

 Yukon Workers' Compensation Health and Safety Board	Part:	Return to Work and Rehabilitation		
	Board Approval:		Effective Date:	July 1, 2012
	Number:	RE-12	Last Revised:	
	Board Order:		Review Date:	

EMPLOYMENT READINESS

When referencing any of the return to work policies (RE-01 to RE-13), it is important to recognize the responsibilities of the employer and worker within the context of the complete return to work process. Therefore, the whole return to work model must be considered in its entirety and not only the specific guidelines under an individual policy.

GENERAL INFORMATION

In some cases, injured workers who are unable to return to their pre-injury job will benefit from targeted programming designed to assist them in re-entering the work force.

PURPOSE

This policy provides direction on the extent of Employment Readiness programming the Yukon Workers' Compensation Health and Safety Board (YWCHSB) will provide to injured workers who may be unable to return to their pre-injury job but have the potential to return to the work force.

DEFINITIONS

- 1. Case Management Team:** A team that assists the injured worker with their recovery, early and safe return to work plan and, if needed, vocational rehabilitation. The team always includes the injured worker and YWCHSB. Employers have a duty to co-operate in their injured worker's early and safe return to work and will be encouraged to use participation on the Case Management Team to facilitate that duty. The team can also include up to two representatives of the injured worker¹ (as desired by the injured worker), disability manager and the health care community. Other members may be added depending on their specific roles and responsibilities.

¹ Note that the only type of representative who may make decisions on behalf of the worker is a lawyer retained by the worker or a worker's representative with power of attorney and/or power of personal attorney.

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. When injuries do occur, it is important for workers and employers to minimize the impacts by:

- (1) When possible, keeping the worker at work in safe and productive work or
- (2) Returning the worker to safe and productive work as soon as it is functionally appropriate for the worker to do so.

Prevention of recurrences and further injuries once injured workers have returned to work is of utmost importance.

POLICY STATEMENT

YWCHSB will encourage injured workers health care providers, employers and other parties to work co-operatively as a Case Management Team and to explore all reasonable, creative and flexible solutions to design plans that will facilitate the worker staying at work, when possible, or facilitate the worker's early and safe return to work when the worker, functionally, cannot stay at work.

Employment readiness programming of up to four weeks, including loss of earnings benefits and the cost of employment readiness services, may be available to workers unable to return to their pre-injury job, but who are capable of re-entering the work force.

Vocational rehabilitation plans may be limited to a period of employment readiness where the worker is market ready and considered capable of earning pre-injury earnings because he or she has transferable skills, other qualifications, alternate work experience, or little or no residual disability following a vocational assessment. Employment readiness services may include:

1. résumé writing and preparation;
2. instruction and/or assistance on how to complete application forms;
3. job interview preparation; and
4. instruction on how to access information regarding job opportunities.

At YWCHSB's discretion, employment readiness may be followed by further programming support where the worker locates an employer willing to provide an employment opportunity requiring, for example, a period of on-the-job training. This would help to reduce or eliminate the worker's loss of earnings.

Workers who travel outside of their home community while participating in the employment readiness program may be eligible for cost reimbursement.

ROLES AND RESPONSIBILITIES

Workers are responsible for participating actively in the vocational rehabilitation process, including employment readiness programming.

YWCHSB is responsible for covering the costs of employment readiness programming under the terms of this policy and for assisting the injured worker with choices in their vocational rehabilitation plan and employment readiness programming.

For more on the responsibilities, see YWCHSB policy RE-10, "Vocational Rehabilitation".

APPLICATION

This policy applies to all injured workers in receipt of loss of earnings benefits on or after July 1, 2008, regardless of the date of injury.

This policy applies to the Board of Directors, President/CEO and staff of YWCHSB; to the Workers' Compensation Appeal Tribunal; and to employers and workers covered by the *Workers' Compensation Act* S.Y. 2008 (the *Act*).

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, YWCHSB will decide the case based on YWCHSB policy EN-02, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

APPEALS

Decisions made by YWCHSB under this policy can be appealed in writing to YWCHSB Hearing Officer in accordance with subsection 53(1) of the *Act*, or any decision made under subsection 14(2) of the *Act* may be appealed directly to the Workers' Compensation Appeal Tribunal (WCAT).

Chair

A notice of appeal must be filed within 24 months of the date of the decision by YWCHSB, in accordance with section 52 of the *Act*.

ACT REFERENCES

Sections 14, 40, 52 and 53

POLICY REFERENCES

EN-02, "Merits and Justice of the Case"

RE-10, "Vocational Rehabilitation"

HISTORY

RE-12, "Employment Readiness", effective January 1, 2010, revoked July 1, 2012

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Chair