

VOCATIONAL REHABILITATION RELOCATION

Amended: January 29, 2003
Effective Date: November 1, 2002

A. BACKGROUND

On October 16, 2002, the Panel of Administrators approved amendments to the Board's policies concerning vocational rehabilitation entitlement and services.

B. EFFECTIVE DATES AND TRANSITION RULES

The policy changes are effective November 1, 2002 and apply to all decisions made on or after November 1, 2002, on claims adjudicated under the *Act* as amended by the *Workers Compensation Amendment Act, 2002*. For recurrences, please refer to Practice Directive #C1-1, *Effective Dates and Transition Rules* and Practice Directive #C14-3, *Reopenings*.

C. PURPOSE

This practice directive provides clear guidelines for determining:

- when to consider relocation,
- what action must be taken by the Board officer in Vocational Rehabilitation Services ("VRS"), and
- the factors to be taken into consideration prior to recommending relocation.

D. LAW

Section 16 of the *Act* is discretionary in nature and guides the Board in the provision of vocational rehabilitation services to injured workers.

E. POLICY

Policy item C11-88.90, *Relocation*, in Volume II of the *Rehabilitation Services and Claims Manual* ("RSCM") has been approved. The new policy delineates the factors to be considered in determining whether relocation is a reasonable expectation for a worker.

F. RELOCATION

Policy states that “*relocation is considered to be a reasonable option for a worker after all other return-to-work options have been considered*”. Consideration of relocation may follow or precede a period of job search, depending on the findings of the labour market research into the selected occupation(s).

Prior to recommending relocation the Board officer in VRS will:

- Complete an Initial Vocational Assessment and/or an Occupational Assessment
- Conduct Labour Market Research supporting the selected occupational goal(s) and identify the availability of employment, by geographic location,
- Assess the viability of job search/placement activity in the worker’s home community versus relocation as a first step, and
- Develop the vocational rehabilitation plan, including the financial implications and/or cost effectiveness.

In considering whether relocation is a reasonable option, the primary factor to be considered is mitigation of the worker’s long-term loss of earning capacity. In making a decision that employment opportunities on relocation would substantially reduce the worker’s post-injury wage loss, the Board officer must establish that:

- there are no suitable occupations within reasonable commuting distance of the worker’s home that would maximize the worker’s post-injury earning capacity; and
- there are suitable occupations that would maximize the worker’s post-injury earning capacity that are reasonably available elsewhere.

Secondary factors that may be considered in determining whether it would be reasonable for the worker to relocate include:

- the worker’s age;
- family situation; and
- their connections to the community.

Guidelines for age, family and community connections may include:

- Age – 63 or older and not intending to work past age 65.

- Family – Elderly parent with no other family members in the community to care for them.
- Community Connection – Mayor, Alderman with more than 6 months left in term of office.

Each situation will have to be evaluated on its own merits. Policy clearly differentiates between the primary and secondary factors. It also defines the need for clear, objective secondary factors that outweigh the primary factor, if the Board officer elects to forego relocation.

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