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## VOLUME II

### CHAPTER 11

## VOCATIONAL REHABILITATION SERVICES

### #85.00 INTRODUCTION

Section 16 of the *Act* is the guiding legislation of Vocational Rehabilitation Services.

The ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** is the service coordinator.

The Vocational Rehabilitation Services Advisory Council facilitates consultation with members of the community served by the Board.

### #85.10 Legislative Mandate

Section 16 of the *Act* states:

- (1) To aid in getting injured workers back to work or to assist in lessening or removing a resulting handicap, the ~~h~~**B**oard 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 ~~h~~**B**oard may make provisions and expenditures for the training or retraining of a surviving dependent spouse, regardless of the date of death.
- (3) The ~~h~~**B**oard may, where it considers it advisable, provide counselling and placement services to dependants.

### #85.50 Services Provided

The objectives of Vocational Rehabilitation Services 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 need or continued need of workers whose permanent total disability will continue past retirement age for rehabilitation and health care services and supports. Please see policy item #116.30, Retirement Services and Personal Supports.**

## **#86.00 ELIGIBILITY**

Rehabilitation assistance may be provided in cases where it appears to the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** that such assistance may be of value, and where a decision has been made that the injury, occupational disease or death is compensable. Where an adjudication decision is pending, the guidelines set forth in policy item #86.70 apply.

The majority of referrals for rehabilitation services are initiated by the ~~Claims and Disability Awards~~ **Compensation Services and Disability Awards** Departments. Workers may also be referred directly by physicians, hospitals, union representatives, employers and other agencies, or may seek assistance themselves.

The ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** determines the nature and the extent of the rehabilitation services to be provided.

### **#86.10 Referral Guidelines**

The following guidelines are used by Board officers in making referrals to the ~~Vocational Rehabilitation Consultant~~ **Services**. Internal referrals clearly identify what has been accepted under the claim and specify reasons for the referral, including new information warranting repeat referral.

#### **#86.12 General Referrals**

1. Claims where medical evidence indicates that the worker will experience difficulty in returning to the pre-injury employment. This

would include vocational concerns arising from an uncertain medical prognosis or lengthy period of convalescence.

2. Claims in which an occupational disease affects the worker's ability to return to prior employment.
  3. Claims where the pre-injury employment is no longer available because of the length of time the worker has been on compensation.
  4. Claims where a return to the pre-injury occupation with the disability would put the worker at a long-term disadvantage compared with others in that occupation.
  5. Requests made by the ~~Adjudicator~~**Board officers** in Disability Awards for employability assessments under policy items #40.10 and #40.12, commutation investigations under policy item #45.50 and ~~pension~~ **permanent disability award** reviews under policy items #40.30 and ~~#42.30~~ **46.00**.
  6. Investigations for the consideration of temporary partial disability benefits under Section 30 of the Act, as set forth in policy item #35.11.
  7. Consideration for continuity of income benefits under policy item #89.11 pending assessment of a permanent disability ~~pension~~ **award**.
  8. Consideration for Homemakers' Services under policy item #84A.00.
  9. Consideration for Personal Care Allowances under policy item #80.00.
  10. Consideration for Independence and Home Maintenance Allowances under policy item #81.00.
  11. **Consideration of a permanently totally disabled worker's need or continued need for rehabilitation and health care services and supports in the three month period prior to the receipt of a retirement benefit.**
112. Claims where recovery or re-employment is affected by:
- (a) psychological/social problems;
  - (b) emotional problems;

- (c) financial stress;
- (d) substance abuse;
- (e) vision/hearing problems.

## **#86.80 Appeals**

Appeals arising from decisions of ~~Vocational Rehabilitation Consultant~~ **Board officers in Vocational Rehabilitation Services** are made to the Review Board as set forth in policy item #102.26.

## **#87.00 REHABILITATION PROCESS**

The vocational rehabilitation process addresses the individual needs and circumstances of each worker. Ongoing medical opinion and a variety of Board and community resources assist the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** and the worker in developing a rehabilitation plan. The principles regarding medical opinion set forth in policy item #97.30 apply equally to the rehabilitation process.

### **#87.10 Consultative Process**

The ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** functions as a catalyst, coordinator, initiator and expeditor of all the disciplines involved in helping a worker to overcome the effects of a compensable injury/occupational disease. This demands a team approach which involves the injured worker, other Board officers, medical practitioners, employers, union representatives, other agencies and members of the worker's family.

The rehabilitation process emphasizes ongoing consultation with the worker, the employer and, where applicable, the union, in order to maximize and maintain all opportunities for suitable re-employment.

The consultative process is guided by the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** in response to the worker's determination for vocational success.

While it is up to the ~~Consultant~~ **Board officer** to assess workers' needs and appropriate levels of rehabilitation assistance, it is ultimately the responsibility of workers to decide their own vocational future.

In order to carry out the disclosure of information necessary to administer this consultative process, a consent from the worker will normally be requested in advance.

## **#87.20 Operational Process**

The rehabilitation process involves five sequential phases of vocational exploration. The ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** expedites this process in accordance with the principles and service objectives set forth in policy items #85.30 and #85.40 respectively.

### **PHASE I**

#### **Principle:**

All efforts will be made to help the worker return to the same job with the same employer.

#### **Rationale:**

The worker returns to a known environment, maintains seniority and company benefits and, where applicable, remains in the same union. The employer benefits by virtue of retaining a trained and experienced employee.

#### **Method:**

Programs of physical conditioning, work assessment, refresher training or skill upgrading may be appropriate.

### **PHASE II**

#### **Principle:**

Where the worker cannot return to the same job, the employer will be encouraged to accommodate job modification or alternate in-service placement.

#### **Rationale:**

As in Phase I, the worker and the employer mutually benefit from the continuation of the employment relationship.

#### **Method:**

Programs relevant to Phase I may be appropriate. In addition, work site/job modification and/or supplementary skill development involving training-on-the-job and/or formal training may be required.

### **PHASE III**

#### **Principle:**

Where the employer is unable to accommodate the worker in any capacity, vocational exploration will progress to suitable occupational options in the same or in a related industrial sector, capitalizing on the worker's directly transferable skills.

#### **Rationale:**

The worker returns to a known or related industry which best utilizes existing skills to optimize occupational potential. This may also allow the worker to retain union status where applicable.

#### **Method:**

The programs relevant to the preceding phases may be applicable. In addition, job search assistance may be indicated.

### **PHASE IV**

#### **Principle:**

Where the worker is unable to return to alternate employment in the same or related industry, vocational exploration will progress to suitable occupational opportunities in all industries, recognizing the worker's inventory of transferable skills, aptitudes and interests.

#### **Rationale:**

The worker returns to suitable employment in a different industry which best utilizes existing skills to optimize occupational potential.

#### **Method:**

All programs relevant to the preceding phases may apply.

### **PHASE V**

#### **Principle:**

Where existing skills are insufficient to restore the worker to suitable employment, the development of new occupational skills will be considered.

**Rationale:**

The worker is equipped with new marketable skills with a view to optimizing occupational potential.

**Method:**

Training programs will be considered for the development of new occupational skills. Programs relevant to the preceding phases may apply to help the worker secure employment once trained.

**#88.00 PROGRAMS AND SERVICES**

The programs and services offered by the Board in support of vocational rehabilitation can be implemented individually or in combination as part of an overall rehabilitation plan. The nature and extent of program sponsorship is decided in accordance with the principles set forth in policy item #88.51.

The vocational plan is agreed to and summarized in a letter of understanding which is normally signed by the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services**, the worker, and where appropriate the employer, to acknowledge the commitments and expectations of all parties.

Wage-loss equivalency benefits provided by Vocational Rehabilitation Services are payable only when wage-loss benefits have concluded and follow the same rules with regard to the deduction of **permanent disability awards** ~~pensions~~. (See policy items #69.10 to #70.30.) These benefits may apply while workers are either awaiting or undertaking specific vocational programs.

Transportation and subsistence allowances ~~and accommodation at the Board's Rehabilitation Residence~~, as discussed in policy items #82.00 to ~~#84.00~~ **83.20**, 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.

**#88.31 Guidelines**

1. Job search assistance would normally be introduced at Phase III of the rehabilitation process (see policy item #87.20) 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;
  - (c) marketing to prospective employers;
  - (d) financial assistance.
2. Eligibility for job search assistance and its continuance is conditional upon the active cooperation of the worker with the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services**. Workers may be required to provide proof that they are earnestly seeking employment, or awaiting a definite job opportunity.

## #88.42 *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 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 ~~pensions~~ **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 which 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.

## **#88.51**      *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 under policy item #86.30.

- (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 ~~pension~~ **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 which 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 ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational**

**Rehabilitation Services**, it appears that there is a two-year technical training 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 four-year university program.

The Board should not deny the rehabilitation assistance that would have been provided if the worker had chosen the two-year technical 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 which 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 ~~S~~section 16(1). If the worker wished to meet the cost of the program by a commutation of a ~~pension~~ **permanent disability award**, that is something the Board might consider under policy item #45.44.

## #88.52 *Guidelines*

1. Formal training may be considered at any phase of the vocational rehabilitation process.
2. Formal training programs are normally undertaken for the purpose of improving a worker's long-term employment and earnings potential.
3. 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.
4. 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 ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** determines the feasibility of the program(s) under consideration and decides whether to recommend sponsorship.
5. 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.

## #88.53 *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 under policy items #82.00 to ~~#84.00~~ **83.20**.

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. The installments will be subject to cost-of-living adjustments using the formula provided in section 25 of the *Act*.

### **#88.54**      *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 (see policy item #115.30). In addition, until September 27, 2002, the employer’s sector or rate group may be eligible for relief under section 39(1)(e) (see policy item #114.40A) where the disability lasts more than 13 weeks. Effective September 28, 2002, **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) (see policy item #114.40B) where the disability lasts more than 10 weeks.

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

## **#89.00 EMPLOYABILITY ASSESSMENTS**

One of the major functions of the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** is to assist in the assessment of employability for permanent disability and for temporary partial disability under sections 23(3) and 30(1) of the *Act*.

### **#89.10 Permanent Partial Disability**

~~The Board applies a dual system in assessing permanent partial disability pensions. One of the systems involves a projected loss of earnings method. In exceptional cases, a worker's entitlement to a permanent partial disability award may be assessed under the method set out in section 23(3) of the Act.~~ This method is governed by the principles set forth in #40.00 policy items #40.00 to #40.14 and requires an employability assessment.

~~Requests for employability assessments are made by the Adjudicator Board officer in Disability Awards in those cases where a worker is being assessed for a permanent partial disability award under section 23(3). it is felt that because of a compensable disability the worker may sustain a loss of earnings which is greater than that compensated for by the physical impairment method of pension assessment. (See #39.00.)~~

The evidence of the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** should relate to occupations that are suitable and reasonably available to the worker over the long-term future. The conclusion of the ~~Adjudicator~~ **Board officer** should be concerned with those occupations which will maximize the worker's long-term earnings potential. The occupations that are recommended as being suitable for the worker in calculating a loss-of-earnings ~~pension~~ **award** need not be available at the time the recommendation is prepared, but should be reasonably available to the worker in the long run. The guidelines for determining suitable and reasonably available occupations are set forth in policy item #40.12. Future **employment occupation** and earning potential is assessed in light of all possible rehabilitation measures under policy item #87.00 that may be of assistance and appropriate to the circumstances of each worker.

### 89.11 *Continuity of Income Pending Assessment of Permanent Disability Award Pension*

The Board may pay a rehabilitation allowance to assist workers who are not actively engaged in the rehabilitation process but who are awaiting assessment of their ~~disability pension~~ **permanent disability award**. This allowance will be considered for workers

- whose disability has stabilized,
- ~~who are unemployed or, effective July 16, 1998, employed at a reduced income level due to their compensable disability,~~
- who are not entitled to temporary wage-loss benefits,
- who are not receiving other wage-loss equivalency benefits from the Board, and
- who are likely to receive ~~either a significant permanent partial disability pension award based upon the Permanent Disability Evaluation Schedule or a pension~~ **a permanent partial disability award** calculated on the worker's potential loss of earnings under section 23(3).

In view of their obvious need, these cases will be given priority handling in the assessment of their ~~pension~~ **permanent disability award** entitlement. Consideration will be given to the payment of a rehabilitation allowance between the end of wage-loss or other wage replacement payments and the commencement of the permanent disability ~~pension~~ **award**. These income continuity payments will be considered by the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** following discussions with the ~~other Case Manager and other~~ appropriate Board officers.

Prior to implementing an income continuity payment, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** must have considered and offered to the worker all rehabilitation measures which are reasonable and might be of assistance to the worker.

### 89.12 *Amount of payment*

~~Effective September 1, 1996,~~ Continuity of income payments will be based initially on the same rate as the wage-loss benefit rate and will continue at that level until the ~~pension~~ **permanent disability award** is ~~awarded~~ **granted**, except in any of the following circumstances:

1. The worker has retired.

2. The worker is experiencing non-compensable medical, psycho-social or financial problems which preclude active participation in the rehabilitation process.
3. The worker refuses to actively participate in the rehabilitation process.

In the above circumstances, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** will complete the employability assessment ~~required under the Board's dual system for assessing permanent disability pensions~~, and will provide a copy of that assessment to the worker. Thirty (30) days after the worker has been provided with a copy of the employability assessment, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** will adjust the income continuity rate to the rate which best reflects the conclusions contained in the employability assessment regarding the worker's projected long-term earning capacity. However, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** will not adjust the rate at this point if, during the 30-day period based on new evidence, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** decides the employability assessment requires revision.

As part of the completion of the employability assessment and prior to adjusting the income continuity rate, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** must investigate the worker's circumstances and must consider the impact of the compensable disability on the worker's decision to retire or not to participate in the rehabilitation process.

In all cases where the income continuity rate is adjusted as provided for above, the ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** will have regard to the guidelines set out in policy item #40.12 in determining the appropriate rate.

### **89.13 Pension Permanent Disability Award Reassessments**

~~Effective July 16, 1998,~~ **C**ontinuity of income payments will also be considered for workers who are already receiving a permanent disability ~~pension~~ **award** on the claim, where the Board is reviewing that ~~pension~~ **award** and it is likely that the worker will receive either a significant increase in the existing ~~pension~~ **award** or a ~~pension~~ **an award** now calculated on the worker's potential loss of earnings under section 23(3). As well, there must be evidence of a deterioration in the worker's medical condition which is likely to be permanent, and the worker must be experiencing a reduction in income during the review period which is related to the reasons for the ~~pension~~ **permanent disability award** review. Benefit levels will be established in accordance with the guidelines set out in policy items #89.11 and #89.12.

## **#89.20 Temporary Partial Disability**

Where a worker is medically judged to be only partially disabled and the condition remains temporary, any further wage-loss payments may be processed under section 30 of the *Act*. In such cases the claim is referred immediately to a ~~Vocational Rehabilitation Consultant~~ **Board officer in Vocational Rehabilitation Services** for assessment in accordance with the guidelines set forth in policy items #35.20 and #35.21.

~~The wording of the Act makes a distinction between Sections 30 and 23(3) in determining what jobs are available to a worker. Section 30, in reference to short term temporary disability, uses the words "in some suitable employment", whereas Section 23(3), in reference to permanent disability, states "in some suitable occupation". The word "employment" has a connotation of immediacy while "occupation" suggests a long term concept. Therefore, in~~ **In** determining section 30 benefits, the employment opportunity or opportunities should be available immediately or within the period under review (two weeks, one month) and there should be some certainty that workers would have these opportunities open to them should they choose to apply.

Where the ~~Vocational Rehabilitation Consultant~~ **Board officer** and the worker are engaged in carrying out a rehabilitation plan, and all parties are cooperating in good faith, the ~~Consultant~~ **Board officer** is not required to recommend that temporary partial disability benefits be based on short-term, temporary or lesser paying jobs that the worker could do, but which would be incompatible with the demands and commitment required to meet the overall vocational objective.

## **#90.00 SPINAL CORD AND OTHER SEVERE INJURIES**

The rehabilitation program for workers with spinal cord, and other injuries of similar severity, has the same objective as any other rehabilitation program, namely to assist the worker in achieving physical, psychological, economic, social and vocational rehabilitation. Because of the severity of these disabilities, greater assistance is required than for most other disabilities.

The assistance provided by the Board may include vehicle modifications, house renovations, Personal Care Allowances, Independence and Home Maintenance Allowances and Homemakers' Services. (See Chapter 10.) Service requirements are assessed and recommended by the ~~Vocational Rehabilitation Consultant~~ **Board officer**.

In cases where quadriplegics or paraplegics with upper limb involvement are faced with additional expenses to purchase special vehicles for transportation, the Board may approve a lump-sum payment on a "one time only" basis according to the needs of the individual.

## #91.12 *Guidelines*

1. Before agreeing to sponsor a specific training program, the ~~Vocational Rehabilitation Consultant~~ **Board officer** should determine that the spouse meets the entry requirements for the training program and has a reasonable prospect of completing the program successfully.
2. Assistance under section 16(2) of the *Act* is not limited to any particular kind of training, except that, to be consistent with the general policy and objectives of the *Act*, the program should be one which helps to improve the earning capacity of the spouse. Thus, in one case, it may be a vocational training program for a particular occupation; in another case, it may be a training course designed to improve the effectiveness of the spouse in the labour market generally.
3. With regard to a university or higher educational program, the Board may include this for support under section 16(2) where it appears to be needed to overcome the effect of the worker's death; but this would not involve support of a university program on an indefinite basis. Normally, the support would not extend further than one educational level beyond the qualifications that the spouse has when the matter is considered.
4. For assistance to be rendered, it is not necessary that there should be any application. Assistance under section 16(2) may result from an application by the surviving spouse, or it may result from an initiative and proposal by the ~~Rehabilitation Consultant~~ **Board officer**, or others concerned with the claim, with which the surviving spouse may agree.
5. 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.

## #91.13 *Expenditures*

Sponsorship of formal training programs under section 16(2) of the *Act* will normally include payment of:

1. Tuition fees and necessary books, materials or equipment.
2. Travel and subsistence expenses and homemaker allowances, including child care, where appropriate under policy items #82.00 to #83.20, and #84A.00.

3. An additional living allowance may be paid as follows:
- (a) A surviving dependent spouse who is eligible for a capital sum under policy item #55.32 should not be expected to use that sum for maintenance while undertaking a program of training needed as a result of the worker's death. Similarly, the spouse should not be expected to draw on savings or other capital sums.
  - (b) The dependent spouse should be expected to use funds provided through a monthly Board pension, Canada Pension Plan benefits, allowances from the Canada Employment and Immigration Commission, etc. to meet ordinary living expenses while completing a training program. If the spouse's income from such sources falls below the minimum weekly level determined by the Board, the ~~Vocational Rehabilitation Consultant~~ **Board officer** will normally authorize the payment of a training allowance sufficient to raise the spouse's income to the minimum. The allowance is payable to the spouse during the period required to complete the training program.
  - (c) The minimum is equal to the weekly equivalent of 60% of ~~75~~**90**% of the minimum average earnings prescribed by section 17(3)(c) for calculating pensions payable to spouses of deceased workers. This formula is essentially the same as is set out in section 17(3)(c) for calculating the total pension (including Canada Pension benefits) payable to an invalid spouse or spouse over 50 without children (see policy items #55.26 and #55.31).
  - (d) Whether or not a spouse's income falls below the minimum, the ~~Vocational Rehabilitation Consultant~~ **Board officer** may supplement the income of the spouse when the actual expenses incurred during the course of the program exceed what is covered by the above items.