

**Chapter: Benefits**

**Legislative authority:** section 111

*Prevention statement*

*Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.*

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## Purpose

This policy provides information on when the special expenses designed to assist a worker with the activities of daily living may be considered.

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## Definitions

**activities of daily living (ADL)** means activities or tasks that a person performs on a daily basis to maintain personal independence. A worker's ability to perform the activities of daily living is a measure of personal functionality

**activities of daily living (ADL) allowance** means a monthly sum of money paid to offset the additional costs of miscellaneous expenditures incurred for services that a worker performed on their own prior to the work-related injury (e.g. shoveling snow), but now requires assistance for as a result of their work-related

**activities of daily living (ADL) assessment** means an assessment conducted by a qualified professional, such as an occupational therapist, that establishes a worker's requirements for services and devices in order to restore the worker to their pre-injury level of activities of daily living

**activities of daily living (ADL) plan** means a plan, based on the Activities of Daily Living (ADL) Assessment, which describes the services and devices the worker will require to be restored to pre-injury levels of daily living

**activities of daily living (ADL) service providers** means Individuals or agencies contracted by the board to provide the ADL services described in this policy to workers

**board** means the Workers' Safety and Compensation Board

**case management team** means a team that assists the worker with their recovery, early and safe return to work plan and, if needed, vocational rehabilitation. The team always includes the worker and the board. Employers have a duty to co-operate in their 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 worker (chosen by the worker), case manager and the health care providers. Other members may be added depending on their specific roles and responsibilities

**health care provider** means

- a. a medical practitioner; or
- b. a health care provider recognized by the board.

**homemaker services** means services procured to carry out the performance of household tasks such as shopping, meal preparation, cleaning or other related activities of daily living that support the functions of the home

**medical practitioner** means

- a. a person who is entitled to practice medicine in Yukon pursuant to the *Medical Profession Act*; or
- b. a person entitled to practice medicine under the laws of another province.

**personal care attendant** means a person who assists the worker with the activities of daily living to support personal care in areas such as hygiene, feeding, transfer assistance, toilet functions, bathing, supervisory or nursing care, or any other related activities associated with self-care and performing activities of daily living

**respite care** means the temporary care of the worker provided by someone other than the regular personal care attendant, in order to provide a rest for the regular personal care attendant

**worker** means a person who performs work or services for an employer under a contract of service or apprenticeship, written, or oral, express or implied and as further defined in section 77 of the Act

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## Policy statement

### 1. General

The board may provide a worker with health care assistance, including services, devices or equipment that are necessary to grant relief from a work-related injury. All questions as to the necessity, character and sufficiency of any health care assistance are determined solely by the board.

In some cases, as a result of the work-related injury, a worker requires additional support to carry out the activities of daily living they performed prior to the work-related injury.

This policy is aimed at promoting and fostering continuation of the pre-injury activities of daily living by providing a worker with appropriate assistance. This includes support towards daily personal care needs, respite care, homemaker services, extra actual childcare costs and/or an assisted ADL Allowance for miscellaneous expenses.

Under this policy, authorization for ADL services for a worker will be based on the worker's specific needs that have been identified through an ADL Assessment.

### 2. Authorizing payment for ADL assistance – key provisions

#### *2.1 Eligibility for ADL assistance*

A worker's eligibility for ADL services or devices will be identified through an ADL Assessment.

The ADL Assessment will:

- a. compare the worker's pre-injury ADL functioning with the worker's functional abilities and requirements for support post-injury;
- b. consider factors such as the resources available in the worker's home environment and community;
- c. recommend the duration of ADL services and a review schedule;
- d. identify expected outcomes for the worker as a result of the ADL services and devices; and
- e. identify options for ADL services and devices, including availability and estimated costs.

Where the ADL Assessment identifies a gap between pre-injury and post-injury ADL functioning, the worker may qualify for an ADL plan as part of the worker's overall treatment plan.

### ***2.2 ADL plan***

The recommendations from the assessment will form an ADL plan, which will be incorporated into the worker's treatment plan. The ADL plan will be reviewed annually, beginning no more than six months after the initial assessment, in cases where a worker requires support beyond six months.

Changes to a worker's work-related injury medical condition, available supports or living environment may also result in a review of the ADL plan. Where a worker requires supports beyond six months, the plan will be reviewed at least annually.

A qualified assessment provider will conduct the review, which will include a review of the ADL service providers. The assessment provider will make recommendations to the board decision maker who will assess whether the worker's requirements for ADL services are being properly met and continue to be appropriate.

### ***2.3 Type of ADL services***

The types of services available through this policy include:

- a. personal care attendants;
- b. respite care;
- c. homemaker services;
- d. additional childcare costs; and
- e. assisted living ADL allowance.

### ***2.4 Personal care attendant***

The board may cover expenses for a personal care attendant to assist a worker who is not confined to an institution, but who, as a result of the work-related injury, has limited mobility or requires additional assistance in the pre-injury activities of daily living based on the ADL Assessment.

The level of personal care, as identified through an ADL Assessment, will consider factors such as:

- a. the number of care hours required;
- b. the complexity of care that a personal care attendant will need to provide and have the requisite knowledge and skill for (e.g. a personal care attendant may require a minimum level of training in order to provide more complex medical care);
- c. the worker's functional level; and
- d. the short-term and long-term care needs of the worker.

### ***2.5 Respite care***

Respite care may be arranged with a licensed facility or an individual such as a family member, friend or a community member who is designated and qualified to provide personal care attendant services to the worker in the absence of the usual personal care attendant.

The amount of respite care provided will be identified in the ADL Assessment and take into consideration:

- a. the amount of care hours being provided to the worker; and
- b. the amount of leave that a personal care attendant normally takes on an annual basis.

### ***2.6 Homemaker services***

The board may provide homemaker services to a worker where it is determined through an ADL Assessment that a worker requires assistance with household activities such as shopping, laundry, cleaning or cooking meals.

### ***2.7 Additional childcare costs***

The board may cover additional actual childcare costs where, as a result of a work-related injury, a worker incurs childcare expenses that they would not have experienced in the regular, pre-injury day-to-day care of their children, as determined by an ADL Assessment.

When this situation arises, the board may pay for these costs, depending on the circumstances and options available. Childcare needs will be identified through the ADL Assessment. Costs covered will take into consideration the number of hours required for childcare and competitive market rates.

In order to determine the pre-injury actual childcare costs, a worker will be required to submit receipts from a licensed childcare provider or a sworn affidavit from a non-licensed childcare provider verifying costs. The worker may also be requested to provide additional

evidence to confirm pre-injury childcare costs.

The board will support additional childcare costs for the worker's dependent children up to and including age 12, unless exceptional circumstances apply. The board does not reimburse for childcare normally provided by family members without compensation.

Increased expenses unrelated to the work-related injury, such as increased childcare rates, loss or change of care provider, or changes in family circumstances, are not covered.

### *2.8 Assisted living ADL allowance*

An assisted living allowance is a monthly sum of money paid to offset the additional costs of miscellaneous expenditures incurred for services that a worker performed on their own prior to the work-related injury (e.g. shovelling snow), but now requires assistance as a result of their work-related injury. It also covers the cost of other devices up to the maximum monthly allowance, as well as qualifying social or fitness activities. An assisted living allowance must be recommended as part of an ADL plan.

The ADL assisted living allowance is meant to cover miscellaneous expenditures that include, but are not limited to, the following types of services and devices:

- a. home maintenance;
- b. yard maintenance;
- c. firewood;
- d. transportation costs;
- e. communications;
- f. fitness or social activities that are therapeutic for the work-related injury; or
- g. other devices identified in the ADL Assessment as being required to support daily living.

Additional, miscellaneous expenditures identified in the ADL Assessment will be incorporated into the worker's treatment plan. All recommended miscellaneous expenditures, when combined, cannot exceed the maximum allowance amount established in Appendix A of this policy. Depending on the circumstances of the worker, such expenses may be calculated on an annual basis to determine equalized monthly amounts.

The assisted living ADL Allowance is paid directly to non-institutionalized workers who

are living in their own homes. The worker must keep receipts for all purchases from this allowance for inclusion in the review of the ADL Plan.

### 3. ADL service providers

ADL service providers include those persons who provide homemaker services, childcare services, and personal care services. The board will enter into agreements with individuals, agencies or businesses through a Service Agreement at the rates set out in Appendix A.

In securing ADL services for the worker, there are two possible sources:

- a. Agencies or individuals who offer professional services. These services are paid through a Service Agreement established with the board; or
- b. A family member, friend or community member who is designated to provide ADL services to the worker. These services are paid through a Service Agreement established with the board. To be eligible to provide ADL services, the individual will need to:
  - i. register with Canada Revenue Agency (as applicable), the board and other government agencies as appropriate; and
  - ii. take such training as required by the board to ensure that ADL services are provided in a safe and effective manner.

The board may refuse to continue support to an ADL service provider if the level of care being provided is determined by the board to be inadequate.

### 4. Indexing

The ADL Allowance established in Appendix A of this policy will be indexed annually in accordance with the indexing factor established under the Act.

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## History

HC-06 Activities of Daily Living, effective July 1, 2011, revoked July 1, 2022

APPENDIX A

RATES FOR PROVIDING ASSISTANCE IN THE ACTIVITIES OF DAILY LIVING	
NAME OF SUPPORT	AMOUNT
ADL Allowance	\$302.00/ Maximum Monthly Amount
Homemaker Services	Competitive Hourly Rates
Childcare	Competitive Market Rates
Personal Care Attendants	Competitive Market Rates for Agencies Competitive Market Rates (excluding any agency fees) for individuals