



Vocational Rehabilitation

Final Policy Decision and Supporting Rationale

June 8, 2026

Table of Contents

INTRODUCTION3

CHANGES TO POLICIES IN RESPONSE TO FEEDBACK3

CONCLUSION5

APPENDIX A- STAKEHOLDER FEEDBACK.....6

APPENDIX B - FINAL VR POLICIES..... 10

APPENDIX C - CONSEQUENTIAL AMENDMENTS TO OTHER POLICIES26

Introduction

On April 7, 2026, the WCB released a Discussion Paper and three draft policies related to vocational rehabilitation (VR). The content of these policies was intended to replace the WCB's existing VR policies. The WCB received feedback on these policies during 2 webinars, emailed feedback through policy@wcb.ns.ca, and 8 formal written submissions – 6 from employers or employer organizations, and 2 from worker and labour organizations.

This report includes:

- A summary of changes made to the draft policies based on the feedback received;
- A summary of WCB responses to feedback received that did not result in changes to the draft policies (Appendix A);
- The WCB's final VR policies (Appendix B); and
- Consequential amendments to other policies (Appendix C).

This report concludes policy development on the topic of vocational rehabilitation.

Changes to policies in response to feedback

The WCB considered all stakeholder feedback received and made several changes to the draft policies in response. A summary of the changes is below.

Structural change – combining of draft policies 5.7.4 and 5.7.5

- In response to feedback, we combined draft policies *5.7.4 Vocational Rehabilitation – eligibility and overview* and *5.7.5 Vocational Rehabilitation - planning and programming* into **one policy – 5.7.4 Vocational Rehabilitation – eligibility and planning**. The combined policy is more cohesive and removes redundancies. *Policy 5.7.6 Vocational Rehabilitation – costs and expenses* **is now policy 5.7.5**.

Policy 5.7.4 Vocational Rehabilitation – eligibility and planning

- Throughout the policy fixed typos, formatting, and ensured consistent use of terms etc.
- In the definition of “employability” or “employable”, removed the phrase “...and will mitigate, as much as reasonably possible, loss of earnings due to the work-related injury”. The nature of the employability to be achieved by VR is better discussed in the body of the policy and not in the definition.

- In the definition of “employment readiness” removed reference to a maximum time for the program. This will be determined as part of the development and finalization of the VR plan.

Section 1. Goal of VR

- Updated the goal of VR to reflect the phrasing used in *Policy 5.7.1- Return to Work – Overview*. The goal of VR is to “return workers to employability that eliminates or mitigates, to the greatest extent possible, the worker’s loss of earnings from the work-related injury.”

Section 2. Employer RTW duties and VR

- Included the RTW hierarchy of objectives from *Policy 5.7.1 – Return to Work – Overview* to make it clear that VR operates within the context of the hierarchy.
- Emphasized that employers continue to be responsible for their legal obligations and duties during early and safe return to work (ESRTW) and re-employment (where applicable) while VR services are being delivered to their worker.

Section 6. Eligibility for VR Exploration

- Good communication during the early and safe return to work (ESRTW) process keeps employers up to date on the RTW status of their worker. However, sometimes information can be missed, so we added an explicit requirement for the WCB to advise the injury employer if the WCB is considering offering their worker VR exploration.

Section 7. VR goal and options

- Included a requirement for the WCB to advise the injury employer that the WCB intends to move forward with VR goal and option development. This provides the employer another opportunity to offer the worker suitable and reasonably available work prior to this work beginning.
- Added a statement that the WCB will consider non-work-related conditions present at the time of the injury in the development of a VR goal. For example, a worker may be dyslexic, an amputee, or be visually impaired at the time of the work-related injury. Considering these conditions when developing a VR goal is appropriate and consistent with best practice.
- Acknowledged that worker interest in the VR goal is not required but is ideal.
- Included a statement that communicates that the WCB will make reasonable efforts to provide the worker with input and choice when determining a VR goal.

- Removed reference to a worker’s “personal circumstances” in the development of the VR goal. We believe this is covered by the requirement that a VR goal be within the worker’s functional, intellectual and vocational capacities and the addition of a requirement to consider any other relevant factors in the development of a VR goal.

Section 8. VR plan

- Made it clearer that the employer’s role and responsibility in the implementation of the VR plan should be specified, where appropriate. This approach allows the parties to identify the appropriate degree of employer involvement.
- Specified that parties other than the worker participating in the plan must also sign the VR plan.
- Clarified that workers are usually provided only one VR plan for the same work-related injury and included circumstances when a VR plan may need to be updated or a new plan created.
- The circumstances under which the WCB may conclude a VR plan are more clearly communicated.
- Removed reference to specific types of worker compelling reasons, unrelated to the worker's compensable condition that are genuinely beyond the worker's control, as a reason for VR plan modification, suspension, or conclusion. This provides the WCB flexibility to consider the unique circumstances of a worker in the overall context of the VR plan.

Policy 5.7.5 Vocational Rehabilitation – costs and expenses

Section 3. VR training programs

- Removed reference to worker responsibility for additional tuition/fees due to interruption of programs due to worker compelling reasons beyond the worker’s control. Such situations are better addressed through the WCB’s *Policy 10.2.1R1 - Recovery of an Overpayment*.

For a summary of the WCB’s response to feedback received that did not result in changes to the draft policies please see Appendix A.

Conclusion

The WCB values stakeholder participation in policy development and considered all feedback carefully. This report concludes policy development and consultation on Vocational Rehabilitation. The final decision and policies will be communicated broadly to stakeholders.

Appendix A- Stakeholder Feedback

The following is a summary of the feedback we received that did not result in changes to the policies. Some of this feedback was out of scope for the consultation and is not included in the table below. This includes feedback on:

- the WCB’s contracts with service providers;
- procedural details about the implementation of the VR policies (e.g. evidentiary requirements, process for approvals);
- the WCB’s legal authority to establish eligibility requirements for VR and support VR efforts; and
- requests for cost-relief for VR expenditures.

We greatly appreciate the time and effort it takes to participate in policy consultation including webinar attendance, asking follow-up questions, and providing a formal submission. While we reviewed all the feedback in detail, we have focused on the common themes that were directly related to the content of the policies. If you have any questions about a particular issue that is not specifically addressed here, please feel free to contact the Policy Team at policy@wcb.ns.ca and we would be happy to discuss it with you.

Employers and employer organizations	
Feedback	WCB Comment
The policy should establish clearer VR exploration criteria, explicitly require that return-to-work efforts with the injury employer have been exhausted prior to initiating VR exploration, and that the policy should be clear that a PMI is no longer required to access VR services.	The level of detail provided for the VR exploration criteria is generally in keeping with that of other WCBs in Canada. We believe that, through the early and safe return to work (ESRTW) process, employers should be aware of their worker’s RTW status and whether RTW efforts have been exhausted. We don’t believe it is appropriate to reference policy criteria that are no longer applicable.
Clearer guidance on benefit entitlement and timelines related to delays in VR programming should be included in the policy.	Workers are eligible for earnings loss benefits when they are unable to work due to the work-related injury. The WCB considers ways for the worker to mitigate earnings loss and/or prepare for their VR program in the time between VR exploration and the start of programming.
Clarify whether changes apply to new claims only and specify the effective date.	The application section of each policy states: “This policy applies to decisions made on or after (insert date).” The date is the date the WCB Board of Directors approves the policies. As noted above, the policy applies to decisions made on or after the approval date. This includes existing claims and new claims. The WCB believes it’s important to not limit our ability to support worker RTW where eligibility criteria are met.

<p>There are concerns that the WCB may not provide VR services and programs in a cost-effective manner, and that the new VR policies risk significantly increasing employer costs.</p>	<p>It's important to place the use of VR services and programs in the context of the overall RTW process. Most claims will not require VR. Employers and workers have legal obligations and duties during ESRTW and re-employment (where applicable). This, coupled with WCB support where appropriate, has resulted in the vast majority of workers (approx. 80%) RTW at their pre-injury job and earnings within 90 days. For those that don't, VR will sometimes be appropriate.</p> <p>The WCB has always strived to administer the <i>Workers' Compensation Act</i> (the "Act") in a financially responsible manner. This was reinforced when the <i>Act</i> was recently amended to include a purpose statement that requires the WCB to carry out its RTW and rehabilitation mandate in a "financially responsible and accountable manner". These new VR policies do this by investing in workers' RTW efforts while at the same time reducing the impact of work-related injuries on the Accident Fund.</p>
<p>Earlier introduction of VR may unintentionally discourage RTW at the pre-injury employer.</p> <p>These policies will negatively impact the home care and residential support industries by unintentionally diverting workers away from the industry. This will result in the loss of skilled, experienced workforce members from a sector already under strain.</p>	<p>Employers are in no way relieved of their duties and obligations during ESRTW and re-employment.</p> <p>Successful RTW, in both the short and long term, is best achieved by maximizing opportunities with the pre-injury employer – starting with RTW at the pre-injury job and earnings level.</p> <p>The new policies provide the WCB more flexibility around when and how we can use VR to support RTW, but they do not seize or take control of the RTW process from the workplace parties. VR doesn't automatically mean supporting a worker to find work with another employer – it can be used to support RTW with the injury employer.</p>
<p>Consideration should be given to introducing a presumption against multiple VR plans.</p>	<p>The policy already includes a presumption against multiple VR plans. The policy states "The WCB will usually sponsor only one VR plan for a worker for the same work-related injury."</p>
<p>Estimated capable earnings (ECE) should be evaluated and considered when moving through key decision points in the process. It must be clear that ECE is used whether or not the worker obtains actual employment to ensure expectations are clear.</p> <p>In Policy 5.7.4 the WCB should not use the term "usually" in reference to the anticipated salary outcomes of VR plans. This language is too weak and may not reflect actual outcomes.</p>	<p>We believe the current WCB estimations policies <i>3.5.1 Definition of Reasonably Available Employment</i> and <i>3.5.3 Wage Rate to be Used in Estimating Earning Ability</i>, along with the definition of employability and statements in the new VR policies regarding the salary outcomes of VR plans, adequately addresses the topic of estimations.</p> <p>The WCB uses the term "usually" because there may be circumstances where the anticipated salary outcome for a VR plan may change.</p>

<p>Policy 5.7.6 states that costs will be paid by the WCB. This does not account for employer-led training arrangements.</p>	<p>We believe this is adequately covered in <i>Policy 5.7.4</i> in “On-the-job Training” and <i>Policy 5.7.5</i> in the statement “Additionally, the WCB may subsidize the wages an employer pays to a worker as part of the worker’s participation in an on-the-job training programming.”</p>
<p>Permanent relocation assistance beyond 100 km could represent a significant cost. The WCB should define clear criteria, limits, approval thresholds, and include a reference to Policy 3.5.2 to ensure consistent application of labour market and relocation considerations.</p>	<p>The new policy states: “Worker requests for permanent relocation assistance will be considered if a worker secures employment outside their home area as set out in <i>policy 3.5.2- Definition of Reasonably Available Employment</i>. It also requires the worker obtain actual employment before the request will be considered, which the old policy does not.</p>

<h2 style="text-align: center;">Workers and labour/worker organizations</h2>	
<h3 style="text-align: center;">Feedback</h3>	<h3 style="text-align: center;">WCB Comment</h3>
<p>The VR exploration eligibility criteria are discriminatory because “catastrophic injury” is listed as the first type of circumstance for VR exploration consideration. They believe the purpose of this positioning is to limit VR services to only the most severe injuries, and to exclude other type of injuries.</p>	<p>Catastrophic injury is only one of the listed circumstances where VR exploration may be offered to a worker. The circumstances listed in the policy are non-exclusive and do not in any way exclude workers with a particular type of injury from access to VR services.</p> <p>The level of detail in the eligibility criteria is generally consistent with that of other WCBs and provides the WCB with the flexibility to consider other circumstances where appropriate.</p>
<p>VR exploration should not commence well in advance of the anticipated start of a VR plan. Individual circumstances may change if too much time has elapsed.</p>	<p>The WCB strives to identify the need for VR early in the claim and ensure services and programming are delivered at the appropriate time. This supports positive outcomes for workers and minimizes costs for the system.</p> <p>The appropriate time for the delivery of VR programming will depend on the nature of the injury, recovery period, programming availability, and other factors.</p>
<p>The policy fails to acknowledge a requirement for competitive employability - that is a real prospect of obtaining and maintaining employment in the labour market that has been recognized by WCAT.</p> <p>References to a worker’s motivation and commitment to the VR goal/options should be removed from the policies or defined to ensure they are assessed objectively.</p>	<p>The definition of “employability” states that a worker is capable of performing “suitable employment that is reasonably available”. The existing estimation policies define these terms. We believe the definition of “reasonably available” in <i>Policy 3.5.2</i> addresses the ability of a worker to actually obtain employment.</p> <p>Section 113 of the <i>Act</i> states the worker shall, where VR is offered by the WCB, cooperate in the development and implementation of VR efforts. Worker interest and motivation are an important factor in facilitating cooperation and</p>

	<p>successful VR outcomes and is often referenced in WCB VR policies across the country. We believe it should continue to be referenced in the policy.</p>
<p>The policies must make provision for preferred VR Plans in appropriate circumstances.</p>	<p>The overall goal of VR is to return workers to employability that eliminates or mitigates, to the greatest extent possible, the worker's loss of earnings from the work-related injury. The WCB will make every reasonable effort to support the worker in achieving this goal.</p>
<p>Offers of employment by the pre-injury employer during the VR plan must be closely scrutinized and the worker should be granted the option to accept the offer or continue with the VR plan. An active or partially completed VR plan should not be discontinued due to a last-minute offer of employment.</p>	<p>We agree that usually, by the time a VR plan is in development or being implemented, it should be clear that a worker is not returning to work with their injury employer at their pre-injury job.</p> <p>Employers continue to have RTW obligations during the delivery of VR services. For example, an employer with a re-employment obligation may identify suitable and available employment and offer it to the worker while the worker is participating in VR planning or programming. In such cases, we believe that if the offer provides sustainable employment that mitigates the worker's earnings loss to the same degree that completion of the VR plan was anticipated to achieve, it should be evaluated and considered.</p>
<p>The lowest cost for worker travel is not often the most appropriate or reasonable. The statement should be changed to "The WCB will pay the cost of the most reasonable method of transportation in a cost-effective manner."</p>	<p>We believe the policy wording already communicates this: "The WCB will pay for transportation costs on the basis of the method of transportation which represents the lowest cost and is reasonable for the worker to accept."</p>
<p>Based on Department of Finance cost estimates for basic necessities, the living allowance amount in the policy is too low.</p>	<p>The living allowance maximum has increased from \$1,500 to \$2,000 in the new policy and also provides the WCB the ability to pay expenses in excess of \$2,000 per month considered on a case-by-case basis. We believe this provides the WCB adequate flexibility to pay higher expenses where appropriate.</p>

Appendix B - Final VR Policies

Policy 5.7.4

Topic: Vocational Rehabilitation – eligibility and planning

Section: Return to Work

Subsection: General

Effective: XXXX

Issued: XXXX

Approved by Board of Directors: XXXXXX

Preamble

As set out in Section 1A of the *Workers' Compensation Act* (the "Act") the WCB is mandated to facilitate the rehabilitation and the safe and timely return to work (RTW) of workers who sustain work-related injuries. As part of fulfilling this mandate, the WCB may consider providing vocational rehabilitation (VR) to assist eligible workers RTW.

This policy provides an overview of VR, including the eligibility criteria for VR services and programs, a framework for the development of VR goals, VR options, VR plans, and worker cooperation expectations.

For costs and expenses related to VR, please see policy 5.7.5 *Vocational Rehabilitation – costs and expenses*.

Definitions

"catastrophic injury" means a severe injury that usually leads to a permanent impairment and long-term functional disability or disfigurement. Examples include spine, spinal cord or brain injuries, skull or bone fractures to multiple body parts, severe burns, organ damage, or injuries that lead to blindness or limb amputation;

"employability" or "employable" means being capable of performing suitable employment that is reasonably available.

"employment readiness" is a program that includes, but is not limited to, basic technology skills, resume and cover letter development, job search techniques, locating suitable employers, finding available labour market information and interview skills, and a period of time allotted for the worker to search for employment. It may be provided in a VR plan as a stand-alone service or included in a VR plan with training.

“health care provider” means a WCB-approved health care service provider.

“injury employer” is the employer the worker is working for when they experience a work-related injury.

“loss of earnings (LOE)” is equal to the net pre- LOE earnings less net post-LOE earnings. The following is included in post-LOE earnings:

- a) net earnings from employment;
- b) net earnings the WCB estimates the worker is capable of earning in suitable and reasonably available employment; and
- c) net 50% of Canada Pension Plan (CPP) or Quebec Pension Plan (QPP) periodic disability benefits.

“suitable and reasonably available employment” has the same meaning as set out in policies 3.5.1- *Definition of Suitable Employment* and 3.5.2- *Definition of Reasonably Available Employment*.

“vocational rehabilitation (VR)” is a structured, collaborative process that helps workers overcome barriers to RTW. It typically includes services and programs such as VR exploration, planning, employment readiness, on-the-job training, academic or literacy upgrading, and formal re-training.

“VR exploration” is a service used to evaluate the worker’s aptitudes, academic history, work history, employment interests and current level of employability, considering the impact of the work-related injury on their functional abilities.

“VR plan” is a written document that outlines the agreement between the WCB and the worker for a WCB supported VR training program or the provision of employment readiness services. The VR plan specifies the worker’s VR goal and the steps the worker will take to achieve this goal. The VR plan is used to monitor the worker’s progress and determine the success or failure of VR.

“worker” means a worker as defined in s.2(ae) of the *Workers’ Compensation Act*.

Policy Statement

1. Goal of VR

The overall goal of VR is to return workers to employability that eliminates or mitigates, to the greatest extent possible, the worker’s loss of earnings from the work-related injury. The WCB will make every reasonable effort to support the worker in achieving this goal.

While obtaining actual employment at the worker's pre-injury earnings at the conclusion of VR is ideal, it is not guaranteed. The focus is on ensuring the worker is employable.

References: Workers' Compensation Act, Sections 1A, 112

2. Employer RTW duties and VR

Successful RTW, in both the short and long term, is best achieved by maximizing opportunities with the injury employer – starting with return to work at the pre-injury job and earnings level. This is reflected in employers' and workers' legal obligations and duties during early and safe return to work (ESRTW) and re-employment (where applicable) and is also echoed in the hierarchy of RTW objectives set out in *Policy 5.7.1 – Return to Work – Overview*. The RTW hierarchy is as follows:

- a) Return to the same job with the same employer.
- b) Return to a similar or comparable job with the same employer.
- c) Return to a different but suitable job with the same employer.
- d) Return to work in a similar or comparable job with a different employer.
- e) Return to work in a different but suitable job with a different employer.
- f) Retraining for jobs that are suitable and reasonably available.
- g) Self-employment.

In some cases, employers' RTW obligations and duties during ESRTW and re-employment may coincide with all or part of the WCB's provision of VR services or programs to their worker. **In these cases, employers continue to be responsible for compliance with their legal obligations and duties during ESRTW and re-employment.**

References: Workers' Compensation Act, Sections 89 – 101, 112.

3. Compensation benefits

Workers participating in VR services and programs will receive compensation they are entitled to under the *Act*, including medical aid and earnings loss benefits.

References: Workers' Compensation Act, Sections 1A, 38, 102.

4. VR costs and expenses

Reasonable costs associated with VR will be paid by the WCB. Please see policy 5.7.5 *Vocational Rehabilitation – costs and expenses* for more information.

References: Workers' Compensation Act, Sections 1A, 112.

5. Cooperation and consultation during VR

The VR process emphasizes ongoing consultation between the WCB and the worker, along with other workplace parties as appropriate (e.g. the employer, service providers) to maximize and maintain all opportunities for the worker to RTW. This is reinforced by the worker's duty to cooperate, as set out in the *Act*, in the management of their claim and in the development and implementation of a VR program. While it is up to the WCB to assess the worker's needs and appropriate levels of VR assistance, it is ultimately the responsibility of the worker to participate and cooperate in the VR process to ensure the best possible outcome.

Worker cooperation includes, but is not limited to:

- a) communicating with the appropriate parties during VR exploration (e.g. the WCB, the employer, health care or VR service provider) as required;
- b) cooperating in the development of a VR plan where one is offered;
- c) accepting the offer of a VR plan and actively and positively pursuing the goals of the plan;
- d) attend any required meetings, training, workshops, coaching, etc. and to actively apply for employment where a period of time for job search has been allocated;
- e) keeping the WCB up to date on the progress of the VR plan;
- f) complying with school, program or employment policies or regulations as part of a VR plan; and
- g) reporting, in a timely manner, any circumstances that may affect their ability to participate in VR exploration or a VR plan.

The WCB may suspend, reduce or terminate any compensation paid to a worker where the worker is not cooperating in VR efforts. As part of on-going monitoring and supervision of a VR plan, the WCB will advise the worker if there is a risk the VR efforts may be concluded due to the worker's non-cooperation. In these cases, where the VR effort (e.g. training program) remains viable, the worker will be given the opportunity to cooperate.

References: Workers' Compensation Act, Sections 84, 112, 113.

6. Eligibility for VR Exploration

6.1 Eligibility – general

VR exploration is the first step in the VR process. It is a service that is used to evaluate the worker's aptitudes, academic history, work history, employment interests, and current level of employability, considering the impact of the work-related injury on their functional (physical and psychological) abilities. This assists the WCB in developing a realistic VR goal specific to the worker (see Section 7.).

A worker may be offered VR exploration where the WCB determines the worker is unable, or unlikely, to return to their pre-injury job or earnings due to the work-related injury. Generally, this means the circumstances under which the WCB may offer VR exploration to a worker include, but are not limited to:

- a) The worker has experienced a catastrophic injury;
- b) Extensive recovery and/or time loss from work is anticipated;
- c) Returning to the pre-injury job is likely to cause a further compensable injury;
- d) Despite the injury employer fulfilling their RTW obligations to date, it remains likely the worker will not return to the pre-injury job or earnings level; or
- e) The injury employer is not, and is unlikely to start, cooperating in ESRTW or re-employment (if applicable).

The WCB will determine the appropriate time to initiate VR exploration with a worker based on the circumstances of the claim and will advise the injury employer if the WCB is considering offering their worker VR exploration.

References: Workers' Compensation Act, Sections 112 and 89-101.

6.2 Results of VR exploration

The usual outcome of VR exploration is one of the following:

- a) The worker is not a candidate for further VR services or programming. Examples include, but are not limited to, the worker's refusal to participate in further VR planning or programming, or the WCB determines the provision of further services or programming is not feasible or appropriate at this time.
- b) An offer of a VR plan that includes employment readiness only where VR exploration indicates the worker, who is not returning to work with the injury employer, is employable at their pre-injury salary without additional training.

Workers who complete employment readiness are usually considered capable of earning their pre-injury salary, working under the circumstances (e.g. the worker was part-time) present at the time of the work-related injury.

- c) An offer of a VR plan that includes skill development, academic upgrading and/or retraining where VR exploration indicates a worker requires training to achieve employability that eliminates or mitigates, to the greatest extent possible, the worker's loss of earnings from the work-related injury. Workers who complete a VR plan with training are usually considered capable of earning the salary associated with their plan.

The start of a VR plan may not follow immediately after the completion of VR exploration. For example, the worker may require a period of recovery before employment readiness can begin.

References: Workers' Compensation Act (Chapter 10, Acts of 1994-95), Section 112.

7. VR goal and VR options

Where the WCB determines a worker will not be returning to their pre-injury job and/or earnings due to the work-related injury, the WCB may initiate VR goal and options development based on the results of VR exploration.

At this time, the injury employer will be advised of the intention to begin VR goal and option development and provided another opportunity to offer the worker suitable and reasonably available employment.

The WCB, the worker and other workplace parties as appropriate (e.g. the employer, service providers) will work together to identify a realistic VR goal and options for achieving that goal. The VR options will then be evaluated, and the most cost-effective option will be chosen.

7.1 Identifying a realistic VR goal

A realistic VR goal:

- a) is consistent with the results of VR exploration. This means it is within the worker's functional (physical and psychological), intellectual, and vocational capacities. This includes consideration of non-work-related conditions the worker may have had at the time of the work-related injury;

- b) is, ideally, of interest to the worker and the worker is motivated to achieve the goal. The WCB will make reasonable efforts to provide the worker with input and choice when determining a VR goal;
- c) is reflective of the worker's employment circumstances at the time of the injury, such as the terms and conditions of employment in place at the time of the injury. For example, if the worker was working part-time hours, the VR goal should focus on part-time employment;
- d) is intended to achieve employability that eliminates or mitigates, to the greatest extent possible, the worker's loss of earnings from the work-related injury; and
- e) considers any other factors relevant to the development of the VR goal.

7.2 Identifying and choosing a VR option

- a) VR options for **workers requiring skills development and training**. The WCB and the worker will typically identify up to three realistic options for achieving the VR goal. When evaluating VR options for achieving the VR goal, the WCB generally considers:
 - i) whether the worker has transferable job skills or skills that can be improved to enable the worker to achieve employability that eliminates or mitigates, to the greatest extent possible, the worker's loss of earnings from the work-related injury;
 - ii) if there has been an offer of employment by the injury employer, or a different employer, upon completion of the plan;
 - iii) whether the worker has the motivation, commitment, interest, aptitude and functional (physical and psychological) abilities to complete the activities for the VR option;
 - iv) to what degree the VR option will mitigate the worker's earning loss; and,
 - v) the cost effectiveness of the option. In most cases, cost effectiveness is determined by considering the estimated costs of the VR option compared to the estimated costs of future benefits¹, with or without VR. Total costs for a VR option are based on an estimate of VR program and services costs and worker expenses specified in *Policy 5.7.5 Vocational Rehabilitation – costs and expenses* plus earnings loss benefits that would be paid to the worker as part of the VR option.

¹ Calculated using Policy 3.2.1R- Calculation of Temporary Earnings-Replacement Benefit.

- b) VR options for workers being offered **employment readiness only**. Option identification and selection will be limited to the service components included in the employment readiness program offering (see definition of “employment readiness”).

Based on the evaluation of VR options, and in consultation with the worker and other workplace parties as appropriate (e.g. the employer, service providers), the WCB and the worker will select a cost-effective VR option as a means of achieving the VR goal.

References: Workers' Compensation Act, Sections 1A, 41(c), 112, Workers' Compensation Act General Regulations, S. 22.

8. VR Plan

8.1 VR plan

A VR plan will be created by the WCB in consultation with the worker and other workplace parties as appropriate (e.g. the employer, service providers) based on the realistic VR goal and VR option agreed upon in Section 7. The plan will detail the specific steps which must be taken for the realistic VR goal to be attained.

Each VR plan is developed to meet the individual needs of the worker. A VR plan is:

- a) Safe. It does not pose a safety hazard to the worker or others.
- b) Appropriate. That is, it is consistent with
 - i) the worker's functional (physical and psychological) abilities;
 - ii) the results of the worker's VR exploration; and
 - iii) Focused on employability that eliminates or mitigates, to the greatest extent possible, the worker's loss of earnings from the work-related injury, and specifies the worker's earning capacity upon completion of the plan.
- c) Specific. It details:
 - i) the specific VR program types, methods, techniques, and supports which will be utilized to assist the worker in attaining the realistic VR goal.
 - ii) the benefits (e.g. earnings loss benefits) which will accompany the VR plan, as well as any costs and expenses that will be covered by the WCB;
 - iii) any anticipated modifications or assistive devices that may be required for the worker to participate in the VR plan.

- d) Time based. Time frames associated with the VR plan and its component steps are set out.
- e) Clear about roles and responsibilities of the WCB, the worker, the employer, service providers, and other parties as appropriate.
- f) Regularly reviewed on a scheduled and ad hoc basis as needed.

Once a VR plan has been approved, the WCB will inform the worker and other workplace parties as appropriate (e.g. the employer, service providers). The worker and other parties participating in the plan will be required to sign the VR plan.

8.2 Changes to VR plan

The WCB will usually sponsor only one VR plan for the worker for the same work-related injury. However, circumstances may change and the VR plan may need to be updated, or a new plan created. Such circumstances include, but are not limited to:

- a) Deterioration in the worker's condition. The WCB will make every reasonable attempt to revise the plan through accommodation, so that the worker may continue to successfully complete the plan before considering a new VR plan or conclusion of VR efforts;
- b) Improvement in the worker's condition. The WCB may reconsider the VR plan and anticipated earning capacity. This may result in a revised or new VR plan that reflects the worker's improved condition;
- c) Changes in the labour market. Changes in the labour market may impact the availability of the VR goal upon which the VR plan is based, necessitating a revised or new VR plan;
- d) Compelling reasons unrelated to the worker's compensable condition that are genuinely beyond the worker's control. Compelling reasons are generally limited to post-injury non-work-related changes in circumstances such as an unexpected illness or injury, death in the family, or jury duty; or
- e) The WCB determines additional VR programming would help further, to the greatest extent possible, mitigate or eliminate the worker's loss of earnings from the work-related injury any remaining earnings loss.

Where compelling reasons unrelated to the worker's compensable condition genuinely beyond the worker's control are impacting the worker's ability to participate in the VR plan (in part or in whole) the WCB will make reasonable efforts to accommodate the worker's circumstances. However, it may be necessary to suspend the VR plan and associated earnings loss benefits or conclude the VR plan.

8.3 Offer of Employment during VR plan

If the worker receives an offer of suitable and reasonably available employment from their injury employer, or a different employer, during the development of, or during the VR plan, the WCB may re-examine the suitability and cost-effectiveness of the plan. The WCB may discontinue the VR plan if it is determined the employment offer provides sustainable employment that mitigates the worker's earnings loss to the same degree that completion of the VR plan was anticipated to achieve.

8.4 VR Training Program Types

A VR plan with training may include, but is not limited to, one or more of the following program types:

a) On-the-job Training

The purpose of on-the-job training programs is to provide the worker with skill development and work experience. This includes programming where the WCB pays earnings loss benefits during the program period, or programs where the WCB subsidizes the wage paid by the employer to the worker. The specific requirements of on-the-job training programs will be set out in the VR plan and a contract with the participating employer.

A short-term, job-specific orientation period provided with the injury employer or another employer, that would be provided to any employee hired into the job, is not considered to be an on-the-job training program.

b) Academic or Literacy Upgrading

The WCB may sponsor an upgrading program when VR exploration indicates that the worker was assessed as having the potential to upgrade. The VR plan must indicate that the upgrading is necessary to improve the worker's academic and workplace skills to directly re-enter the labour market, or it is a prerequisite of a formal training program.

c) Formal Re-training

The WCB may sponsor a formal re-training program where the worker is assessed as having the potential, aptitude and functional abilities (physical or psychological) to acquire skills in another job or occupation that will meet the VR goal. Formal re-training includes, but is not limited to, full-time trades training and technical or academic programs offered through recognized

training or educational institutions. The appropriate training period is flexible depending on the program.

8.5 Conclusion of VR plan

Circumstances under which the WCB may conclude a VR plan include, but are not limited to, when the worker:

- a) has completed the VR goals by completing the VR plan;
- b) fails to cooperate with the VR plan;
- c) is unable to complete the plan due to a deterioration in their work-related condition;
- d) is unable or unavailable to complete the plan because of a change in circumstances unrelated to the work-related injury;
- e) has voluntarily withdrawn from the work force (e.g., has retired);
- f) accepts employment during the VR plan; or
- g) has received extensive VR services and the provision of further services would not likely lead to achieving employability.

At the conclusion of the VR plan, the WCB will consider the worker's entitlement to further benefits and services as appropriate.

References: Workers' Compensation Act, Sections 1A, 84, 112, 113.

9. Application

This policy applies to decisions made on or after XXXX.

Policy 5.7.5

Topic: Vocational Rehabilitation - costs and expenses

Section: Return to Work

Subsection: General

Effective: XXXX Issued: XXXX

Approved by Board of Directors: XXXX

Preamble

Reasonable costs and expenses associated with vocational rehabilitation (VR) will be paid by the WCB. This policy describes the costs and expenses that may be covered.

See policy 5.7.4 *Vocational Rehabilitation - eligibility and planning*, for more information on VR.

Definitions

“employer” means an employer as defined in section 2(n) of the *Workers’ Compensation Act* (the “Act”);

“employment readiness” is a program that includes, but is not limited to, basic technology skills, resume and cover letter development, job search techniques, locating suitable employers, finding available labour market information and interview skills, and a period of time allotted for the worker to search for employment. It may be provided in a VR plan as a stand-alone service or included in a VR plan with training;

“vocational rehabilitation (VR)” is a structured, collaborative process that helps workers overcome barriers to RTW. It typically includes services and programs such as VR exploration, planning, employment readiness and job search, on-the-job training, academic or literacy upgrading, and formal re-training;

“VR exploration” is a service used to evaluate the worker’s aptitudes, academic history, work history, employment interests and current level of employability, considering the impact of the work-related injury on their functional abilities;

“VR plan” is a written document that outlines the agreement between the WCB and the worker for a WCB supported VR training program or the provision of employment readiness services. The VR plan specifies the worker’s VR goal and the steps the worker will take to achieve this goal. The VR plan is used to monitor the worker’s progress and determine the success or failure of VR;

“worker” means a worker as defined in s.2(ae) of the *Act*;

Policy Statement

1. VR exploration

The WCB will cover the costs associated with the use of tools, assessments, and evaluations as part of VR exploration. This includes, but is not limited to, functional assessments (physical and psychological), transferable skills analysis, labour market analysis, and psychoeducational testing.

References: Workers' Compensation Act, Sections 1A, 112.

2. Employment readiness

The cost of employment readiness services provided to the worker will be covered by the WCB.

References: Workers' Compensation Act, Sections 1A, 112.

3. VR training programs

The WCB will cover the education and training costs associated with VR programming that is part of a VR plan that includes training, including, but not limited to:

- a) application fees
- b) registration fees
- c) tuition
- d) textbooks
- e) course supplies or materials (i.e., tools, protective equipment, etc.)
- f) tutor assistance
- g) transcript fees

The WCB will cover the costs associated with exceptional expenses if the circumstances require, including but not limited to:

- a) Tuition late fees if due to delays at the WCB. Late fees will not be covered if due to actions on the part of the worker.
- b) Purchase of computers or laptops if the worker is enrolled in a formal training program or WCB determines that the computer or laptop will be beneficial to the VR plan.

Where educational or training programs have been interrupted, the WCB will negotiate with the institution to recover any tuition/fees for the unused portion of the program.

Additionally, the WCB may subsidize the wages an employer pays to the worker as part of the worker's participation in an on-the-job training program. The specific requirements of an on-the-job training program will be set out in the VR plan and a contract with the participating employer.

References: Workers' Compensation Act, Sections 1A, 112.

4. Modifications and assistive devices

The WCB will pay for reasonable modifications and assistive devices required as part of the VR plan, during the plan. The modifications and assistive devices must be pre-approved and a result of the worker's work-related condition.

The WCB will pay for repair and replacement costs of modifications or assistive devices that the WCB purchased for the duration of the VR plan. Costs will not be paid if the damage is attributable to misuse or is in conflict with warranty requirements and recommended operating instructions.

References: Workers' Compensation Act, Sections 1A, 112.

5. Tools and equipment

The WCB will pay for tools, equipment, or protective clothing required to participate in or complete the VR plan if:

- a) These items are a requirement of the program, and the school, program or agency does not provide these items to the worker as part of tuition or program fees; and/or
- b) The worker requires these items due to the work-related injury.

These are usually provided on a one-time-only basis, with repair and replacement considered on a case-by-case basis.

References: Workers' Compensation Act, Sections 1A, 112.

6. Worker VR travel

Worker VR travel reimbursement is based on the principle that workers should be reimbursed for travel expenses associated with participation in VR services and programs that are over and above the work travel expenses the worker incurred as part of their pre-injury employment. All worker travel expenses must be pre-approved by the WCB.

6.1 Transportation

Transportation expenses may be paid or reimbursed by the WCB where the transportation costs for a particular VR service or program exceed the worker's pre-injury transportation costs.

The WCB will pay for transportation costs on the basis of the method of transportation which represents the lowest cost and is reasonable for the worker to accept.

6.2 Meals

A worker will be reimbursed for meal costs incurred to participate in VR over and above those incurred by the worker during their pre-injury employment. Meals will be paid at the rate set out in section 6.4.

Workers receiving a living allowance are not generally eligible for a meal allowance given that meal costs are covered as part of the living allowance.

6.3 Overnight accommodation

Pre-authorized accommodation in a hotel or similar accommodation required for participation in a VR-related activity is usually direct billed to the WCB. If that is not possible, the WCB will reimburse the worker based on receipts. In cases where the worker chooses to use private overnight accommodations (e.g., stay with a family member), the WCB will reimburse the worker at the rate set out in section 6.4.

6.4 Rates

Worker reimbursement rates for mileage, meals, and private overnight accommodation are the same as those used to reimburse WCB employees for work-related travel. Rates are published on the WCB [website](#). The WCB rate in place at the time of the worker's VR-related travel is used to calculate the reimbursement amount.

References: Workers' Compensation Act, Sections 1A, 112.

7. Relocation

7.1 Temporary – monthly living allowance

The need for temporary relocation to participate in the VR plan will be considered during the development of the plan. In cases where a worker must attend a training facility as part of the VR plan, every effort is made to select one that is within daily commuting distance of their principal residence. If that is not feasible, a secondary

residence may be required on a temporary basis. The WCB and the worker will consider the most suitable, reasonable, and cost-effective secondary residence, having regard for the worker's circumstances. The WCB pays for accommodation expenses in such cases (e.g., rent, meals, basic utilities, and travel expense as appropriate) up to a maximum of \$2,000 per month while the worker is participating in the VR plan. Expenses in excess of \$2,000 per month will be considered on a case-by-case basis.

7.2 Permanent - relocation assistance

Worker requests for permanent relocation assistance will be considered if a worker secures employment outside their home area as set out in policy 3.5.2- *Definition of Reasonably Available Employment*.

References: Workers' Compensation Act, Sections 1A, 112.

8. Self-Employment

Consistent with the hierarchy of RTW objectives set out in policy 5.3.7 *Return to Work – Overview*, assistance with self-employment will only be considered after VR exploration is complete and all other VR options are deemed inappropriate. Self-employment is a challenging path, with unstable earnings and hours (e.g. on-call 24/7) that often requires knowledge in a variety of disciplines. If the worker wants to pursue self-employment and they are requesting WCB financial assistance, they should contact the WCB to discuss the types of materials (including a business plan and a feasibility study) the worker must provide to the WCB in support of such a request.

References: Workers' Compensation Act, Sections 1A, 112.

9. Application

This policy applies to decisions made on or after XXXX.

Appendix C - Consequential Amendments to Other Policies

(strikeouts are deletions, and underlines are additions)

Policy	Change	Comment
3.9.11R1- Apportionment of Benefits	<p>3. Vocational Rehabilitation</p> <p>3.1. Where the WCB determines that no proportion of a worker's permanent impairment can be attributed to a compensable injury, vocational rehabilitation services will not be offered to the worker.</p> <p>3.2. Where:</p> <p>(a) the compensable injury causes an aggravation, acceleration or activation of a pre-existing disease or disability; or</p> <p>(b) the anticipated permanent impairment is due in part to the compensable injury and in part to a non-compensable factor(s) which developed post-injury, and medical evidence indicates that a proportion of the anticipated long-term loss of earnings can be attributed to the compensable injury, vocational rehabilitation services will be provided to the worker in accordance with normal guidelines, without apportionment.</p>	PMI is no longer required to be eligible for VR.
9.6.3- Apportionment of Claims Costs Under a Rehabilitation Program	<p>1. If a worker, as a result of a compensable injury, is participating in a <u>WCB Board-sponsored Vocational Rehabilitation (VR) program (e.g. On-the-Job Training, Employer Incentive Program, work hardening, vocational assessment)</u> and suffers a new injury, the costs associated with the claim will not be charged to the <u>original injury employer, Institute institution or Service Provider</u>. Instead, the costs will be charged to an internal account, which forms part of the overall collective liability.</p> <p>2. If a worker is participating in a VR program and suffers a recurrence of an old injury, the costs are to be the responsibility of the original employer, as long it is considered to be the same claim.</p> <p>Definitions</p> <p>Original Employer The employer where the worker was working at the time of the original accident</p> <p>"injury employer" <u>is the employer the worker is working for when they experience a work-related injury.</u></p> <p>"vocational rehabilitation (VR)" <u>is a structured, collaborative process that helps workers overcome barriers to RTW. It typically includes services and programs such as VR exploration, planning, employment readiness, on-the-job training, academic or literacy upgrading, and formal re-training.</u></p>	<p>Updating to reflect language in new policies.</p> <p>Also changed "Board" to "WCB" throughout.</p>