



Workplace Safety & Insurance Board

Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

VIA REGULAR MAIL

June 19, 2013

Industrial Accident Victims Group of Ontario
489 College Street, Suite 203
Toronto, ON
M6G 1A5

Attention: Maryth Yachnin

Head Office:
200 Front Street West
Privacy Office, 21st Floor
Toronto, Ontario
Canada M5V 3J1

Siège social :
200, rue Front Ouest
Bureau de la protection de la vie privée,
21ème étage
Toronto, Ontario M5V 3J1

Ashleigh Burnet,
FOI Access Specialist
(416) 344-4771 (416) 344-5560
Email / Courriel: ashleigh_burnet@wsib.on.ca
TTY/ATS : 1-800-387-0050
1-800-387-0750 (ext. 4771)
www.wsib.on.ca

Dear Ms. Yachnin:

RE: FIPPA Access Request #13-061

I am responding to the access request under the Freedom of Information and Protection of Privacy Act (FIPPA), dated May 27, 2013, for:

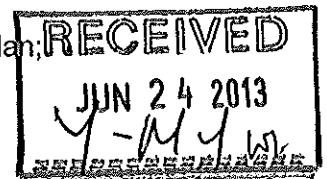
- 1. Any internal policies, templates, checklists, memos, emails, minutes, training documents or other paper or electronic documents that discuss OPM Policy Document 18-03-04 ("LOE Benefits for Workers 55 Years of Age or Older") and in particular the "WT plan - option for workers 55 and older" provision appearing in OPM Document 18-03-04;
2. For every year since 2011, the number of cases in which workers over age 55 have elected the 12 month Transition Plan focused on self-directed work reintegration;
3. For every year since 2011, the number of cases in which workers over age 55 have elected not to choose the 12 month Transition Plan but instead elected to participate in the WT plan; and
4. The average and median age of workers over age 55 who have elected the 12 month Transition Plan and the average and median age of workers who have instead elected to participate in the WT plan.

My response follows the order of your request.

Item 1:

Please find enclosed herein all records pertaining to the Self-Directed Transition Plan, including:

- PowerPoint training presentation (the last three (3) slides reference the Self-Directed Transition Plan);
• Self-directed criteria desktop tool;
• Self-directed transition option protocol document;
• 12 month self-directed transition plan agreement;
• Case Manager letter to worker re: Self-Directed Transition Plan and lock-in;
• Work Transition Specialist letter re: Self-Directed Transition Plan;
• Case Manager letter re: closure/completion of Self-Directed Transition Plan;
• Older workers reference guide;
• Older worker irrevocable no review option form;
• Older workers position cases; and
• Older worker script for Case Managers and Work Transition Specialists.



Item 2:

In 2011 - there were 105 claims in which the worker chose the Self-Directed Transition Plan

Appeal to IPC
30 day r
m- 10/13

In 2012 - there were 59 claims in which the worker chose the Self-Directed Transition Plan

Item 3:

This information is not available, as it is not tracked in any of our systems.

Item 4:

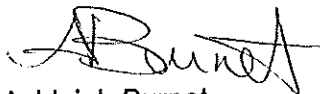
Please see the attached "Average and Median Age of Workers with Older Worker Option Selected"

I am responsible for the decision. Under section 50(2) of FIPPA, you may ask for a review of this decision within thirty days of receiving this letter by writing to: Registrar, Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, ON M4W 1A8.

If you decide to request a review of this decision, please provide the Commissioner's office with a copy of this decision letter and your request. You should be aware that there is a \$25.00 appeal fee that should be in the form of either a cheque or a money order made payable to the Minister of Finance. Any questions about the appeal or the fee should be directed to the Information and Privacy Commissioner at (416) 326-3333.

Please feel free to contact me if you have any further questions.

Yours truly,



Ashleigh Burnet



Work Reintegration New Hire Program

Module 2 – Day 14
Friday 14th December 2012

Agenda



- **POLICY REVIEW**
- **LOE**
- **NON-WORK-RELATED CHANGE IN CIRCUMSTANCES**
- **OLDER WORKER OPTION**



Policy Review

Using the assigned policy, answer the following:

1. What is the intent and highlights of the policy?
2. How is the policy relevant to your role as a WTS?
3. Flipchart responses to share with the group
4. 20 minutes

Policy Review Part B

Using the assigned policy, and your partner:

1. Prepare and review the policy to the extent that you can explain it to your worker.
2. 20 minutes.

15-06-08 activity

Adjusting Benefits Due to Post-accident, Non work related Change in Circumstances

Assumption: The worker is halfway through his/her WT Plan.

In your table groups review the 4 scenarios and answer the following questions for each:

- A. What factors do you need to take into consideration?
- B. As a WTS, what are your next steps?
- C. How might LOE benefits be impacted?

20 minutes

wsib
cspaat
ONTARIO

Workplace Safety and Insurance Board | Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

5

WT Plan

Option for workers 55 or Older

A worker who is 55 years of age or older when the WSIB determines he/she is entitled to LOE benefits, and who requires an extensive WT plan consisting of vocational skills training to achieve employment in a SO has two options:

- participating in a WT plan aimed at achieving the SO, or
- choosing a 12 month Transition Plan (TP) focused on self directed WR to achieve the SO.

wsib
cspaat
ONTARIO

Workplace Safety and Insurance Board | Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

6

WT Plan Option for workers 55 or Older

Do not offer the Older Worker Option unless you are sure:

- The worker is 55 when WSIB determines entitlement to LOE
- There is no possibility of work with the employer
- Direct to Placement with or without TOJ is not an option
- A WT plan requiring skills training has been developed with the worker and agreed to
- The decision to offer or agree to a LMR/WT program was on or after December 1, 2010.

WT Plan Option for workers 55 or Older

If the worker chooses the 12 month Transition Plan (TP) focused on self directed WR:

- full LOE benefits will continue for a twelve month period
- Upon completion of the self directed TP, LOE benefits will be based on the identified SO
- It is in conjunction with an **irrevocable** no review option payable to age 65 (*if there is a significant deterioration, the worker may get healthcare benefits and NEL re-determination but no change to LOE rate*)

Self-Directed Transition Option for Older Workers

Eligibility Criteria

The following conditions must be met before the Work Transition Specialist (WTS) can consider the *Older Worker Option*.

- 1) The worker has a likely or evident work related permanent impairment that precludes their ability from doing the pre-injury job and they have achieved Maximum Medical Recovery (MMR),
- 2) the worker must be **55 years or older** when WSIB determines entitlement to LOE,
- 3) the pre-injury employer is unable to provide suitable work,
- 4) the worker is not a "direct to placement" case – he/she requires vocational skills training to achieve employment in a suitable occupation (SO) with a new employer.

A holistic view of the worker is required when considering eligibility for the *Older Worker Option*. If a worker is not a "direct to placement" and requires training to achieve the SO, although the worker may be willing to participate in the training, consideration can be given to the *Older Worker Option*.

If the worker meets the criteria detailed above, the WTS will collaborate with the worker to identify a SO as they would with any other worker in a WT assessment process. As part of this process, the WTS helps the worker to assess any obstacles to work reintegration, and whether a WT plan would reasonably increase the worker's prospects for employment in a SO.

The *Older Worker Option* is not meant to be an alternative option when a worker is claiming to be unable to participate in a WT plan, claiming to be unemployable or, is being uncooperative.

Self-Directed Transition Option for Older Workers

Additional Key Highlights

- Discussions with the CM and WT Manager are required to determine if this is an appropriate option for the worker. This may depend on worker's injury / illness and whether a deterioration is anticipated.
- The WT Manager discusses the Older Worker Option with their WT AD / Director for approval to proceed.
- In cases where a NEL award has not yet been granted, the Case Manager must confirm that the PI diagnosis is work related and contact the NEL Clinical Specialist assigned to the sector to discuss proceeding with a priority NEL rating.
- The Case Manager must be present during the meeting when the 12 month Self-Directed Plan Agreement is signed to explain the commitment to the irrevocable no review option, how benefits will be paid, material change reporting during the 12 months and, benefits at the completion of the 12 month Self-directed plan.
- When the worker chooses the 12 month Self-Directed Transition plan he/she is also directing the WSIB not to review LOE payments after the completion of the 12 month Self-Directed Transition plan.
- Material changes in the worker's circumstances must be reported during the 12 month Self-Directed Transition plan to the CM. However, benefits will only be adjusted at the completion of the 12 month period prior to the lock-in of benefits to age 65.
- Full LOE benefits continue during the 12 month Self-directed plan regardless of whether the worker is successful in obtaining a job or not.
- When the worker chooses the 12 month Self-Directed Transition plan he/she understands that this is their one opportunity to a plan. The 12 month Self-Directed Transition plan is an alternative to a WT plan. There will not be the option to request a WT plan at a later date.
- The decision is **irrevocable**. LOE benefits cannot be adjusted once locked-in even if there is a significant deterioration in the worker's work related condition.
- Should the worker experience a recurrence of his/her condition during the 12 month Self-directed plan, LOE benefits remain unchanged during the 12 months. The CM will review for entitlement to health care benefits. If there is a permanent worsening of the work injury and the SO initially identified is no longer suitable, the CM will use the information on file and together with the worker and in consultation with the WTS identify an alternate SO. The benefits will be locked-in using the wages of the new identified SO.
- Should the worker experience a recurrence or worsening of his/her condition after the LOE benefits have been locked-in under the "no review option", the worker may be entitled to further health care benefits and may qualify for a NEL redetermination. However, the LOE benefits cannot be adjusted nor would further WT services be considered.
- The 12 Month Self-directed Plan Agreement has been updated to reflect the above approach.

Self-Directed Transition Option for Older Workers

June 2012

This document describes the protocol for implementing and managing Self Directed Transition Plans for workers 55 years of age and older.

For dissemination and implementation – internal use only.

Introduction

The WSIB is committed to delivering services that really matter recognizing that reintegration into the workforce is the best outcome for all parties. This is, without exception, the goal we have for all injured workers including those classified as "older workers", age 55+.

The Ontario Human Rights Commission, *Policy on discrimination against older people because of age*, states that, "Older workers are often unfairly perceived as less productive, less committed to their jobs, not dynamic or innovative, unreceptive to change, unable to be trained or costly to the organization due to health problems and higher salaries. These ideas about older workers are simply myths that are not borne out by evidence. In fact, there is significant evidence that older workers are highly-productive, offering considerable on-the-job experience¹, ...and that they...

- do as well or better than younger workers on creativity, flexibility, information processing, accident rates, absenteeism and turnover²,
- can learn as well as younger workers with appropriate training methods and environments³,
- do not fear change but rather fear discrimination⁴. "

An older worker who has experienced a work injury may experience additional challenges for returning to work.

The WSIB's goals, responsibilities and principles apply to all injured workers regardless of age or any other potential grounds for discrimination. The Work Reintegration principles are the foundation that guides us to achieve our goal of reintegrating workers into decent, safe and sustainable employment. *Please note Appendix.*

Wherever possible, we will work to maintain the working relationship between the worker and the injury employer. This is especially important with older workers who may have a long history with the injury employer. When return to work with the injury employer is not possible, we must also respect the worker's choice. In the case of the older worker, policy 19-03-05 offers an additional option for the worker to choose a 12 month self-directed Transition Plan (TP).

This document describes the protocol for applying the policy and managing the transition options for older workers and includes eligibility criteria, guidelines and associated tools (forms and letters).

The Work Transition Specialist is best positioned to consider the Older Worker Option, given their knowledge of the individual worker and their workplace.

¹ TD Economics, *Canada's Talent Deficit* (September 6, 2001), online: TD Bank Financial Group homepage < www.td.com/economics/index.html>.

² N.C. Agarwal, *Mandatory Retirement and the Canadian Human Rights Act* (Prepared for the Canadian Human Rights Act Review Panel, October 1999) as cited in *Time for Action*, *supra*, note 7 at 39.

³ *Ibid.* See also S. Imel, *Older Workers: Myths and Realities* (Eric Clearinghouse on Adult, Career and Vocational Education, 1999), online: Eric Clearinghouse on Adult, Career and Vocational Education, Ohio State University homepage < ericacve.org>.

⁴ *Older Workers: Myths and Realities, ibid*

Eligibility Criteria

The following conditions must be met before the Work Transition Specialist (WTS) can consider the *Older Worker Option*.

- 1) The worker has a likely or evident work related permanent impairment⁵ that precludes their ability from doing the pre-injury job and they have achieved Maximum Medical Recovery (MMR),
- 2) the worker must be **55 years or older** when WSIB determines entitlement to LOE,
- 3) the pre-injury employer is unable to provide suitable work,
- 4) the worker is not a "direct to placement" case – he/she requires vocational skills training to achieve employment in a suitable occupation (SO) with a new employer.

A holistic view of the worker is required when considering eligibility for the *Older Worker Option*. If a worker is not a "direct to placement" and requires training to achieve the SO, although the worker may be willing to participate in the training, consideration can be given to the *Older Worker Option*.

If the worker meets the criteria detailed above, the WTS will collaborate with the worker to identify a SO as they would with any other worker in a WT assessment process. As part of this process, the WTS helps the worker to assess any obstacles to work reintegration, and whether a WT plan would reasonably increase the worker's prospects for employment in a SO.

The *Older Worker Option* is not meant to be an alternative option when a worker is claiming to be unable to participate in a WT plan, claiming to be unemployable or, is being uncooperative.

Positioning Cases for the Older Worker Option

It is important to remember that the "older worker" has the right to the same services as all other workers entering the WT process. This means that before introducing the *Older Worker Option* the following activities must take place:

- potential for returning to the injury employer is fully explored without and / or with retraining
- the worker is provided a full WT assessment which may include Service Provider assessments as part of the process
- the WTS and the worker explore the worker's need for training including, the type of training and, length of time required to achieve the required skills

⁵ Prior to considering the Older Worker Option, the CM must confirm with the Permanent Impairment program (NEL) that the worker will have a rateable impairment.

Self-Directed Transition Option for Older Workers

When all of these steps have been taken, the WTS discusses the WT plan options available. The options may be:

- Participate in a WT plan aimed at achieving the SO identified through the WT assessment.
- Choose a 12 month Self-Directed Transition plan. (*Older Worker Option*)

The WTS provides the worker with details of the *Older Worker Option* to ensure the following understanding:

- Full LOE benefits continue for 12 months during the Self-Directed Transition plan.
- When the worker chooses the 12 month Self-Directed Transition plan he/she is also directing the WSIB not to review LOE payments after the completion of the 12 month Self-Directed Transition plan.
- When the worker chooses the 12 month Self-Direct Transition plan he/she understands that this is their one opportunity to a plan. The 12 month Self-Directed Transition plan is an alternative to a WT plan. There will not be the option to request a WT plan at a later date.
- WT services are not provided throughout the 12 month Self-Directed Transition plan. WT services will be closed once the worker chooses the 12 month Self-Directed Transition plan.
- Material changes in the worker's circumstances must be reported during the 12 month Self-Directed Transition plan to the CM. However, benefits will only be adjusted at the completion of the 12 month period prior to the lock-in of benefits to age 65.
- Upon completion of the Self-Directed Transition plan, as directed by the worker at the onset of the 12 month Self-Directed Transition plan, LOE benefits will be based on the agreed upon SO or actual wages if these have been reported, and will be "locked-in" until age 65. The decision is **irrevocable**. LOE benefits cannot be adjusted once locked-in even if there is a significant deterioration in the worker's work related condition.

Application of the Older Worker Option

Role of the WTS

- Work closely with the injury employer to explore the pre-injury job, accommodated or alternate work including part-time options.
- Initiate vocational assessments to explore SO options.
- The WTS together with the worker will identify three potential suitable goals and make a decision within three months of file activation.

Self-Directed Transition Option for Older Workers

- Part of the decision process includes selecting the SO to be used in the 12 Month Self-directed Transition Plan Agreement which will also be used to calculate the LOE benefits at the end of the 12 Month Self-directed Transition Plan should there be no actual wages to use.
- Advise the CM about the potential for the worker to choose the 12 month Self-Directed option and request that the CM consult with the Permanent Impairment program to confirm if the worker has a rateable permanent impairment.
- Discuss with the CM and WT Manager whether this is an appropriate option for the worker. This may depend on worker's injury / illness and whether a deterioration is anticipated.
- The WT Manager discusses the Older Worker Option with their WT AD / Director for approval to proceed.
- When discussing suitable options with the worker, and having determined that training is required to achieve the SO, discuss the 12 month Self-Directed option.
- If the worker chooses the self-directed option, create a 12 month Self-Directed Transition plan Agreement.
- When the worker chooses the self-directed option the WTS will include the CM in the meeting.
- Review the Self-Directed Transition plan Agreement with the worker and have the worker sign the agreement.

Note: If the worker requires time to discuss the self-directed option with family or a representative, it is reasonable to allow up to a two week period for worker to consult.

- Provide a copy of the Self-Directed Transition plan Agreement to the worker and representative (if applicable) and send a copy to the case file.
- During the meeting, the CM will explain to the worker that in accepting the Older Worker Option they are also confirming their intent to direct the WSIB not to review the payment of LOE following the 12 Self-directed Transition plan.
- Send a letter to the worker confirming closure of services and include CM contact information. This letter must include the 30-day objection paragraph.
- Provide the CM with details of the Self-Directed Transition plan that includes labour market earnings information for the identified SO and effective dates of the Transition plan.
- Advise the CM of the effective date of closure of WT services.
- Complete the closure report and send a copy of the report to the case file.

Note: Each case needs to be addressed based on its own merits. Where there are uncertainties, discuss the case with your manager.

Role of the Case Manager

- When the WTS identifies that the worker may be eligible for the *Older Worker Option* and a Non-Economic Loss (NEL) award has not yet been granted, confirm that the PI diagnosis is work related (anchored to the mechanics of injury). If so, contact the NEL Clinical Specialist assigned to your sector to discuss proceeding with a priority NEL rating. Ensure that all relevant medical information is in the case file.
- Be available to attend the meeting when the worker signs the 12 month Self-Directed Transition plan to explain that,
 - the worker must report material change during the 12 month period.
 - benefits will be adjusted at the end of the 12 month Self-Directed Transition plan based on the wages for the SO identified in the Transition Plan or confirmation of actual wages.
 - benefits will be locked-in to age 65 as per the "12 Month Self-Directed Transition Plan Agreement" signed by the worker at the onset of the 12 month Self-Directed Transition plan
 - once the worker gives direction to WSIB not to review payments for loss of earnings, the direction is irrevocable even if he/she has a deterioration of their work related condition.
- Approve and sign the 12 Month Self-Directed Transition Plan Agreement.
- Send a Self-Directed Transition plan confirmation letter to the worker that confirms benefit status and key dates of review. This letter must include the material change paragraph.
- Set up PAUT authorization for the payment of LOE benefits for 12 months.
- Input a review notice in the Case Assist Tool (CAT) for the 12th month post start of the Self-Directed Transition plan to review, adjust and lock-in LOE benefits.
- Set up a PAUT authorization for the payment of LOE benefits to age 65
- Send a final benefits decision letter to the worker indicating:
 - continuing partial LOE benefits will be paid to age 65 based on labour market information for the identified SO or actual wages if these were reported
 - LOE benefits will be locked-in to age 65 with no further review.

Recurrences

Should the worker experience a recurrence of his / her condition during the 12 month Self-Directed Transition Plan, the CM will review the case and determine what entitlement the worker may have to health care benefits.

The LOE benefits remain unchanged throughout the 12 month Self-Directed plan period.

At the completion of the 12 month Self-Directed plan, the CM will proceed to adjust and lock-in partial LOE benefits.

In situations where the worker suffers a permanent worsening of the work injury and the SO initially identified is no longer suitable, the CM will use the information already on file and together with the worker, identify an alternate SO. The CM may consult with the WTS when identifying an alternate SO. The benefits will be locked-in using the wages for the identified SO or actual wages if applicable.

If the worker's condition has permanently deteriorated, below the NEL level, due to the compensable injury he / she may be entitled to a NEL redetermination. In making this decision the CM will be guided by *Policy 18-05-09 'Redeterminations'*.

Should the worker experience a recurrence or worsening of his/her condition after the LOE benefits have been locked-in under the "no review option", the worker may be entitled to further health care benefits and may qualify for a NEL redetermination. However, the LOE benefits cannot be adjusted nor would further WT services be considered.

In keeping with *Policy 11-01-03, Merits and Justice*, the decision maker must take into consideration the individual circumstances when making all decisions.

The CM should also consult *policy 18-03-06, Final LOE Benefit Review*, which addresses appropriate earnings to be used to determine LOE.



Appendix

Work Reintegration Goal

The goal of work reintegration is employment. Workers need and want jobs, as opposed to being employable (but with poor prospects for employment).

The WSIB's responsibility is to provide the worker with a sound assessment and high-quality programs and services that, to the best of our ability, equip the worker to gain employment.

The WSIB's goals, responsibilities and principles apply to all injured workers regardless of age or any other potential grounds for discrimination.

Model Principles

The new Work Reintegration Model presents a systemic, holistic approach to mitigate the human, financial and social impact of work-related injury and illness. These six principles underpin the model.

- Maintain the employment relationship, wherever possible, between the worker and the injury employer, all parties having a shared obligation and commitment to co-operate and collaborate to achieve a RTW goal. Provide employers with the opportunity to be involved in the development of work reintegration plans.
- Reintegrate workers into decent, safe and sustainable work, maintaining the dignity of the worker.
- Provide for effective and meaningful input and choice on the part of the worker to ensure their commitment and active participation.
- Maintain high standards for services provided by WSIB staff and contracted parties to ensure effective, quality services that achieve desired employment outcomes.
- Manage the costs of the program, but do not be managed by the cost. Gaining value from the investment in worker retraining is important to workers, employers and the WSIB.
- Ensure workers are fairly compensated for wage loss, recognizing the difference between pre-injury earnings and post-injury earning ability.



12 Month Self-Directed Transition Plan Agreement

Claim Number: _____

Plan Details

Start Date: _____	End Date: _____
Selected SO: _____	NOC Unit Group Code: _____
SO Hourly Wage: _____	
Job Title: _____	
Source of Wage Information: _____	

Transition Agreement – Worker Responsibilities

This Transition Plan (TP) Agreement has been developed collaboratively with you. By signing the agreement you acknowledge that you have been given meaningful choice in selecting a suitable occupation and you understand and agree to the following terms:

- A 12 month self-directed TP bound by the start and end dates listed above.
- The WSIB will pay full loss of earnings benefits for the duration of the 12 month TP regardless of any change in your circumstances during the 12 month period.
- You will inform your Case Manager of any change to your employment status and/or earnings/income that may occur prior to the completion of the TP.
- Upon completion of the TP, your loss of earnings benefits will be adjusted to reflect labour market wage information or, actual wages from employment for the agreed upon suitable occupation listed above.
- At the completion of your TP your adjusted loss of earnings benefits will be fixed and paid to age 65 with no further review regardless of any change to your work related condition.

Transition Plan Agreement – Direction for Irrevocable No Review Option to Age 65

The terms of the Transition Plan above have been agreed upon by the worker, the Work Transition Specialist and the Case Manager.

I have read and confirm my acceptance of the 12 month Self-directed Transition Plan terms. I acknowledge that my acceptance includes an irrevocable no review option to age 65.

Worker Signature

Date: DD MMM YY

Worker Representative Signature (if applicable)

Date: DD MMM YY

WTS Signature

Date: DD MMM YY

Case Manager Signature

Date: DD MMM YY

WT Specialist Letter – Older Worker Chosen Criteria



June 4, 2013

200 Front Street West
Toronto ON M5V 3J1

(416) 344-1000
1-800-387-0750
Fax: 1-888-313-7373
TTY: 1-800-387-0050

200, rue Front Ouest
Toronto ON M5V 3J1

(416) 344-1000
1-800-387-0750

ATS: 1-800-387-0050

Claim

When writing the WSIB please
quote the above file number.

Indiquez le numéro de dossier
dans toute correspondance
avec la CSPAAT.

Please send all claim-related correspondence to
WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)
200 Front Street West, Toronto, ON M5V 3J1
fax (416) 344-4684 or 1-888-313-7373

Dear

As discussed during our conversation of **(date)**, I am pleased to confirm that the Workplace Safety & Insurance Board (WSIB) will sponsor you in a 12 month Self-directed Transition Plan. A copy of the Plan is attached for your reference.

As explained to you, full loss of earnings (LOE) benefits will continue during the 12 month Self-directed Transition Plan. Following your 12 month Self-directed Transition Plan, your LOE benefits will be adjusted to reflect the wages for the suitable occupation (SO) we discussed. At that time, if you have wages from employment, these will be taken into consideration prior to locking-in your benefits.

Your Case Manager has also discussed with you that in accepting the 12 month Self-directed Transition plan you have also directed the WSIB to lock-in any partial LOE benefit that you are entitled to until you turn 65 years of age. You understand this and have signed the agreement.

During the 12 month Self-directed Transition Plan, you are required to report any change to your employment status and/or earnings/income to your Case Manager.

As your Transition Plan is self-directed, I will be closing my services effectively immediately.

The Workplace Safety and Insurance Act imposes time limits on appeals. If you disagree with your Transition Plan and wish to appeal, the Act requires that you notify me in writing within **30 days from the date of this letter.**

If you have any questions regarding the ongoing management of you case, contact your Case Manager, **(CM name)** at **(XXX-XXX-XXXX)**.

Yours sincerely,

Name
WT Specialist
416-344-XXXX



Workplace Safety and Insurance Board
Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail
WSIB Restricted - For Internal Use Only

Retrieved from Connex by Skills Development for use as a
Training Resource for WT Services in LTCM Crossover Program (June 2012)

Case Manager letter – Older Worker and Lock-in Chosen Criteria



June 4, 2013

200 Front Street West
Toronto ON M5V 3J1

(416) 344-1000
1-800-387-0750
Fax: 1-888-313-7373
TTY: 1-800-387-0050

200, rue Front Ouest
Toronto ON M5V 3J1

(416) 344-1000
1-800-387-0750

ATS: 1-800-387-0050

Claim

When writing the WSIB please
quote the above file number.

Indiquez le numéro de dossier
dans toute correspondance
avec la CSPAAT.

Please send all claim-related correspondence to
WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)
200 Front Street West, Toronto, ON M5V 3J1
fax (416) 344-4684 or 1-888-313-7373

Dear

As discussed during our conversation of **(date)**, your 12 month self-directed Transition Plan will run from **(date)** to **(date)**.

At the completion of the 12 month self-directed Plan your loss of earnings (LOE) benefit will be calculated based on the wages for the suitable occupation identified in the Transition Plan. At that time, if you have wages from employment, these will be taken into consideration. This benefit equals 85 per cent of the difference between your pre-injury net average earnings and the net average earnings you are able to earn or are earning in a suitable occupation.

Your Plan includes your agreement to direct the WSIB not to review your LOE benefits after they are adjusted following your 12 month Self-directed Transition Plan. This will confirm that at the completion of the 12 months, your partial LOE benefits will be locked-in to age 65 with no further reviews.

A worker who gets or claims benefits from the WSIB has certain responsibilities. One is to tell us about your personal situation. If something changes in your personal situation, it may be a *material change*. Here are some examples: if you go back to work, if your condition gets worse or better, or if you become unavailable for work. Please contact me if you are unsure if you need to report a change. This is a law and if a *material change* is not reported there could be a penalty.

Please tell us of this kind of change within ten days. We will review the information and make any necessary adjustments at the completion of your 12 month self-directed plan.

If you have any questions or concerns, you can call me at the number below.

Yours sincerely,

Name
Case Manager
Operations
416-344-XXXX



Workplace Safety and Insurance Board
Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail
WSIB Restricted - For Internal Use Only

Retrieved from Connex by Skills Development for use as a
Training Resource for WT Services in LTCM Crossover Program (June 2012)

Case Manager letter – Older Worker Finished Criteria



200 Front Street West
Toronto ON M5V 3J1

200, rue Front Ouest
Toronto ON M5V 3J1

(416) 344-1000
1-800-387-0750
Fax: 1-888-313-7373
TTY: 1-800-387-0050

(416) 344-1000
1-800-387-0750

ATS: 1-800-387-0050

June 4, 2013

Claim

When writing the WSIB please
quote the above file number.

Indiquez le numéro de dossier
dans toute correspondance
avec la CSPAAT.

Please send all claim-related correspondence to
WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)
200 Front Street West, Toronto, ON M5V 3J1
fax (416) 344-4684 or 1-888-313-7373

Dear

As discussed during our conversation of **(date)**, your 12 month self-directed Transition Plan ended on **(date)**.

Your loss of earnings (LOE) benefit will now be calculated based on the wages for the suitable occupation identified in the Transition Plan (or actual wages if are working in a suitable occupation). This benefit equals 85 per cent of the difference between your pre-injury net average earnings and the net average earnings you are able to earn or are earning in a suitable occupation.

You will recall your Plan included confirmation to direct the WSIB not to review your LOE benefits after they are adjusted following your Transition Plan. On **(date)** you signed an agreement directing the WSIB to lock-in your benefit payments to age 65. Your partial LOE benefits will now be locked-in to age 65 and cannot be reviewed by the WSIB regardless of any change to your health status or income.

You may report changes to your medical condition as it relates to your work injury/illness. With support from medical information, you may be entitled to health care benefits and/or a review of your Non Economic Loss (NEL) benefit.

If you have any questions or concerns, you can call me at the number below.

Yours sincerely,

Name
Case Manager
Operations

416-344-XXXX



www.wsib.on.ca

Workplace Safety and Insurance Board
Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail
WSIB Restricted - For Internal Use Only

Retrieved from Connex by Skills Development for use as a
Training Resource for WT Services in LTCM Crossover Program (June 2012)



Older Worker Myths, Realities, Challenges and Strategies

A Reference Document



Work Reintegration | Program Development

Workplace Safety and Insurance Board
Commission de la sécurité professionnelle et de l'assurance contre les accidents du travail

Older Worker Myths, Realities, Challenges and Strategies

A Reference Document

Introduction

The WSIB is committed to delivering services that really matter recognizing that reintegration into the workforce is the best outcome for all parties. This is, without exception, the goal we have for all injured workers including those classified as "older workers", age 55+.

There are many misconceptions about older workers being less adaptable, less interested in learning new skills and less amenable to adapting and utilizing new technology.

The Ontario Human Rights Commission, *Policy on discrimination against older people because of age*, states that, "Older workers are often unfairly perceived as less productive, less committed to their jobs, not dynamic or innovative, unreceptive to change, unable to be trained or costly to the organization due to health problems and higher salaries. These ideas about older workers are simply myths that are not borne out by evidence. In fact, there is significant evidence that older workers are highly-productive, offering considerable on-the-job experienceⁱ,...and that they...

- do as well or better than younger workers on creativity, flexibility, information processing, accident rates, absenteeism and turnoverⁱⁱ,
- can learn as well as younger workers with appropriate training methods and environmentsⁱⁱⁱ,
- do not fear change but rather fear discrimination^{iv}. "

There is also a false understanding that older workers are biding their time until retirement. The fact is many older workers want to continue working. Retirement is a social construct, meaning there is nothing biologically inevitable about a "normal" age for retirement. The "normal" moment for retirement can vary from one country or social group to another.

Data provided by Human Resources and Skills Development Canada (HRSDC) states that "21.4% of workers 45 years and over planned to either never retire or retire after 65 years".^v

HRSDC reported that in 2010, 70.6% of Canadians aged 45 to 64 were employed. Among seniors, 10.9% of those aged 65 years or older had jobs in 2010.

Whether it is because they enjoy working or simply because they cannot afford to retire, many workers are choosing to continue to work well beyond the "normal" retirement age.

Employers and unions are rethinking work arrangements to accommodate the aging population who want to continue in the workforce. Likewise, we at the WSIB need to think of strategies that will assist older injured workers to reintegrate into the labour market.

Myths and Realities

The following are some common myths and realities about older workers.

Myth 1: You can't teach old dogs new tricks.

Reality: Studies show only negligible loss of cognitive function of people over 70. While older workers take longer to absorb completely new material, their better study attitudes and accumulated experience lower training costs. The fastest growing group of Internet users is people over 50.

Myth 2: Training older workers is a lost investment because they will not stay in the job for long.

Reality: The future work-life of an employee over 50 usually exceeds the life of new technology for which the workers are trained.

Myth 3: Older workers are not as productive as younger workers.

Reality: Overall productivity does not decline as a function of age. Productivity can actually rise due to greater worker accuracy, dependability and capacity to make better on the spot judgments. Older worker's production rates are steadier than other age groups.

Myth 4: Older workers are less flexible and adaptable.

Reality: Older workers are just as adaptable once they understand the reason for changes. They are more likely to ask *why*, because they have often seen past changes in processes and procedures abandoned in mid-stream when they didn't bring expected rewards quickly enough.

Myth 5: Older workers are not as creative or innovative.

Reality: General intelligence levels are the same as in younger workers. Eighty percent of the most workable and worthwhile new production ideas are produced by employees over 40 years old.

Myth 6: Older workers cost more than hiring younger workers.

Reality: While workers with tenure are entitled to more vacation time and pension costs related to number of years worked, replacing workers is not cost free. Aetna Insurance Company did a

study of this issue and discovered these factors (replacement costs) added 93% to the first year's salary of new employees.

Myth 7: Benefit and accident costs are higher for older workers.

Reality: Total number of sick days per year for older workers is lower than other age groups because they have fewer acute illness and sporadic sick days. While individual older worker's health, disability and life insurance costs do rise slowly with age, they are offset by lower costs due to fewer dependents. Overall, fringe benefits costs stay the same as a percentage of salary for all age groups. Older workers take fewer risks in accident prone situations and statistically have lower accident rates than other age groups.

(Source: American Business and Older Employees. AARP. Washington DC: 2000; Bureau of Labor Statistics)

Common Potential Challenges to Consider During Return to Work Planning

There are some potential challenges related to the older worker population that should be taken into consideration when assisting them into work and when considering WT plans.

- Older workers as a group tend to have lower unemployment rates than the overall labour force, however, once unemployed; they tend to experience longer spells of unemployment before finding a new job.
- They may experience age discrimination, either by finding their job opportunities reduced or by having to access lower quality or lower-waged jobs. As a result, they experience greater earnings losses compared to their level of earnings prior to losing their job.
- They may lack experience with changing technology and may need to update their skills.
- Older workers may lack job search skills relevant to today's labour market.
- Older workers are often less mobile and experience high costs of adjusting in the event of a job loss (i.e. relocating).
- They experience a deterioration of alternative skills as the length of their job tenure increases.
- Older workers may experience challenges with physically demanding jobs.
- Older workers may express self-limiting attitudes:
 - Tunnel vision – limited view of their potential and may lack confidence

- Fear of risk taking – thought of venturing out in new directions may cause anxiety
- Age bias – self –fulfilling prophecy

Benefits of Hiring Older Workers

It is important that WSIB staff and Service Providers consider these benefits when marketing older workers with injury and new employers.

- They can share knowledge, they can mentor
- They tend to be more loyal and have a strong work ethic
- Societal changes are making older workers healthier, they are living longer and are more productive
- They bring skills, motivation, experience and flexibility to the workplace
- They have experience working with teams
- They have a track record with responsibility and dependability
- They have proven ability to meet deadlines
- Their absenteeism rates are low
- They have experience with diversity in the workplace
- They have skills in stress management

Older workers tend to be:

- Loyal
- Reliable
- Productive
- Safety conscious
- Literate
- Flexible

Potential strategies for WSIB staff

- Confirm if the worker is/was planning to continue working full time or change to part time, seasonal or casual employment.
- Older workers may be interested in measures allowing a progressive passage to retirement and/or maintaining a part-time job. This approach should be used to encourage them to stay in employment longer.....retirement combined with part-time work, flex time, longer annual holidays and additional leaves. *NOTE: Although a worker may choose to work part-time it may still be appropriate to identify a SO based on full-time work.*
- Focus on specific skills, such as self-management skills, idea generation and use of technology. This helps older workers to counter self-limiting beliefs and build self-efficacy.
- “Lifelong learning” approaches to training and educational activities by all parties will enhance the older worker’s labour market prospects and support successful adjustment at each stage of their working lives (for current and future older workers)
- Highlight job-related (technical) skills, transferable skills and personal attributes
- Consider reducing workloads/physical demands of the job
- Older workers may prefer not to return to the classroom, full time, thus consider:
 - A mentor
 - Online or distance learning
 - Apprenticeship or On-The-Job training
 - Evening courses
 - Work/study programs

Resources

The following resources may be helpful when assisting older workers to prepare for the workforce and to seek work:

http://www.hrsdc.gc.ca/eng/employment/employment_measures/older_workers/index.shtml - This Canadian government site provides information on the "Targeted Initiative for Older Workers" (TIOW) program. This program provides employment assistance services and employability improvement activities, such as skills upgrading and work experience, to assist unemployed workers aged 55-64 with their RTW.

www.quintcareers.com/mature_jobseekers.html - This site has job and career resources for baby boomers, mature third-age job-seekers, and older workers looking for new job, work, and career-change strategies, tactics.

http://www.olderworker.ca/olderworker/getting_started.shtml - This government of Nova Scotia web-site provides helpful topics to assist the older worker overcome challenges when looking for work.

http://www.olderworker.ca/olderworker/overcoming_attitudes.shtml - This section of the site speaks about attitudes towards aging.

www.retiredworker.ca - Employers looking to hire retired workers with experience and knowledge use this site to post job opportunities.

www.seniorsforjobs.com - This site offers free membership for job seekers who wish to remain in the workforce beyond 55 years of age and to employers who are looking for skilled, experienced and reliable employees. Additionally, it provides guidance on resume writing, interview tips and career coaching.

<http://www.workplaceinstitute.org/about> - This site is for general interest. It provides information to help employers prepare for shortages as the population ages; it helps the individual 'boomers' develop their skills and full potential as employees in a rapidly changing economic and employment landscape.

<http://www.carp.ca/about-carp/> - This is another site for general interest. CARP's mandate is to promote and protect the interests, rights and quality of life for Canadians as we age.

ⁱ TD Economics, *Canada's Talent Deficit* (September 6, 2001), online: TD Bank Financial Group homepage < www.td.com/economics/index.html >.

ⁱⁱ N.C. Agarwal, *Mandatory Retirement and the Canadian Human Rights Act* (Prepared for the Canadian Human Rights Act Review Panel, October 1999) as cited in *Time for Action*, *supra*, note 7 at 39.

ⁱⁱⁱ *Ibid.* See also S. Imel, *Older Workers: Myths and Realities* (Eric Clearinghouse on Adult, Career and Vocational Education, 1999), online: Eric Clearinghouse on Adult, Career and Vocational Education, Ohio State University homepage < ericacve.org >.

^{iv} *Older Workers: Myths and Realities*, *ibid*

^v Microdata file: 1994 General Social Survey — Cycle 9: Education Work and Retirement in HRDC, Strategic Policy, "Income Security Programs Analysis of Factors Influencing Planned and Actual Retirement Decisions", May 2001

Positioning Workers for the Older Worker Option Checklist

Before introducing the *Older Worker Option* to the worker the following activities must take place:

- Potential for returning to the injury employer is fully explored with and/or without retraining by the WTS
- The worker is provided a full WT assessment which will include a vocational or psycho-vocational assessment by a contracted Service Provider assessment
- The WTS has determined that a direct entry option for the worker cannot be identified
- The WTS has determined that the worker will require retraining /re-skilling to return to the labour market based on the vocational assessment
- The WTS and the worker explore the worker's need for training including, the type of training and, length of time required to achieve the required skills
- Case Manager confirms with the Permanent Impairment Program (NEL) that the worker will have a assessable impairment

When all of these steps have been taken, the WTS discusses the WT plan options available together with the worker and the case manager in a scheduled meeting

- Participate in a WT plan for the recommended SO identified through the WT assessment
- Choose a 12 month Self-Directed Transition plan. (*Older Worker Option*)

The WTS and CM provides the worker with details of the *Older Worker Option*

- Full LOE benefits continue for 12 months during the Self-Directed Transition plan.
- When the worker chooses the 12 month Self-Directed Transition plan he/she is also directing the WSIB not to review LOE payments after the completion of the 12 month Self-Directed Transition plan.
- When the worker chooses the 12 month Self-Direct Transition plan he/she understands that this is their one opportunity to a plan. The 12 month Self-Directed Transition plan is an alternative to a WT plan. There will not be the option to request a WT plan at a later date.
- WT services are not provided throughout the 12 month Self-Directed Transition plan. WT services will be closed once the worker chooses the 12 month Self-Directed Transition plan.
- Material changes in the worker's circumstances must be reported during the 12 month Self-Directed Transition plan to the CM. However, benefits will only be adjusted at the completion of the 12 month period prior to the lock-in of benefits to age 65.
- Upon completion of the Self-Directed Transition plan, as explained to the worker at the onset of the 12 month Self-Directed Transition plan, LOE benefits will be based on the agreed upon SO or actual wages if these have been reported, and will be "locked-in" until age 65. The decision is **irrevocable**. LOE benefits cannot be adjusted once locked-in even if there is a significant deterioration in the worker's



**Direction for
Irrevocable No Review Option to Age 65**

Worker Name:	
Claim Number:	

I confirm that the irrevocable no review option has been discussed with me and I understand that once my payments for loss of earnings are recalculated based on the agreed upon suitable occupation identified in my 12 month Self-directed Transition Plan, my payments will not be reviewed by the Workplace Safety and Insurance Board (WSIB) to age 65.

I also confirm understanding that I am required to report to the WSIB any material change to my employment status and / or earnings/income during the 12 months of my Transition plan.

By signing this form, I am providing the WSIB direction not to review my payment for loss of earnings to age 65. I understand that this direction is irrevocable.

Worker's Signature Date

Older Workers – Script for Work Transition Specialists and Case Managers

Initial Discussion (phone call) with IW and WTS re: older worker option (done following approval from WT AD, discussion with LTCM, and approval of recommended S.O. via appropriate DOA)

[WTS] Hi (worker name) this is (WTS name) from the Workplace Safety and Insurance Board. I know we have met and discussed your work transition plan a number of times. I would like to discuss with you that based on the recommended work transition plan developed for you there is an additional option that is available for you to consider.

[WTS] The option is called the self directed transitional plan. Your eligibility for this option is based on your age, the fact that you have a permanent impairment due to work, that we confirmed that your injury employer cannot accommodate you in returning to your old job or any other job, and the type of Work Transition plan recommended.

[WTS] I would like to explain briefly a bit about this option now so you have some understanding of what it involves and then have you come in to the office to discuss it further with your case manager and me. If you choose this option you would continue to receive full loss of earnings for 12 months, but wouldn't actually be required to participate in the previous plan activities we discussed. At the end of the 12 months your loss of earning benefits will be offset to reflect the earnings of the recommended suitable occupation and these benefits will be locked in until you turn 65 years of age. You could, however, at any point participate in your own self directed work transition plan and return to any type of work that is within your documented restrictions and receive that income in addition to any income you receive from WSIB. You should know that once you formally agree to this option that the decision to do so is irrevocable.

[WTS] Are you available on (date of proposed meeting) to meet with case manager and I to discuss this option. If you have any further questions about this option we can answer them during the meeting. If you decide on the day of our meeting you want to proceed with this option we can move forward that day and complete the paperwork required. If you prefer to have some time following the meeting you can take 2 weeks to consider your options.

In person meeting with IW, WTS, and LTCM

[WTS] Hi (worker name) thanks for coming to meeting with us to discuss the self directed transitional plan that we discussed on (date of phone call from WTS to IW).

[WTS] As we discussed on (date of phone call from WTS to IW) based on the fact that you have a permanent impairment, are unable to RTW with your original employer, are 55 or over on the date benefits were first paid, and the recommended suitable occupation requires training to improve your skills you are eligible for the older worker option. (LTCM name) would like to explain a bit about this option so you have some understanding of what it involves.

[LTCM] If you chose this option you would continue to receive full loss of earnings for 12 months, but wouldn't actually be required to participate in the plan. At the end of the 12 months your loss of earning benefits will be offset to reflect the earnings of the recommended suitable occupation and they will be locked in until you turn 65 years of age. You could, however, at any point participate in your own self directed work transition plan and return to any type of work that is within your documented restrictions and

Older Workers – Script for Work Transition Specialists and Case Managers

receive that income in addition to any income you receive from WSIB. You should know that once you formerly agree to this option that the decision to do so is irrevocable.

[LTCM] Any change in your circumstances during the initial 12 month period should be reported to me. If your situation worsens during the initial 12 month period (WTS name) will assist in evaluating if the chosen suitable occupation is still realistic. If the original suitable occupation is no longer appropriate your benefits will remain unchanged during the initial 12 month period and at the end of the 12 months a different suitable occupation will be chosen for you and your benefits will be offset to reflect the earnings of this new suitable occupation.

[LTCM] You should also know that when you choose this option that you are also directing the WSIB not to review LOE payments after the completion of the 12 month Self-Directed Transition plan. This means that if your situation should change following the 12 month initial period there will be no impact on the loss of earnings that you receive from WSIB. Essentially what this means is if you experience a recurrence or worsening of your condition after the LOE benefits have been locked-in under the “no review option”, you may be entitled to further health care benefits and may qualify for a NEL redetermination. However, your LOE benefits cannot be adjusted nor would further VT services be considered.

[WTS] Do you have any questions?

[WTS] Are you prepared to sign this option now? If not that is okay we can give you up to a maximum of 2 weeks to consider this option. After two weeks if you are still unsure then we will need to move forward with the recommended SO and this option will no longer be available for you. What would you like to do?

Average and Median Age of Workers with Older Worker Option Selected

Request ID: 556

Requested By: Jennifer Cheung, Executive Assistant, Service Delivery Short Term

Requested Date: June 2, 2013

Prepared By: Corporate Business Information & Analytics, Strategy Cluster

Data Definitions/Notations:

Includes Work Transition plans completed in 2011 or 2012 closed as older worker option (plan closure codes 32 and 49).
Average and median age taken at time of plan closure.

Data Sources:

POMD and ODM as of Apr 30, 2013

	2011	2012	Total
Number of WT Cases Closed as Older Worker Option	59	105	164
Average Age of WT Cases Closed as Older Worker Option	61.8	61.7	61.74
Median Age of WT Cases Closed as Older Worker Option	62.1	62.1	62.1