

Vocational Evaluation: A Current Perspective. A Comprehensive Approach

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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. There are inherent challenges that accompany displacement and prospective reintegration into the workforce. Vocational evaluators and rehabilitation professionals are often called upon to consider an individual's residual capacity to work, offer prospective avenues that will support their reintegration in to the work force, and, within the context of benefits entitlement and rehabilitation, offer those involved with managing the claim an objective, realistic, and well substantiated opinion as to the claimant's residual worker traits, needs, and remunerative outlook moving forward. This is not a simple task.

Assessing practitioners are often left facing significant challenges with respect to addressing issues of 'suitability' as it applies to residual working capacity for injured claimants. In Ontario, assessing specialists are asked to answer questions related to disability threshold; addressing whether or not the insured suffers a 'substantial' or 'complete' inability to engage in any work for which they are reasonably suited by way of their education, training, and work experience. In the world of vocational rehabilitation, however, there is not always a black and white answer. These questions have innumerable mitigating factors that extend beyond one's level of education, training, and experience that can impede or, conversely, propel an individual's ability (or likelihood) to transition to an alternate mode of work, let alone one of commensurate earning, meaningfulness, and long term sustainability. When addressing the issue of 'suitability,' it is essential for the vocational evaluator to take a comprehensive approach.

Notably, a recent arbitrator's decision (where a special award was granted to the claimant) underscores this sentiment and reminds us of the impact a vocational evaluation can have on the outcome of a claim and settlement. In addition, it brings to view the way insurers deal with

the determination of entitlement to benefits in a post-DAC world and how the systems of insurer assessments that replaced the DAC system bear weight to such determinations.

In this particular instance, the aforementioned claimant was, for all intents and purposes, an elemental worker—having worked previously in physically demanding and unskilled positions. Additionally, the residual occupations listed in the insurer's vocational report were of a similar ilk, and theoretically commensurate with the claimant's reduced functional capacities. Concerns were later raised in arbitration in regards to the realistic suitability of these jobs vis-à-vis the client's vocational strengths, level of remuneration pre-accident, and the insurer's interpretation of said employment prospects vis-à-vis other medical and vocational reports which later came to light (leading to what was subsequently determined by the arbitrator to be a pre-mature termination of the client's income replacement benefits).

Within the context of assessment and income replacement determination it is important for the vocational evaluator to consider and appreciate in greater depth what it means to meet the test of 'complete inability.' In his analysis, the arbitrator referred to past arbitral decisions that maintained "this test is not to be construed literally but rather within the context of *the whole of the insured person's* education, training, and experience."

Gleaned from the arbitrator's analysis and recount of past decisions is that vocational evaluators must consider opportunities that are fair and realistic when determining suitability of alternative work possibilities for an insured individual. As compared to the insured's educational and employment background, the insured's ability to transition to work that is not substantially different in nature, status, remuneration, or hours worked; and must consider other factors such as the insured's age, qualifications, technical training, know-how, and (where relevant) labour market conditions. In addition, the arbitrator asserts that evaluators must consider not only the insured's capabilities but the ability to meet reasonable standards of competitive productivity.

As it applies then to addressing questions pertaining to thresholds of disability (e.g. that of 'complete inability') it seems that from a vocational perspective there are in fact considerable nuances within the realm of one's education, training, and experience that must be considered in greater depth. To ensure these factors are considered, the vocational evaluator must be thorough and methodical, imposing a systematic process that seeks to address all of the issues surrounding one's residual employability and, let's not forget, economic disposition secondary to their work displacement.

A skilled vocational evaluator will spend time with the injured person; client interviews must not be rushed. It is not enough to simply acquire the basics of the client's educational standing and occupations performed (e.g. grade 10, carpet installer). It is imperative to consider the client's past learning styles, academic pursuits, and achievement, and their subsequent vocational path therein. Was the client a good student? In what country were they educated? What were their grades like? Were there any learning issues (and if so were supports and strategies implemented)? What was the nature, if any, of the post secondary education? Were there other extenuating circumstances that interfered with one's academic achievements and/or vocational pursuits? How did the client inevitably end up in their pre-accident line of work? Everyone has a unique set of circumstances that requires consideration and analysis.

In addition to the interview, the evaluator will administer a series of psychometric test designed to objectively appraise the client's general educational underpinning, aptitudes, abilities, work personality traits, preferences, values, 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. Test results should offer insight in to the client's work-related reasoning and learning potential, verbal and numerical competencies, academic development/underpinnings, demonstrated interests (and also be related to past learning styles, etc.). Often evaluators have a repertoire of tests they trust and use regularly but there are times that call for alternate or additional tests to probe more deeply in to areas of strength (or perceived weakness), and/or circumstances where the evaluator might wish to cross-check one's results. A vocational

evaluator must think actively throughout the testing process to determine the appropriateness of each test while also documenting the client's level of participation and behaviour (e.g., effort, engagement, attention, concentration, focus, work speeds, ability to track answers, pain complaints, etc.).

The cumulative result of the evaluation process in combination with the transferable skills analysis (e.g., the thorough review of their education, training, and work history as gleaned from the structured interview) should highlight the client's residual worker traits, discuss their strengths and 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 and, to this end, all medical and functional documents need to be reviewed in-depth and extracted upon.

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; whether or not related opportunities are likely to 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 work experience) to become 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 and recommendations can be made where warranted for vocational rehabilitation counseling to support the client and increase their chances for an expedient transition to alternate work.

The lesson learned here, is that a skilled vocational evaluator must take a comprehensive and practical approach, consider the client as a whole, and offer future recommendations that will afford the claimant a realistic and fair sense of meaning, sustainability, and remuneration as they attempt to mitigate their loss after an injury. Furthermore, within the realm of insurance and addressing questions pertaining to disability threshold, a thorough vocational evaluation process will better ensure informed outcomes for those managing the claim as well.

References:

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