

Section Title: Benefits Administration - Vocational Rehabilitation
Subject: Relocation
Effective Date: October 1, 1994 - June 30, 2015

POLICY PURPOSE

This policy indicates how the subject of relocation of the worker will be addressed when it becomes an issue during the management of the case. The policy specifically covers the following:

1. Worker and WCB responsibilities when there is mutual agreement to relocation.
2. Circumstances when relocation will not be actively pursued or supported.
3. Eligibility for benefits when there is disagreement between the WCB and the worker about relocation.

This policy ensures that a fair and reasonable approach is taken when making decisions about relocation and the relationship of relocation to eligibility for benefits. The policy also places responsibility on the WCB to help workers understand how relocation is handled so that workers can make informed decisions.

This policy is not intended to cover temporary absences due to travel within or outside the province.

A. POLICY

1. FACTORS TO BE CONSIDERED IN APPROVING RELOCATION:

- a. Relocation should be seriously considered or authorized as part of the management of a claim **after** reasonably exhausting suitable vocational rehabilitation options within the community in which the worker resided at the time of the injury.
- b. It is only after reasonably exhausting options within the original community that relocation may be brought forward as part of a vocational rehabilitation plan.
- c. The WCB will make reasonable efforts to help the worker make an informed decision when entering a vocational rehabilitation plan which involves relocation. Workers will be advised of what is expected of them by the WCB, including meeting the commitment to relocate. As well, workers will be informed of what they can expect of the WCB regarding relocation costs and eligibility for benefits.
- d. Relocation will normally be pursued or approved when:
 - i. There are few, if any, opportunities for suitable re-employment in the community in which the worker lives, and greater prospects for suitable and optimum re-employment exist in another community; or,

- ii. Temporary relocation is necessary for the worker to receive training (i.e., acquire skills) or participate in a job search.
- e. Relocation will not normally be approved when:
 - i. The worker has, independent of the WCB, moved out of the community in which he or she was living at the time of the injury; or,
 - ii. Commuting to another community is considered a reasonable alternative (e.g., the worker is physically capable of commuting and associated travel costs do not exceed the costs of relocation); or,
 - iii. The relocation is not for an actual job (i.e., permanent relocation should not occur just for the purposes of a job search).
- f. The WCB will consider it reasonable for the worker to decline relocation as part of a plan when the WCB determines that:
 - i. The relocation is not considered to be in the best interests of the worker from a rehabilitation perspective; or,
 - ii. The worker's earning capacity in the proposed new community will not support a comparable lifestyle to the one enjoyed in the community in which the worker lived at the time of the injury; or,
 - iii. The worker has a significant attachment to his or her community.

Where it is reasonable for the worker to decline relocation, this will not affect wage loss benefits for 3 years.

- g. When there has been agreement to relocate, the worker and WCB may subsequently agree not to proceed with relocation if there is a compelling reason which was unforeseen when the relocation was planned.
- h. In exceptional cases, relocation may be supported when the worker is significantly self-directed/motivated and understands that the WCB advises against relocation because it does not appear to be in the best interests of the worker and presents risks to the worker.

In these exceptional cases, temporary relocation for job search may be supported for a maximum of 12 weeks to obtain a job. Permanent relocation will only be supported when the worker obtains a suitable job (e.g., physically suitable, comparable to maximum earning capacity determined by the WCB, stable, etc.).

2. FINANCIAL ASSISTANCE FOR RELOCATION:

When the worker and the WCB have each considered the issue of relocation and mutually agree to relocation as part of a vocational rehabilitation plan, the following will apply:

- a. The WCB will cover relocation costs in accordance with Schedule "A", Payment of Relocation Costs. The WCB will pay these costs when the worker is not eligible for or receiving assistance from elsewhere (e.g., government "mobility programs", as part of a termination package provided by an employer, the hiring employer);
 - b. When relocation assistance does not cover the worker's actual costs, the WCB will pay the difference up to the maximum which would otherwise have been paid under Schedule "A";
 - c. Every effort will be made for costs to be paid directly by the WCB; and,
 - d. The dollar amounts in the schedule will be adjusted annually in accordance with the average change in the Manitoba Consumer Price Index (all items) over the 12 months ending June 30.
3. RELOCATION AND ELIGIBILITY FOR BENEFITS:
- a. When relocation is approved, the following apply:
 - i. The worker is guaranteed eligibility for wage-loss benefits and services when she or he loses the job (through no fault of the worker) within 12 months from the date of the relocation to the job.
 - ii. When the relocation does not result in the anticipated opportunity for secure and stable employment (through no fault of the worker) and the worker wishes to return to the original community, the WCB may cover the costs of the subsequent relocation (i.e., in accordance with Schedule "A"). The request by the worker should be made within 12 months from the date of the original relocation.
 - b. Benefits may be reduced or discontinued under Policy 44.80.30.20, *Post-Accident Earnings - Deemed Earning Capacity*, or Policy 44.10.30.60, *Practices Delaying a Worker's Recovery*, when:
 - i. The worker is unwilling to consider relocation as an option and the WCB does not consider it reasonable for the worker to decline relocation as part of a plan; or,
 - ii. The worker has agreed to a plan involving relocation and subsequently discontinues the plan; or,
 - iii. The worker independently relocates and this delays or otherwise negatively affects the worker's recovery, rehabilitation, or return to employment.
 - c. In order to apply Policy 44.10.30.60, *Practices Delaying a Worker's Recovery*, the WCB will consider:
 - i. Whether relocation would reasonably mitigate the effects of the accident; and,
 - ii. What amount of benefits would otherwise have been paid had the worker agreed to relocate; and,

- iii. Whether the worker's decision to decline relocation was unreasonable.
- d. While relocation will not be approved or pursued unless there is an actual job for the worker in the new community, benefits may still be reduced under policy 44.80.30.20, *Post-Accident Earnings - Deemed Earning Capacity*.
- e. When the worker's decision to decline relocation as part of a plan is reasonable, the following will apply:
 - i. Benefits will be provided on the basis of the worker's earning capacity in the original community and may be continued in this manner for 3 years; and,
 - ii. After the 3 years, the level of benefits may be established on the basis of the worker's deemed earning capacity in other communities; and,
 - iii. Implementing a deemed earning capacity is subject to Policy 44.80.30.20, *Post-Accident Earnings - Deemed Earning Capacity*. The exception is that the WCB is not responsible for the worker's marketable skills deteriorating since the worker declined relocation.

B. REFERENCES

The Workers Compensation Act, sections 1(1) 22, 27(1), 27(10), and 27(20) [**for accidents before January 1, 1992**]

The Workers Compensation Act, sections 1(1) 22, 27(1), 27(10), 39(1), 39(2), and 40(1) [**for accidents on or after January 1, 1992**]

Related WCB policies:

43.00, *Vocational Rehabilitation*

44.10.30.60, *Practices Delaying a Worker's Recovery*

44.80.30.20, *Post-Accident Earnings - Deemed Earning Capacity*

44.120.10, *Medical Aid*

History:

1. Procedural guidelines approved by Board Order 123/84 as "Procedure Manual - Vocational Rehabilitation Services Department" on September 12, 1984.
2. Policy originally approved by Board Order 83/84 as "Procedure for Claimants Leaving the Province" on June 20, 1984.
3. Policy amended by Board Order 155/84 as "Procedure for Claimants Leaving the Province" on October 17, 1984.
4. Policy 43.20.40 approved by Board Order 48/94, effective for decisions on or after October 1, 1994, regardless of the date of accident. Section 2(a)-(e) of Board Order 155/84 rescinded.
5. Schedule A adjusted effective October 1, 1995.
6. Schedule A adjusted effective October 1, 1996.
7. Schedule A adjusted effective October 1, 1997.

8. Schedule A adjusted effective October 1, 1998.
9. Schedule A adjusted effective October 1, 1999.
10. Schedule A adjusted effective October 1, 2000.
11. Schedule A adjusted effective October 1, 2001.
12. Minor wording/punctuation changes made to the policy. Administrative Guidelines have also been revised.
13. Schedule A adjusted effective October 1, 2002.
14. Schedule A adjusted effective October 1, 2003.
15. Correction of a policy reference on Page 8 point #2. Policy indicated *44.120.130 Medical Treatment Travel Costs*. This policy was rescinded June 1, 2000. The correct reference is Policy *44.120.10 Medical Aid*.
16. Schedule A. adjusted effective October 1, 2004.
17. Updated July 1, 2005 – Bill 41, effective July 6, 2001, redefined “spouse” and added a separate definition of “common-law partner”. The change in the policy adds the phrase “or common-law partner” after “spouse”.
18. Schedule A adjusted effective October 1, 2005.
19. Schedule A adjusted effective October 1, 2006.
20. Schedule A adjusted effective October 1, 2007.
21. Schedule A adjusted effective October 1, 2008.
22. Schedule A adjusted effective October 1, 2009.
23. Schedule A adjusted effective October 1, 2010.
24. Schedule A adjusted effective October 1, 2011.
25. Minor formatting and grammatical changes were made to the policy, June 27, 2012.
26. Schedule A adjusted effective October 1, 2012.
27. Schedule A adjusted effective October 1, 2013.
28. Schedule A adjusted effective October 1, 2014.
29. Policy 43.20.40 was rescinded by Board Order No. 19/15 on April 30, 2015 effective July 1, 2015 and reissued as 43.20.40.01. This policy is in effect from October 1, 1994 to June 30, 2015 for decisions on or after October 1, 1994 regardless of the date of accident.

Attachments:

Schedule "A" Reimbursement of Relocation Costs

C. ADMINISTRATIVE GUIDELINES**RELOCATION AS PART OF A VOCATIONAL REHABILITATION PLAN:**

1. Relocation should be in the best interests of the worker. The WCB will not approve relocation where it will delay the workers recovery, rehabilitation, or return to work. The WCB will consider whether:
 - there is adequate medical treatment available in the new community,
 - physical or vocational rehabilitation will be adversely affected by the relocation,
 - relocation supports attaining maximum post-injury earning capacity,
 - relocation results in additional program costs.

2. In order for relocation to be considered as a viable vocational rehabilitation option, it should be cost effective. That is, the estimated wage loss and other service costs associated with relocation should be less than the benefit and service costs that the WCB would incur if the worker remained in his/her home community. However, this does not prevent the WCB from reconsidering an earlier decision on relocation when circumstances change.
3. During the assessment or plan development phases of vocational rehabilitation, it may become apparent that maximum post-injury earning capacity (a goal of vocational rehabilitation) cannot be achieved in the community in which the worker lives. Under these circumstances, and where the worker is not considered by the WCB to be exempt from relocation:
 - The WCB may request that the worker commute or relocate to a community where the worker's present skills or those to be acquired through a vocational rehabilitation plan can best be marketed and lead to re-employment.
 - Benefits may be suspended or discontinued under policy 44.10.30.60, *Practices Delaying Workers Recovery* where the worker unreasonably refuses to consider relocation prior to establishing a plan.
 - Relocation may be incorporated as part of a plan to be implemented immediately following a successful job search in the new community. Alternatively, the plan may allow the worker and WCB time to explore/exhaust suitable vocational rehabilitation and/or employment in the community in which the worker lives before proceeding to relocation.
4. Where the worker has agreed to relocate, the WCB may require that the plan be carried out for the worker to retain full eligibility for the level of benefits and services anticipated under the plan. The WCB will advise the worker, at the time that the plan is being signed-off, that benefits and services may be suspended, reduced, or discontinued if the worker decides not to proceed with the plan.
5. The WCB may amend or agree to discontinue an established plan where there are compelling reasons which make it unreasonable to require that the worker continue the plan, such as:
 - The labour market in the proposed community changes and negatively affects prospects for employment.
 - It becomes evident, during implementation of the plan, that the worker will not or has not acquired the anticipated skills, training, experience, or education (at no fault of the worker).
 - It becomes evident, during implementation of the plan, that the combined anticipated family income in the proposed community will not be realized.
 - The worker's family dynamics are significantly altered (e.g., due to death or disablement of the spouse or common-law partner, marital separation, etc.) and negatively affect child care arrangements to the extent that it would be unreasonable to proceed with the relocation.
 - The worker is unable to discharge a lease or sell the place of residence in the original community within 6 months.

There may be compelling reasons in addition to those listed.

The WCB may also agree to initiate a new plan. For example, initially relocation was not considered but after further thought, the worker requests relocation and a suitable cost effective vocational rehabilitation plan can be developed.

CIRCUMSTANCES WHEN THE WCB WILL NOT APPROVE RELOCATION:

The policy describes the circumstances under which the WCB will not normally pursue, approve, or accept responsibility for relocation. In support of the policy, the following guidelines apply:

1. Unauthorized relocation. Where the WCB has advised against relocation and the worker, of his/her own accord, moves from the community in which s/he was living at the time of the accident, the WCB will not pay for any of the costs associated with relocation or commuting. The WCB may make benefits and services contingent upon the worker returning or commuting to the original or another community. If the worker refuses to relocate or commute, benefits and services may be suspended, reduced, or discontinued. The WCB will attempt to notify the worker of this possible consequence before the relocation occurs.

Also, the WCB will not accept responsibility for subsequent additional costs that result from an unauthorized relocation; for example, travel or commuting costs to attend medical appointments or vocational rehabilitation programs that exceed what would have been paid had the worker not relocated.

2. When commuting rather than relocation is the preferred option, the WCB may require that the worker commute up to 100 kilometres (one way) in order to increase the labour market targeted through a vocational rehabilitation plan. In this case, the worker's additional travel expenses will be reimbursed, where applicable, in accordance with Policy 44.120.10 *Medical Aid*.
3. The WCB will not normally support relocation outside the province.

CIRCUMSTANCES WHEN FINANCIAL SUPPORT MAY BE LIMITED

1. Where the worker chooses to commute when the WCB's preferred approach is relocation, the WCB may pay for commuting costs, but only to the amount of relocation costs that the WCB would have paid if the worker had relocated.
2. Where the WCB considers it reasonable for the worker to decline relocation and the worker chooses to commute to a job in another community, the WCB will pay commuting costs for 3 years. Reimbursement will be at the WCB's per kilometre rate for the first year unless extended by the Sector Director. After the first year, reimbursement will be based on actual travel costs as demonstrated by the worker.

WHEN DOES RELOCATION OCCUR

1. Relocation should occur at or near the completion of the vocational rehabilitation plan and only where there is an actual job for the worker in the new community. The WCB does not support relocation merely on the basis of greater prospects for employment.

2. If at the end of the vocational rehabilitation plan, the worker has not found an actual job in the new community, permanent relocation will not occur until the worker finds an actual job. Even though the worker has not found an actual job, wage loss benefits may be reduced based on the worker's estimated earning capacity if the WCB considers that the worker has the skills, experience, training, etc. to competitively pursue employment in a specific labour market.
3. Once the worker finds a job, relocation will occur and future wage loss benefits will be based on the worker's actual or estimated earnings in the new community.

WORKERS WHO ARE EXEMPT FROM RELOCATION

1. When considering whether the worker's earning capacity in the proposed new community will support a lifestyle comparable to the one enjoyed in the original community, the WCB will not focus on marginal differences. Rather, the WCB will consider significant differences such as housing costs or loss of concurrent (i.e., existing prior to the injury) employment or income-generating ventures (e.g., farming).
2. The worker will be considered to have a significant family or community attachment where one or more of the following apply:
 - The worker's spouse or common-law partner has a source of income that is equal to or greater than 1/3 of the combined family income and it is not anticipated that this income will be recovered in the new community.
 - The worker has resided in the community for at least five years and has a viable support network that is not available in the new community.
 - A member of the immediate family is receiving medical or social services that will not be available in the new community.

SCHEDULE "A"
REIMBURSEMENT OF RELOCATION COSTS

When relocation occurs as part of a rehabilitation plan, the WCB will accept responsibility for the following:

1. The costs of pre-relocation travel for the worker and spouse or common-law partner to arrange for residence in the new location. The most economical form of transportation should be used.
 - a. Travel costs for day trips up to a maximum of four trips; or,
 - b. Travel, accommodation, and meal costs for an overnight trip up to a maximum of four days/nights.

Travel, accommodation, and meal costs will be covered in accordance with the guidelines established under Policy 44.120.10, *Medical Aid*.
2. The normal expenses for moving household effects, subject to a tender from at least 2 firms. Manitoba-based firms are preferred.
3. The most economical cost of transporting the worker and her or his family to the new location.
4. When the worker owns residential property, one or more of the following items may be covered:
 - a. Discharge of lease (overlapping rent).
 - b. Sale of residence including reasonable legal fees, realty fees, or multiple listing service costs.
 - c. Relocation of a mobile home including the cost of moving (subject to tender) and discharge of lease.
5. Reasonable legal fees for the purchase of a new residence.
6. Incidental costs associated with relocation up to a maximum as shown below. Typically, these would be the actual costs associated for hook-up of utilities (hydro, telephone, gas).

MAXIMUM INCIDENTAL COSTS For Relocations on or after										
Oct 1/04	Oct 1/05	Oct 1/06	Oct 1/07	Oct 1/08	Oct 1/09	Oct 1/10	Oct 1/11	Oct 1/12	Oct 1/13	Oct 1/14
\$609	\$627	\$641	\$653	\$665	\$678	\$681	\$693	\$708	\$721	\$738

7. When a worker is temporarily relocated for training purposes, 1 through 5 of this schedule may apply for both the relocation and return to the original community.
8. When a worker is temporarily relocated for training purposes and is maintaining two residences, the WCB may accept the following:
 - a. The actual costs of renting the second (temporary) residence up to a maximum per month as shown below.
 - b. The actual costs of food, groceries, and related incidentals, up to a maximum per month as shown below.
 - c. The travel costs for workers returning to the original community once per month to visit a member(s) of their family ("member of the family" is as defined in the Act).

MAXIMUM MONTHLY COSTS

	Relocations on or after Oct 1/06	Relocations on or after Oct 1/07	Relocations on or after Oct 1/08	Relocations on or after Oct 1/09	Relocations on or after Oct 1/10	Relocations on or after Oct 1/11	Relocations on or after Oct 1/12	Relocations on or after Oct 1/13	Relocations on or after Oct 1/14
Rental of Temporary Residence	\$641	\$653	\$665	\$678	\$681	\$693	\$708	\$721	\$738
Food, Groceries, Etc.	\$290	\$296	\$302	\$308	\$310	\$316	\$323	\$329	\$337

When applicable, travel costs will be covered in accordance with the guidelines established under Policy 44.120.10, *Medical Aid*.

The worker should obtain authorization from the WCB before incurring any costs. If this is not the case, the WCB may not accept responsibility for the costs.