as part of a worker's vocational rehabilitation from any one injury. Exceptions may be made if changes to the training plan are necessary due to circumstances over which the worker has no control (for example, a change in medical condition), or if an additional program would help reduce remaining earnings loss.

More than one training program may be necessary for the overall training plan: for example, a worker may need to complete an upgrading program to meet the entrance requirements for a technical training program.

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APPLICATION 4: TRAINING

3. *What kind of training will the WCB sponsor?*

Depending on the worker's vocational needs, training may range from short-term training-on-the-job to part-time or correspondence courses, to full-time technical or academic programs.

Sponsorship for WCB-approved correspondence and part-time courses is conditional on the worker's successful completion of the course. Following completion, the WCB will consider paying the cost of fees, books, and supplies.

4. *Will the WCB sponsor training for workers with temporary work restrictions?*

The WCB may sponsor retraining if it will be some time before it can be confirmed whether the restrictions will become permanent. In these circumstances, it may be more effective to start the retraining process, rather than waiting until there is a final medical determination.

The WCB may also consider short-term training courses as a rehabilitative measure during a lengthy convalescence.

5. *What are the worker's responsibilities?*

The WCB sponsors retraining when it believes the training is necessary to improve the worker's post-accident earnings potential. If the worker chooses not to participate in an approved training plan, the WCB may suspend or terminate training benefits.

Ongoing sponsorship in any training program is dependent on the worker's active cooperation and participation in the process. If the worker does not meet the attendance and progress requirements of the program, the WCB may suspend or withdraw financial sponsorship for the training plan.

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APPLICATION 4: TRAINING

6. *What training costs will the WCB cover?*

When the WCB is sponsoring a worker in a training program, it may provide:

- a retraining allowance
- the reasonable and necessary costs of fees, books, and supplies for the authorized program
- a transportation allowance
- an accommodation allowance, if the worker is required to maintain a second residence while attending the program.

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APPLICATION 5: RELOCATION

1. *When does the WCB recommend worker relocation?*

If permanent compensable work restrictions make it advisable for a worker to change occupations and there are no suitable jobs available in the worker's area, the WCB may recommend that the worker relocate to an area with appropriate employment opportunities. In these cases, the WCB may pay for the associated reasonable costs.

2. *When is the worker eligible for relocation assistance?*

The WCB may help with the costs of relocation provided all of the following conditions are met:

- a) permanent compensable work restrictions make it advisable for a worker to change occupations,
- b) there is no suitable alternate employment available at the worker's present location,
- c) relocation is necessary to meet vocational goals, and
- d) employment at the new location is confirmed prior to the actual relocation.

3. *What costs does the WCB normally consider?*

The WCB may help cover normal, directly related costs incurred in moving the worker's family and household effects, including some of the associated costs of discharging a lease or selling or purchasing a home.

4. *What limitations are there?*

All mileage, subsistence, and meal allowances are subject to maximum amounts determined by the Board of Directors.

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APPLICATION 5: RELOCATION

5. *What if the worker doesn't want to relocate?*

The WCB will look at the worker's circumstances and determine whether it is reasonable to expect the worker to relocate. Factors which should be considered include job opportunities in the worker's present location and elsewhere, medical condition, age, family circumstances, and psychological impact.

If the WCB determines relocation is reasonable and the worker refuses, the worker's benefits will be calculated as though the worker had relocated and obtained employment.

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APPLICATION 6: SELF EMPLOYMENT

1. *When will the WCB consider self-employment as part of a vocational plan?*

When determining return-to-work options, the WCB may, at the worker's request, consider self-employment as one of the alternatives in a vocational rehabilitation plan.

The WCB will not usually consider self-employment as an alternative unless requested to do so by the worker.

2. *What conditions must be met?*

The worker must provide a detailed and viable business plan that includes realistic financial projections and anticipated income. The WCB will arrange for an independent review and evaluation of the plan.

Using a business case analysis, the WCB will evaluate the self-employment plan in comparison to other alternatives. Probability of success will be considered, as well as the overall costs. A self-employment plan will be considered only if it is cost-effective compared to other reasonable vocational alternatives, and if there is a high probability of success.

Self-employment will be considered only when permanent compensable work restrictions prevent the worker from returning to the pre-accident occupation.

3. *What does the WCB consider when evaluating the probability of success?*

While every case will be different, and should be judged on its own merits, the following questions will be considered:

- a) Does the independent review confirm the worker's plan and financial projections?
- b) Is the work (including probable hours of work) suitable for the worker's medical condition?

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APPLICATION 6: SELF EMPLOYMENT

*Evaluating probability of
success (continued)*

- c) Does the worker's vocational assessment and profile indicate that the worker has the necessary skills and abilities (including technical, supervisory, sales, etc.) to successfully operate the business?
- d) Does the business opportunity make the best use of the worker's transferable skills?
- e) Has the worker had successful business experience before?
- f) Is the business already established with a proven record (for example, a successful franchise or existing business)?
- g) Is the worker making a financial contribution to the business venture?
- h) Will the self-employment venture maximize the worker's earning capacity?

The more "yes" answers there are, the more probable it is the worker will be successful. If the answer to either of the first two questions is "no", the WCB will not support the proposal.

This list is not exhaustive. Depending on the merits of a case, the WCB may consider other factors when making its decision.

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APPLICATION 6: SELF EMPLOYMENT

4. *What costs will the WCB consider in a self-employment plan?*

The WCB will consider any reasonable costs involved in establishing a business. These costs may include, but are not limited to, purchase costs, franchising fees, inventory, tools, and equipment. As well, the WCB may sponsor one or more training programs to help the worker gain the necessary skills to operate the business. The training programs may be technical or relate to business management.

All WCB-payable costs are included in the overall projected costs of the plan and will be considered when evaluating the cost-effectiveness of the plan.

5. *How will the WCB estimate post-accident earning capacity?*

The WCB will use the financial projections in the approved business plan to estimate post-accident earning capacity (see policy 04-04, Application 1, Determining Impairment of Earning Capacity).

6. *If actual earnings are less than the estimate, will the WCB revise the estimate?*

The WCB has no control over economic conditions or the manner in which the worker operates the business. If the worker does not achieve the financial projections set out in the worker's business plan, the WCB will not revise the estimated earning capacity unless the lower earnings are due to a deterioration in the worker's compensable injury.

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