RESOLUTION OF THE BOARD OF DIRECTORS

RE: Vocational Rehabilitation Policy Review – Phase I

WHEREAS:

Pursuant to section 82 of the Workers Compensation Act, RSBC 1996, Chapter 492 and amendments thereto (“Act”), the Board of Directors (“BOD”) must set and revise as necessary the policies of the BOD, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

AND WHEREAS:

Section 16 of the Act applies to the provision of vocational rehabilitation benefits and provides WorkSafeBC with authority to lessen or remove the effects of the worker’s disability;

AND WHEREAS:

The policies in Chapter 11 of the Rehabilitation Services & Claims Manual, Volume II (“RS&CM”) provide direction on the provision of vocational rehabilitation services;

AND WHEREAS:

The policies in Chapter 11 were identified as requiring review;

AND WHEREAS:

The Policy, Regulation and Research Division completed stakeholder consultation on this issue and has advised the BOD on the results of the consultation;
THE BOARD OF DIRECTORS RESOLVES THAT:

1. Amendments to policies contained in Chapter 11, Vocational Rehabilitation of the RS&CM, attached as Appendix A of this resolution, are approved;

2. This resolution is effective September 1, 2015 and applies to all decisions made on or after September 1, 2015; and

3. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, May 27, 2015.

By the Workers’ Compensation Board

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GEORGE MORFITT, FCA
CHAIR, BOARD OF DIRECTORS
BACKGROUND

1. Explanatory Notes

This policy sets out the principles and goals of vocational rehabilitation.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation.

(2) Where compensation is payable under this Part as the result of the death of a worker, the Board may make provisions and expenditures for the training or retraining of a surviving dependent spouse, regardless of the date of death.

(3) The Board may, where it considers it advisable, provide counselling and placement services to dependants.

POLICY

Quality Rehabilitation

The mission of the Board with respect to vocational rehabilitation services is to provide quality interventions and services to assist workers in achieving early and safe return to work and other appropriate rehabilitation outcomes. Quality rehabilitation requires individualized vocational assessment, planning, and support provided through timely intervention and collaborative relationships to maximize the effectiveness of rehabilitation resources and worker-employer outcomes.
Principles of Vocational Rehabilitation

The guiding principles of quality vocational rehabilitation are:

1. Vocational rehabilitation should be initiated without delay and proceed in conjunction with medical treatment and physical rehabilitation to restore the worker's capabilities as soon as possible.

2. Reasonably necessary vocational rehabilitation assistance will be provided to overcome the immediate and long-term vocational impact of the compensable injury, occupational disease or fatality.

3. Successful vocational rehabilitation requires that workers be motivated to take an active interest and initiative in their own rehabilitation. Vocational programs and services should, therefore, be offered and sustained in direct response to the commitment and determination of workers to re-establish themselves.

4. Maximum success in vocational rehabilitation requires that different approaches be used in response to the unique needs of each individual.

5. Vocational rehabilitation is a collaborative process, which requires the involvement and commitment of all concerned participants.

6. Effective vocational rehabilitation recognizes, within reason, workers’ personal preferences and their accountability for independent vocational choices and outcomes.

7. The gravity of the injury and residual disability is a relevant factor in determining the nature and extent of the vocational rehabilitation assistance provided. The Board should go to greater lengths in cases where the disability is serious than in cases where it is minor, including measures to assist workers to maintain useful and satisfying lives.

8. Where the worker is suffering from a compensable injury or disease together with some other impediment to a return to work, rehabilitation assistance may sometimes be needed and provided to address the combined problems. Rehabilitation assistance should not be initiated or continued when the primary obstacle to a return to work is non-compensable.
9. Vocational rehabilitation services should be provided in a cost-effective manner.

Goals

The goals of vocational rehabilitation are:

1. For workers with a temporary total disability, the goal is to assist injured workers in expediting recovery and return to work with the pre-injury employer. As these workers are considered unable to perform their pre-injury employment due to the disability, the goal is to return a worker to work with the pre-injury employer in a selective/light employment, a graduated return to work or a modified return to work arrangement.

2. For workers with a temporary partial disability, the goal is to assist injured workers in their efforts to return to work in a suitable occupation and maximize short-term earning capacity up to the pre-injury wage rate. This goal reflects the wording of section 30 of the Act, which refers to an assessment of what a worker is earning or is capable of earning in a suitable occupation.

3. For workers entitled to a permanent partial disability section 23(1) award, the goal is to assist injured workers in their efforts to return to work. In these cases, the Board has determined that a worker is capable of returning to either the pre-injury occupation or another suitable occupation.

4. For workers entitled to a section 23(3) assessment, the goal is to assist injured workers in their efforts to return to work in a suitable occupation and maximize long-term earning capacity up to the pre-injury wage rate. This goal reflects the wording of section 23(3) of the Act, which refers to an assessment of what a worker is earning or is capable of earning in a suitable occupation.

5. For workers entitled to a permanent total disability section 22 award, the goal is to assist in improving quality of life and minimizing the impact of the disability.

6. For surviving spouses and dependants of deceased workers, the goal is to provide counselling and vocational assistance to overcome the impact of the fatality.
In all cases, the goal is to provide reassurances, encouragement and counselling to help those entitled to compensation to maintain a positive outlook and remain motivated toward future economic and social capability.

Services Provided

These goals are met by providing the following services to its clients:

- counselling;
- vocational assessment and planning;
- job readiness/skill development;
- placement assistance;
- residual employability assessment.
- assessment of a worker’s need or continued need for rehabilitation and health care services and supports, where a worker’s permanent total disability will continue past retirement age.

PRACTICE

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website.

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**EFFECTIVE DATE:** September 1, 2015

**AUTHORITY:** Section 16 of the Act.

**CROSS REFERENCES:**
- Sections 22, 23, 29 and 30 of the Act;
- Item C11-91.00, Vocational Rehabilitation – Vocational Assistance for Surviving Spouses and Dependants of Deceased Workers (Item C11-91.00); and

**HISTORY:** September 1, 2015 – Policy revisions to ensure consistent treatment of workers with permanent partial disability awards under sections 23(1) and 23(3) of the Act.

June 1, 2009 – Deleted references to Vocational Rehabilitation Services.
APPENDIX A
ADDITIONS IN BOLD, DELETIONS STRUCKTHROUGH

REHABILITATION SERVICES & CLAIMS MANUAL

November 1, 2002 – Policy changes to set out the mission, principles and goals of Vocational Rehabilitation Services. Replaced policy items #85.00 to #85.60 of the Rehabilitation Services & Claims Manual, Volume II. Applies to decisions made on or after November 1, 2002 on claims adjudicated under the Act, as amended by the Workers Compensation Amendment Act, 2002.

APPLICATION: This Item Applies to all decisions made on or after June 1, 2009 September 1, 2015.
BACKGROUND

1. Explanatory Notes

This policy sets out referral guidelines for vocational rehabilitation services.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation. ....

POLICY

Referral Guidelines

The following guidelines are used in making referrals for vocational rehabilitation services. Internal Board referrals should clearly identify what has been accepted under the claim and specify reasons for the referral, including new information warranting repeat referral.

Workers may also be referred directly by physicians, hospitals, union representatives, employers and other agencies, or may seek assistance themselves.

Immediate Referrals

The following require immediate referral:

1. Spinal cord injuries resulting in paraplegia or quadriplegia.

2. Major extremity amputations or severe crush injuries.
3. Severe brain or brain stem injuries.
4. Significant burns (e.g. 20% of the body surface, or third-degree burns of 10% or more of the body surface).
5. Significant loss of vision.
6. Fatalities.

General Referrals

1. Claims meeting the eligibility criteria.
2. Employability assessments for the consideration of temporary partial disability benefits under section 30 of the Act.
3. Employability assessments for the consideration of permanent partial disability under section 23(3).
4. Consideration for continuity of income benefits.
5. Commutation investigations.
7. Consideration of a permanently totally disabled worker’s need or continued need for rehabilitation and health care services and personal supports in the three month period prior to the receipt of a retirement benefit.

9. Consideration for Personal Care Allowances.

844. Claims where recovery or re-employment is affected by:
   (a) psychological/social problems;
   (b) emotional problems;
   (c) financial stress;
(d) substance abuse; and
(e) vision/hearing problems.

Out of Province Referrals

Rehabilitation services requested of, or by, other Canadian Boards and Commissions are coordinated through reciprocal inter-jurisdictional agreement.

PRACTICE

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website.

EFFECTIVE DATE:

September 1, 2015
June 1, 2009 – Delete references to Board officers.

AUTHORITY:

Section 16 of the Act.

CROSS REFERENCES:

ss. 21, 22, 23, 24 and 30 of the Act; and
Policy item #35.11, Procedure for Determining Whether Worker is Temporary Partially Disabled (policy item #35.11);
Policy item #40.10, Section 23(3) Assessment Formula (policy item #40.10);
Policy #40.12, Suitable Occupation (policy item #40.12);
Policy item #45.50, Decision-Making Procedures (policy item #45.50);
Policy item #46.00, Review of Old Pensions under Section 24 (policy item #46.00);
Policy item #80.00, Personal Care Expenses or Allowances (policy item #80.00);
Policy item #81.00, Independence and Home Maintenance Allowance (policy item #81.00);
Policy item #84A.00, Homemakers Services (policy item #84A.00);
Item C11-86.00, Vocational Rehabilitation – Eligibility Criteria (Item C11-86.00);
Item C11-89.00, Vocational Rehabilitation – Employability Assessments – Temporary Partial Disability and Permanent Partial Disability (Item C11-89.00); and

HISTORY:

September 1, 2015 – Policy revisions to remove referrals addressed elsewhere in policy.
June 1, 2009 – Deleted references to Board officers.
March 3, 2003 – Policy was amended to remove the reference to a review of a section 23(3) permanent partial disability award,
consequential to the *Workers Compensation Amendment Act (No. 2), 2002.*

November 1, 2002 – Clarification of guidelines for immediate and general vocational rehabilitation referrals. Replaced policy items, #86.10, #86.11, #86.12, #86.50, #86.60, and #86.80 of the *Rehabilitation Services & Claims Manual, Volume II.* Applied to decisions made on or after November 1, 2002 on claims adjudicated under the *Act,* as amended by the *Workers Compensation Amendment Act, 2002.*

**APPLICATION:** This Item Applies to all decisions made on or after **June 1, 2009** September 1, 2015.
BACKGROUND

1. Explanatory Notes

This policy sets out the nature and extent of vocational rehabilitation programs and services available for injured workers.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation. ....

POLICY

PROGRAMS AND SERVICES

General

Programs and services in support of the vocational rehabilitation process may be implemented individually or in combination, as part of a rehabilitation plan.

Early Intervention

Vocational rehabilitation assistance should be provided as soon as a worker is medically able to participate in his or her own vocational future.

Application of the Vocational Rehabilitation Process

The vocational rehabilitation process is generally applicable as follows:
APPENDIX A

ADDITIONS IN BOLD, DELETIONS STRUCKTHROUGH

REHABILITATION SERVICES & CLAIMS MANUAL

Temporary total disability under section 29 of the Act – Phases I and II of the vocational rehabilitation process apply. Vocational rehabilitation services are limited to work assessments, work site/job modifications and to an advisory role regarding the worker’s recovery or selective light duties with pre-injury employer.

Temporary partial disability under section 30 of the Act – Phases I and II of the vocational rehabilitation process apply. Vocational rehabilitation services are limited to counselling, work assessments, graduated return to work (“GRTW”), placement assistance, mediation between worker and employer, and work site/job modifications.

Permanent partial disability under section 23(1) of the Act – Phases I through IV of the vocational rehabilitation process apply. Vocational rehabilitation services may include counselling, work assessments (GRTW), placement assistance, mediation between worker and employer, work site/job modifications, and in limited cases, job search, training-on-the-job, and formal training, may also be considered.

Permanent partial disability under section 23(3) of the Act – Phases I through V of the vocational rehabilitation process apply. Vocational rehabilitation services may include counselling, work assessments (GRTW), placement assistance, mediation between worker and employer, work site/job modifications, job search, training-on-the-job and formal training.

Permanent total disability under section 22 of the Act – Quality of life assistance may include vehicle modifications, home modifications, personal care allowances, independence and home maintenance allowances and homemakers’ services.

Rehabilitation Plan

A rehabilitation plan is developed for each eligible worker. Ongoing medical opinion and a variety of Board and community resources assist the Board and the worker in developing the plan. The principles regarding medical opinion apply equally to the rehabilitation process.

The Board develops the plan in collaboration with the worker, the employer and appropriate health care providers. To demonstrate understanding of the plan, the plan should be signed by the worker, the Board and where appropriate, the employer.
The written rehabilitation plan:

- Defines the overall vocational goal. The plan is considered appropriate if the worker has a reasonable probability of successfully achieving the vocational goal.

- Outlines the supporting rationale, which makes the vocational goal attainable. The plan will clearly document how the worker’s vocational profile matches the targeted suitable occupation. A description of the worker’s vocational profile will include objective functional capacity, education, existing transitional skills or projected skills, aptitudes, training, interests and personal and occupationally significant characteristics.

- Describes a suitable occupation in which the worker can competitively pursue employment upon achievement of the vocational goal. This will be based on recognized methods of occupational classification. Where applicable, the description will include community-specific features of the occupation as determined through job analysis.

- Details the specific programs and services for the vocational goal to be attained and outlines the obligations of the participants.

- Details the methods, techniques and supports, which will be utilized to assist the worker in attaining the vocational goal. The sponsorship opportunities of other agencies are considered in providing integrated service delivery. Their availability does not limit the Board’s provision of additional services in accordance with its policies.

- Outlines the wage-loss equivalency benefits and/or allowances (such as transportation and subsistence allowances) which will accompany the plan.

- Indicates the timeframes associated with the overall plan and its component steps.

A worker is entitled to one rehabilitation plan. The Board will monitor the plan to determine if the plan is progressing as anticipated. A plan may be modified or a new plan substituted where:

- The worker’s compensable medical condition deteriorates or improves, making the initial plan inappropriate in relation to the goal; and/or

- There are significant and unanticipated developments in the vocational rehabilitation process, impacting the expected outcome of the plan; and.
Approval by Either a Vice-President or the Director of Vocational Rehabilitation Services is required in order to proceed with the development of a new plan. The modification(s) to the new plan must be approved by the person named above.

All involved parties will acknowledge the modified or new plan. The requirements for developing the initial plan apply to the modified or new plan.

Financial Implications/Cost Effectiveness

Each plan must set out the financial implications of implementing the plan and/or its cost effectiveness. The analysis should include such things as a comparison of the estimated cost of the necessary vocational services, the remaining compensation benefits that the worker is entitled to, the estimated cost of alternative rehabilitation plans, and the estimated benefit costs if no return to work services are provided. The analysis must also set out when it is expected that specific costs will be experienced.

Discontinuation of Vocational Rehabilitation Services

Vocational rehabilitation services may be discontinued where:

- the worker refuses available employment that is considered suitable in relation to the applicable phase of benefit entitlement;
- the worker fails to cooperate with vocational rehabilitation process;
- the worker has for personal reasons, withdrawn from the labour force;
- non-compensable medical, psycho-social or financial problems alone preclude active participation in the rehabilitation process;
- the worker retires or is deemed to have retired; or
- the plan is completed and it is neither necessary nor cost effective to provide further vocational rehabilitation assistance.

Wage-loss equivalency benefits provided by the Board are payable only when wage-loss benefits have concluded and follow the same rules with regard to the deduction of permanent disability awards. These benefits may apply while workers are either awaiting or undertaking specific vocational programs.

Transportation and subsistence allowances may also be considered in support of vocational programs.
The sponsorship opportunities of other agencies are considered in providing integrated service delivery, but their availability does not diminish the Board’s primary service and funding responsibilities.

**PRACTICE**

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website.

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**EFFECTIVE DATE:**

September 1, 2015

June 1, 2009 – Delete references to Board officer, Vocational Rehabilitation Services and Compensation and Rehabilitation Services.

**AUTHORITY:**

Section 16 of the Act.

**CROSS REFERENCES:**

Sections 22, 23 and 29 and 30 of the Act;

Chapter 9 Average Earnings;

Policy Item #34.11, Selective/Light Employment (policy item #34.11);

Policy Item #69.10, Deduction of Permanent Disability Periodic Payments from Wage Loss (policy item #69.10);

Policy Item #70.30, Permanent Disability Awards (policy item #70.30);

Item C10-83.00, Transportation Allowances (Item C10-83.00);

Item C10-83.10, Subsistence Allowances (Item C10-83.10);

Item C11-85.00, Vocational Rehabilitation – Principles and Goals (Item C11-85.00);

Item C11-87.00, Vocational Rehabilitation – Process (Item C11-87.00);

Item C11-90.00, Vocational Rehabilitation – Spinal Cord and Other Severe Injuries (Item C11-90.00);

Policy Item #97.30, Medical Evidence (policy item #97.30) of the Rehabilitation Services & Claims Manual, Volume II.

**HISTORY:**

September 1, 2015 – Policy revised to remove Vice President approval, and direct that the Director of VR Services is only required to approve the development of a new VR plan.

Amendments also ensure workers who receive permanent partial disability awards under section 23(1) and 23(3) of the Act are treated consistently, and the elements that must be included in the financial analysis of a VR plan are revised.

June 1, 2009 – Deleted references to Board officer, Vocational Rehabilitation Services and Compensation and Rehabilitation Services.

November 1, 2002 – Reformatted and revised policy to set out the nature and extent of programs and services generally applicable in relation to the entitlement provisions of the Act. Amendments also include the criteria for modifying or creating a new plan and guidance on when vocational rehabilitation services may be discontinued.
APPENDIX A

ADDITIONS IN BOLD, DELETIONS STRUCKTHROUGH

REHABILITATION SERVICES & CLAIMS MANUAL

Replaced policy items #87.00 and #88.00 of the Rehabilitation Services & Claims Manual, Volume II and applies to decisions made on or after November 1, 2002 on claims adjudicated under the Act, as amended by the Workers Compensation Amendment Act, 2002.

APPLICATION: This Item Applies to all decisions made on or after June 1, 2009 September 1, 2015.
BACKGROUND

1. Explanatory Notes

This policy describes the Board’s job search assistance program.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation. ....

POLICY

Job Search Assistance

Job search assistance may be provided to workers who require help in securing appropriate employment.

Guidelines

Subject to policy C11-88.00, “Nature and Extent of Programs and Services”, the following guidelines on job search assistance apply.

1. Job search assistance would normally be introduced to help equip workers with the knowledge and skills to conduct a successful search for employment. Assistance may include:

   (a) vocational assessment and goal-setting through individual and/or group counselling;

   (b) referral to internal and external employment resources;
2. Eligibility for job search assistance and its continuance is conditional upon the active cooperation of the worker with the Board. Workers may be required to provide proof that they are earnestly seeking employment, or awaiting a definite job opportunity.

3. Job search assistance may be provided for up to 12 cumulative weeks. Extensions beyond 12 weeks must be approved by a Vice-President or the Director of Vocational Rehabilitation Services. The Board may approve extensions up to 26 weeks based on the following criteria apply in considering whether or not an extension is approved:

- Labour market data supports a greater average number of weeks of job search for the worker’s home geographic area and/or the worker’s occupation;
- The severity of the injury and resulting disability are such that 12 weeks to locate suitable employment will be inadequate; or
- The worker has actively participated in job search and there is objective evidence that a period greater than 12 weeks is required to locate suitable employment that will allow the worker to return to an occupational category comparable in terms of earning capacity to the pre-injury occupation.

Extensions beyond 26 weeks must be approved by the Director of Vocational Rehabilitation Services.

Expenditures

The Board may provide financial assistance in the form of a job search allowance. This is a discretionary benefit which applies if the worker is actively seeking or returning to appropriate employment, attending a designated job search program, or awaiting a confirmed job opportunity. The amount of the allowance will not exceed wage-loss equivalency.
## PRACTICE

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website.

### EFFECTIVE DATE:
- **September 1, 2015**
- **June 1, 2009** — Delete references to Board officer and Compensation and Rehabilitation Services.

### AUTHORITY:
Section 16 of the Act.

### CROSS REFERENCES:
- **Item C11-87.00**, *Vocational Rehabilitation – Process* (Item C11-87.00);
- **Item C11-88.00**, *Vocational Rehabilitation – Nature and Extent of Programs and Services* (Item C11-88.00); and
- **Item C11-88.90**, *Vocational Rehabilitation – Relocation* (Item C11-88.90) of the *Rehabilitation Services & Claims Manual, Volume II*.

### HISTORY:
- **September 1, 2015** — Revised policy provides that job search assistance may be provided for up to 26 weeks. Extensions beyond 26 weeks must be approved by the Director of VR Services.
- **June 1, 2009** — Deleted references to Board officer and Compensation and Rehabilitation Services.
- **November 1, 2002** — Reformatted and revised policy to set out that job search assistance may be provided for up to 12 weeks. Extensions beyond 12 weeks must be approved by the VP of Compensation and Rehabilitation Services or the Director of VR Services. Criteria are also provided for granting extensions.
- Replaces policy items #88.30 - #88.32 of the *Rehabilitation Services & Claims Manual, Volume II*. Applied to decisions made on or after November 1, 2002 on claims adjudicated under the Act, as amended by the *Workers Compensation Amendment Act, 2002*.

### APPLICATION:
- **This Item Applies to all decisions made on or after June 1, 2009** and **September 1, 2015**.
BACKGROUND

1. Explanatory Notes

This policy describes the Board’s training-on-the-job program.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation. ....

POLICY

Training-on-the-Job

Training-on-the-job is a shared-cost program which is undertaken at an employer’s work site to provide the worker with specific skills leading directly to employment.

Guidelines

Subject to the policy C11-88.00, “Nature and Extent of Programs and Services”, the following guidelines apply for training-on-the-job programs.

1. Training-on-the-job assistance may be provided to enhance or develop new occupational skills.

2. While the worker is undertaking a training-on-the-job program, absences are usually treated according to the training employer’s policy on absenteeism. That is, if the employer deducts the worker’s pay for an absence, so will the Board. If the employer pays for the absence, the Board will pay as well.
3. Training-on-the-job assistance may be provided for up to 26 weeks. Extensions must be approved by the Vice-President or the Director of Vocational Rehabilitation Services.

The following criteria apply in considering whether or not an extension is approved. The Board may approve training-on-the-job assistance of more than 26 weeks based on the following criteria:

- A program greater than 26 weeks will result in no loss of earnings for a worker who is being assessed for a section 23(3) award;

- A program greater than 26 weeks will result in permanent long-term employment;

- A program greater than 26 weeks is necessary to develop/demonstrate the required occupational skill levels; or

- A program greater than 26 weeks is required for ticketing and/or certification in the identified occupation.

The timeframe for training-on-the-job will be part of the rehabilitation plan and determined before the plan is implemented. Extensions beyond 26 weeks must be approved by the Director of Vocational Rehabilitation Services.

Expenditures

1. Financial assistance for a training-on-the-job program will normally be provided on a shared-cost basis with the training employer. The Board’s contribution will usually decrease, on a sliding scale, as the program proceeds and the worker’s productivity increases. The portion of the worker’s wages paid by the Board will normally not exceed the worker’s wage-loss rate.

Training-on-the-job allowances will be calculated in a manner similar to the calculation of temporary disability benefits. In general the sum of the wages from the training employer and the gross payments from the Board to the worker will be equal to the worker’s pre-injury wage rate. Where the worker’s pre-injury wage rate exceeds the maximum wage rate as set under section 33(10) of the Act, the Board’s contribution will be calculated by substituting the maximum wage rate for the pre-injury
wage rate. In that case the sum of the wages from the training employer and the gross payments from the Board to the worker will be equal to the maximum wage rate.

2. Expenditures under this program will usually be paid directly to the employer, so that the worker will be covered by Employment Insurance, Canada Pension Plan and any other company benefits.

3. Disability awards are not deducted from training allowances for training-on-the-job programs when paying the employer.

4. Nothing in this item should be interpreted to prohibit the Board from negotiating a wage with the training employer that exceeds either the maximum wage rate or the worker’s pre-injury wage. The Board will seek to maximize the wages paid to the worker by the training employer while recognizing that it is necessary and desirable to provide some incentive to employers to choose injured workers for training-on-the-job positions.

Injury in the Course of Training-on-the-Job

The Board considers it essential to encourage employers to provide training and employment opportunities for injured workers. One way of doing this is to exclude from the employer’s experience rating, the costs of certain employment injuries and aggravations occurring in the course of a training-on-the-job program.

There are two different training-on-the-job situations to be considered:

1. The employer is not paying the worker; the Board is paying full benefits.

   All costs resulting from the aggravation of the injury are excluded from experience rating, whatever the nature of the injury.

2. The employer is paying a partial wage to the worker who is also receiving payments from the Board; or the Board is reimbursing the employer part of the worker’s salary.

   If there is an aggravation of the old injury, or the old injury contributes significantly to the occurrence of the new injury, all the resulting costs are excluded from experience rating, whatever the nature of the injury.
If the old injury made no significant contribution to the new injury, the Board will exclude from experience rating a proportion of the costs of the new claim equal to the percentage of the worker’s wages being paid or reimbursed by the Board.

The above policy applies whether the employer at the time is a new employer or the worker’s original employer.

In addition to relief for the individual employer for experience rating, the employer’s sector or rate group may be eligible for relief under section 39(1)(e).

**PRACTICE**

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website.

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**EFFECTIVE DATE:**

September 1, 2015

June 1, 2009 – Delete reference to Compensation and Rehabilitation Services.

**AUTHORITY:**

Section 16 of the Act.

**CROSS REFERENCES:**

Item C11-87.00, Vocational Rehabilitation – Process (Item C11-87.00);  
Item C11-88.00, Vocational Rehabilitation – Nature and Extent of Programs and Services (Item C11-88.00);  
Item C11-88.50, Vocational Rehabilitation – Formal Training (Item C11-88.50);  
Policy item #114.40A, Enhancement of Disability by Reason of Pre-Existing Disease, Condition or Disability (policy item #114.40A);  
and Policy item #115.30, Experience Rating (policy item #115.30) of the Rehabilitation Services & Claims Manual, Volume II.

**HISTORY:**

September 1, 2015 – Revised policy removes requirement for the timeframe for training-on-the-job to be determined before a VR plan is implemented.

June 1, 2009 – Deleted reference to Compensation and Rehabilitation Services.

November 1, 2002 – Reformatted and revised policy provides that training-on-the-job assistance may be provided for up to 26 weeks. Extensions beyond 26 weeks must be approved by the VP of Compensation and Rehabilitation Services or the Director of VR Services. Criteria are also provided for granting extensions.

Replaces Items #88.40 - #88.43 of the Rehabilitation Services & Claims Manual, Volume II. Applies to decisions made on or after November 1, 2002 on claims adjudicated under the Act, as amended by the Workers Compensation Amendment Act, 2002.

**APPLICATION:**

This Item Applies to all decisions made on or after June 1, 2009 – September 1, 2015.
BACKGROUND

1. Explanatory Notes

This policy sets out the Board’s formal training program.

2. The Act

Section 16:

(1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the Board may take the measures and make the expenditures from the accident fund that it considers necessary or expedient, regardless of the date on which the worker first became entitled to compensation. ....

POLICY

Formal Training

Subject to the policy C11-88.00, “Nature and Extent of Programs and Services”, the following guidelines apply to formal training.

Formal training refers to a range of courses or programs which:

1. add to, or upgrade a worker’s existing skills or qualifications;
2. provide new occupational skills.

These may include full-time or part-time trades, technical or academic programs offered through recognized training or educational institutions.

These programs are of short duration of less than 26 weeks and should be identified as having an immediate positive impact on the worker’s employability. Programs of more
than 26 weeks duration must be approved by a Vice-President or the Director of Vocational Rehabilitation Services.

The following criteria apply in considering whether a program of more than 26 weeks is approved:

- A program greater than 26 weeks is required to assist a worker who is assessed under section 23(3) in mitigating his or her loss of earnings;
- A program of less than 26 weeks is not adequate to provide new occupational skills; or
- The rehabilitation plan that is developed identifies and provides supporting documentation for a lengthier formal training program based on the worker’s objective functional capacity, existing transitional skills, aptitudes, education and training or labour market demands.

Levels of Support

Where a worker, who has sustained a compensable injury or occupational disease, wishes to undertake a formal training program and seeks assistance from the Board, the proposed program must be classified in one of the following three categories:

1. Training Related Directly to the Disability

   The Board should provide the cost of any formal training program considered reasonably necessary to overcome the effects of any residual disability. This can also apply to preventative rehabilitation.

   (a) The primary guideline is that the Board should, where practical, support a program sufficient to restore the worker to an occupational category comparable in terms of earning capacity to the pre-injury occupation.

   (b) A secondary guideline is that the gravity of the residual disability is a relevant factor. The Board should go to greater lengths in cases where the residual disability is serious than in cases where it is minor.

Where a worker is eligible for a formal training program under this heading, the support provided under section 16(1) of the Act should be sufficient to enable the worker to complete the program. Workers should
not be expected to use their own resources or to commute their permanent disability award for this purpose.

2. Training Related Partly to the Disability

Workers may sometimes want to blend their rehabilitation into a general advancement of their education, or pursue a vocational ambition that exceeds what would otherwise be provided under section 16(1) of the Act.

For example, a worker is injured in a heavy manual occupation and is unable to return to heavy manual work. In discussion with the Board, it appears that there is a 26-week program that would provide occupational skills for a position with earning capacity and prospects at least as good as the pre-injury occupation; but rather than pursue this option the worker prefers a more extensive one-year program.

The Board should not deny the rehabilitation assistance that would have been provided if the worker had chosen the 26-week training program, but neither should it generally finance an educational advancement that goes beyond what is reasonably necessary as rehabilitation for the injury.

In cases of this kind, the Board will estimate the total expenditure that would have been incurred under section 16(1) of the Act if the worker had taken a program considered reasonably necessary to overcome the effects of the compensable injury. The worker will then be offered that amount as a contribution to the cost of the preferred vocational plan.

If the injury is very severe, the Board might treat the case under Category 1 and support the whole program. Rehabilitation is not limited to restoring earning capacity and, in cases of catastrophic or very serious injury, the Board should do all that is reasonably possible and appropriate to facilitate the functional restoration and development of the worker. In these cases, a formal training program may be wholly supported by the Board notwithstanding:

(a) that it goes beyond what is necessary to restore the pre-injury earning capacity of the worker, or

(b) that it may not improve earning capacity at all.
3. Training Unrelated to the Disability

Sometimes, recovery from an injury coincides with a desire for a change of occupation, or for some formal training program that the worker might well have undertaken regardless of the injury. The jurisdiction of the Board under section 16(1) of the Act is to provide assistance reasonably necessary as rehabilitation for a compensable injury. Thus, it is not a function of the Board to finance training that is part of an ordinary career pattern or that is desired by the worker for reasons unrelated to the injury.

Such training would, therefore, not be supported under section 16(1). If the worker wished to meet the cost of the program by a commutation of a permanent disability award, that is something the Board might consider.

Guidelines

1. Formal training programs are normally undertaken for the purpose of improving a worker’s long-term employment and earnings potential.

2. Before deciding on a formal training program, it is important that the worker’s desires, abilities, aptitudes, interests and educational readiness are assessed in order to ensure a probability of success. The program must also be compatible with the worker’s physical capabilities and any ongoing medical treatment.

3. Decision-making regarding the type and appropriateness of formal training programs is a collaborative process which takes into consideration the desire and intent of the worker and all relevant assessment and labour market information. The Board determines the feasibility of the program(s) under consideration and decides whether to recommend sponsorship.

4. Ongoing support and sponsorship of formal training programs are contingent upon the worker’s active cooperation and participation in the process. If the worker does not meet the attendance and progress requirements of the program, financial sponsorship may be suspended or withdrawn. Discussion with the worker will determine whether further or alternate assistance is appropriate.
Expenditures

When it is decided to support a formal training program related directly to the disability, the assistance provided under section 16(1) of the Act will normally include:

1. Training allowances at wage-loss equivalency when enrolled in a full-time program.
2. Tuition fees and any necessary books, materials or equipment.
3. Travel and subsistence where appropriate.

When it is decided to support a formal training program related partly to the disability, the Board will estimate the total expenditure that would otherwise have been incurred under section 16(1) of the Act. The worker will then be offered that amount as a contribution to the cost of the preferred program. This contribution will normally be paid by installments for the duration of the program, and the installments will be subject to cost-of-living adjustments using the formula provided in section 25 of the Act.

Injury in the Course of Training

A worker undergoing a course of rehabilitation training sponsored by the Board does so in the circumstances described below:

1. The trainee may be attending a school of training specifically operated as such and for which course of training the Board pays a fee to the school, while at the same time paying the trainee the allowance prescribed by Board regulations.

2. A trainee may, by arrangement, be receiving training in an industrial or business establishment, receiving no remuneration from the employer in the establishment, but only receiving the allowance prescribed by Board regulations. At the same time, the Board may be paying something by way of a training fee to the employer in the establishment.

In the above circumstances, the Board takes the position that the trainee is not a “worker” employed by the participating employer in the course of rehabilitation.
training. Should the trainee receive further injury in the course of training, the Board regards such further injury as a continuation of the original disability. The two main objectives are:

1. that the injured trainee shall receive compensation benefits under the Act, and

2. that an employer who cooperates and assists the Board in rehabilitating an injured worker shall not be penalized for so doing.

In case of an aggravation or new injury to a trainee, the Board will normally exclude the costs from the employer’s experience rating. In addition, the employer’s sector or rate group may be eligible for relief under section 39(1)(e).

The above policy applies whether the employer at the time is a new employer or the worker’s original employer.

Joint Sponsorship

Where a worker is undertaking a training program sponsored by another agency, and:

1. the circumstances are such that a similar program would have been supported by the Board, and

2. the level of support provided by the other agency is less than would have been provided by the Board,

the Board will provide support to the extent of the difference.

PRACTICE

For practice information, see any relevant Practice Directives available on the WorkSafeBC website:

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**EFFECTIVE DATE:** September 1, 2015  
**AUTHORITY:** Section 16 of the Act  
**CROSS REFERENCES:** Item C3-20.00, Employer-Provided Facilities; Item C3-22.00, Compensable Consequences;
Policy item #45.44, Education;
Policy item #82.00, Transportation Allowances;
Policy item #83.00, Subsistence Allowances;
Item C11-87.00, Vocational Rehabilitation – Process;
Item C11-88.00, Vocational Rehabilitation – Nature and Extent of Programs and Services;
Item C11-88.80, Vocational Rehabilitation – Preventative Rehabilitation;
Policy item #114.40, Enhancement of Disability by Reason of Pre-Existing Disease, Condition or Disability; and
Policy item #115.30, Experience Rating of the Rehabilitation Services & Claims Manual, Volume II.

HISTORY:
September 1, 2015 – Revised policy for housekeeping changes.
June 1, 2009 – Deleted reference to Compensation and Rehabilitation Services and Board officer.
November 1, 2002 – Reformatted and revised policy to set out that formal training programs may be provided for up to 26 weeks. Programs of more than 26 weeks must be approved by the VP of Compensation and Rehabilitation Services or the Director of VR Services. Criteria are also provided for considering whether a program of more than 26 weeks is approved. Replaces policy items #88.50 - #88.55 of the Rehabilitation Services & Claims Manual, Volume II. Applies to decisions made on or after November 1, 2002 on claims adjudicated under the Act, as amended by the Workers Compensation Amendment Act, 2002.

APPLICATION:
This Item A Applies to all decisions made on or after June 1, 2009 September 1, 2015.