

LABOUR MARKET RE-ENTRY

What Is Labour Market Re-entry (LMR)?

If your early and safe return to work activities fail (see OWA Fact Sheet 10 called “Early and Safe Return to Work”) and you are still suffering from a work-related impairment, the Workplace Safety and Insurance Board (WSIB) may provide you with services to help you find other work. Their purpose is to ensure you have the skills, knowledge, and abilities to return to the type of work you are able to do and is available, while at the same time coming as close as possible to restoring your pre-injury earnings. This process is called labour market re-entry (LMR).

The spouse or same-sex partner of a deceased worker may also ask for LMR services.

LMR always includes a labour market re-entry assessment and may also include a labour market re-entry plan.

What Is an LMR Assessment?

An LMR assessment tests your skills, abilities, and aptitudes. WSIB usually selects an outside service provider to perform the assessment. As part of the LMR assessment, you may have to do tests to complete the information in your claim file. The assessment may test your aptitudes, your skills, and whether certain jobs are suitable for you, taking into consideration your physical abilities.

The goal of an LMR assessment is to identify a suitable employment or business (SEB) for you.

Your SEB is a type of job that WSIB believes is safe, suited to your skills, within your physical abilities, and which reduces or eliminates any loss of earnings resulting from your injury. As of July 1, 2007, the SEB must also be available. In deciding whether a SEB is available, WSIB considers labour market conditions in your local labour market. Your local labour market is not only limited to your particular city or town, but may also include any surrounding areas to which you might reasonably commute.

Your LMR assessment may also indicate whether you need an LMR plan and, if so, the service provider will recommend a plan to WSIB.

When Are You Entitled to an LMR Assessment?

You are entitled to an LMR assessment if:

- it is unlikely that your employer will re-employ you because of the nature of your injury,
- your employer has been unable to arrange suitable work for you,
- your employer will not co-operate in your early and safe return to work.

What is an LMR Plan?

An LMR plan is a written plan that should provide you with the skills, knowledge, and abilities to re-enter the labour market in the SEB chosen for you. It must be consistent with your physical abilities and reduce / eliminate any loss of earnings resulting from your injury.

The service provider develops the plan with your help, the assistance of your employer if appropriate, and your doctor (or other health care professional), if required. You should try to play an active and ongoing role in developing your plan as much as possible.

You may want to seek help from a qualified representative before you agree to a plan, or even before you discuss it with WSIB.

Your LMR plan must include all of the steps necessary to enable you to re-enter the labour market in your SEB. It must include the names of all the training agencies or institutions, the details of the programs, and the cost estimates for all activities.

Examples of programs your LMR plan may include are:

- English as a second language
- academic upgrading
- skills training in school or on the job

- formal or academic training
- creative job search techniques

Your LMR plan may also include changes to the job or assistive devices necessary for you to perform your SEB.

When Are You Entitled to an LMR Plan?

WSIB will provide you with an LMR plan if it decides that a plan is the best way to get you back to work. WSIB will make this decision by considering your skills, whether your SEB will reduce or eliminate loss of earnings, and the likelihood of success. In doing this, WSIB will compare several possible plans. If a plan is not provided, WSIB will also compare the estimated cost of a proposed plan to the estimated cost of future benefits. If a plan is not provided, WSIB will also compare the estimated cost of a proposed plan to the estimated cost of future benefits.

How Does LMR Affect Your Benefits?

As long as you co-operate, you are entitled to loss of earnings (LOE) benefits during the LMR process. See OWA Fact Sheet 9(a) called "Loss of Earnings Benefits". If you do not co-operate in any aspect of LMR, WSIB may **reduce** or **take away** your benefits. See OWA Fact Sheet 6 called "Duty to Co-operate".

Your LOE benefits are based on different earnings, depending on where you are in the LMR process. While you are taking part in an LMR assessment you will receive full LOE benefits. If you are taking part in an LMR plan, you will receive full LOE benefits until you have completed the plan.

If you have completed your LMR plan or if you were found not to need one, your LOE benefits will be based on the difference between your earnings before the injury and the average wage in your SEB. If you have existing skills, your LOE benefits will be based on the average mid-range wage in your SEB. If you must learn new skills, your LOE benefits will be based on the average entry-level wage in your SEB. This change in your LOE benefits happens regardless of whether you find work in your SEB or no work at all. For LOE benefits determined on or after July 1, 2007 if you are working in the SEB and WSIB does not consider you to be underemployed, your LOE will be based upon your actual earnings. WSIB will consider you underemployed if you are not using your full abilities, skills and training in your job. For example, if you could work full time hours, but choose to work only part time.

Since future benefits are based on your SEB, it is very important for you to ensure that the SEB chosen for you is a job you can really do. It is equally important that you receive an LMR plan that adequately prepares you to gain suitable work.

WSIB will pay the necessary and appropriate expenses related to your LMR assessment or plan. This includes tuition, textbooks and travel expenses. An estimate of these costs should be provided as part of the plan.

Can You Appeal a WSIB Decision on LMR?

Yes, but you must object in writing within **30 days** of the date of the decision. If you miss the **30 day deadline** you could ask WSIB for an extension. See OWA Fact Sheet 27 called "Extensions of Time Limits at WSIB".

IMPORTANT INFORMATION

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called "Appealing to WSIB" and "Appealing to WSIAT".

This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

Cette feuille-info est aussi disponible en français

