

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Updated: August 2021

Employability Assessments

What is an Employability Assessment?

An Employability Assessment is WorkSafeBC's assessment of whether or not you are able to work, and if yes, it will provide an estimate of what you're capable of earning in a suitable occupation.

Why does WorkSafeBC complete an Employability Assessment?

In all cases, workers with a permanent disability are eligible to have their permanent disability benefits assessed under both the Loss of Function and Loss of Earnings assessment methods. Permanent disability benefits are based on the greater of the two calculations.

The Long-Term Disability Services department uses the information in the Employability Assessment to assess your potential loss of earnings.

The Employability Assessment evaluates:

- the permanent injuries related to your work-related incident,
- your post-injury restrictions and limitations,
- your educational training and employment history,
- your skills, natural abilities, and interest in certain occupations,
- the vocational rehabilitation assistance offered by WorkSafeBC,
- the primary and alternate occupations selected by the Vocational Rehabilitation department, and
- what you can earn in those occupations within 3-5 years.

What if I disagree with the Employability Assessment?

An Employability Assessment is a recommendation, not a decision, and is therefore not appealable.*

The Employability Assessment is shared with you, and you are given 30-days to respond. Information you provide may change the Vocational Rehabilitation Consultant's estimation of your post-injury earnings.

Employability Assessments

****It is important to note that even though you cannot appeal an Employability Assessment, you can appeal the Long-Term Disability Services department's decision about the type (Loss of Function or Loss of Earnings) and amount of permanent disability benefit you will receive.***

Am I required to respond to the Employability Assessment?

No. If you do not wish to respond to the Employability Assessment you can waive the 30-day timeframe by contacting the Vocational Rehabilitation Consultant.

What information should I provide if I choose to respond to the Employability Assessment?

If you disagree with the findings in the Employability Assessment, it helps to have evidence and arguments that show why you believe WorkSafeBC's conclusions were wrong.

Your response to an Employability Assessment could include detailed reasons why you disagree with the assessment, whether the occupations recommended by the Vocational Rehabilitation Consultant are suitable, and whether the estimation of your post-injury earnings is realistically attainable.

To consider whether the selected job is suitable, you should consider:

- whether you are physically able to do the job without risking further injury or increased disability,
- whether you are psychologically capable of working in the work environment(s) and completing the requirements of the job, and
- whether you have the skills, education, and ability to obtain the job.

You can also explain any factors or circumstances including your age, education, skills, abilities, and/or your inability to relocate which limit the likelihood that you will attain earnings projected by the Employability Assessment.

*****Because the Employability Assessment estimates the long-term earnings available to you after a three-to-five-year period, current labour market information is given limited weight by decision-makers at the time of your response.***

Employability Assessments

What does it mean if my vocational rehabilitation plan or earnings are “deemed” in an Employability Assessment?

A Vocational Rehabilitation Consultant creates a deemed rehabilitation plan when they cannot reach an agreement with you about a suitable occupation, or you refuse to participate in the development of a VR plan.

If an Employability Assessment projects that you are likely to have a partial loss of earnings and receive a permanent disability benefit based on the Loss of Earnings method, the Vocational Rehabilitation Consultant may deem your projected earnings if you:

- refuse suitable available employment,
- experience non-compensable problems which preclude you from actively participating in the vocational rehabilitation process, or,
- refuse to actively participate in the vocational rehabilitation process.

What happens after I respond to the Employability Assessment?

The Vocational Rehabilitation Consultant will consider your reasons for disputing their earnings projections for you. The Vocational Rehabilitation Consultant will send a letter explaining whether they agree or disagree with the reasons provided in your response. If the Vocational Rehabilitation Consultant agrees with the reasons provided, they may change their estimate of your long-term earnings.

The Long-Term Disability Services department will then review the Employability Assessment, your reasons, and the Vocational Rehabilitation Consultant’s response. The Long-Term Disability Services department often agrees with the occupation selected by the Vocational Rehabilitation Consultant; however, the Long-Term Disability Services Officer can also use other information and make their own assessment of what you can earn. They will assess both your loss of earnings and loss of function and use the higher calculation as the basis for your permanent disability benefit.

What should I do if I disagree with WorkSafeBC’s decision regarding my loss of earnings?

If you do not agree with the final decision on your permanent disability benefit provided by the Long-Term Disability Services department, you have the right to request a review. You must request a review within 90 days of the decision date. If you disagree with the resulting Review Division decision, you have 30 days from the date of that decision to file an appeal to the Workers’ Compensation Appeal Tribunal.

For further information about reviews and appeals, please review the Workers’ Adviser Office Factsheets titled: *Reviews of WorkSafeBC Decisions* and *Appeals to the Workers’ Compensation Appeal Tribunal (WCAT)*.