

Legal File Management in Vocational Evaluation

Offering a 'Meaningful and Sustainable' Opinion

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When a person sustains a personal injury of any kind, their life can change dramatically. One of the most difficult and personally devastating consequences of any accident and subsequent impairment is one's inability to function within their pre-accident occupation or line of work. When people become displaced from their working lives as a result of an injury they are often left to face significant challenges with respect to reintegrating into the workforce. Similarly, within the world of accident benefits and their fair administration, assessing practitioners are often left facing significant challenges with respect to addressing residual barriers and prospective employability.

Most practitioners have struggled at one point or another with addressing issues of 'suitability' as it applies to residual working capacity for injured claimants. In Ontario, assessing specialists are asked to answer 'THE QUESTION' which addresses whether or not the insured suffers a 'substantial' or 'complete' inability to engage in any work for which they are suited by way of their education, training, and work experience. In the world of vocational rehabilitation, there is not always a black and white answer to this question. There are often mitigating factors which we all know can impede or propel an individual's transition, despite their education, training, and experience. When addressing the issue of suitability, I believe it is essential for the vocational evaluator to take a comprehensive approach and, in addition to considering one's education, training, and work history, truly consider prospective work options that are realistic, practical, meaningful and sustainable.

A Vocational Evaluation and Transferable Skills Analysis should be a thorough and systematic process that seeks to address the issues surrounding one's residual employability and, let's not forget, economic loss. In this process, a skilled vocational evaluator must spend time with the injured person where, in addition to extensively reviewing all medical and functional documents and analyzing their education, training, and work experiences, they will administer a series of psychometric test measures designed to objectively appraise their aptitudes, abilities, work personality traits, and more. Testing to this extent seeks to consider those factors that may support (or impede) an injured person's chances of transitioning to alternate work. More specifically, test results should offer insight in to one's work-related reasoning and learning potential, verbal and numerical competencies, academic development, and demonstrated interests etc. The cumulative result of the evaluation process in combination with the transferable skills analysis (i.e., the review of their education, training, and work history) should highlight one's residual worker traits, discuss their strengths vs. their weaknesses, and establish a well-integrated, practical opinion as to where their worker traits might be best applied within today's labour market. This should all be done while keeping their residual impairments and restrictions in mind.

Once this has occurred, residual work alternatives suitable for the injured person can be further delineated. Realistic opinions can be offered as to whether or not an injured person has the skills to become directly employed into alternate work (i.e., immediately employed with little or no skills upgrading), whether or not those jobs would offer the injured person a meaningful, sustainable and commensurate rate of pay (as they would have otherwise been accustomed had they not sustained an injury), and as well, whether or not the individual demonstrates the potential for alternate work but would first require the acquisition of additional skills upgrading (e.g., further education, training, or experience) to be competitively employed. Labour market research can then be conducted to further determine the existence, and availability of those jobs recommended within the client's local labour market area, and, where possible, offer actual salary and pre-requisite information with respect to those jobs identified. Should retraining be required, research can also be conducted to identify duration and costs of related programming.

In conclusion, a Vocational Evaluation, Transferable Skills Analysis and Labour Market Search Report should offer a thorough, well integrated, practical opinion that must not only identify whether a person demonstrates the potential for alternate work, but as well does so in fairness to a client seeking to mitigate their loss after an injury by considering opportunities that will offer them both meaning and sustainability in their future transition.