



ALUCA VIC LUNCH & LEARN

Thursday 6th June 2019

ALUCA

educate | develop | connect

ALUCA acknowledges our Sponsor Partners

PLATINUM



GOLD



GOLD EDUCATION



maximising the value of employability assessments
uncovering the current state of play



today's discussion



- understanding the importance of employability assessments (EA's).
- defining an EA.
- sections of an EA – what we need from you.
- factors impacting an EA – considerations for insurers & providers.
- when and how to refer for an EA.
- alternatives to EA's.

1

understanding
the importance of EAs



why is it important to understand EA's?



both TPD claims and litigiousness surrounding them have increased significantly since 2013.



EA's have become the preferred tool for meeting Australian TPD legal & policy requirements regarding assessment of vocational capacity.

2

defining
an employability assessment



what is an employability assessment?



‘an assessment of a person’s vocational capacity based on their education, training and experience within their medical functional capabilities’

EA and VA– the same thing?



No! An EA is not a vocational assessment and should not be treated as such...

INTENT...



An employability assessment is the same as a vocational assessment, right?

So what's the difference?

3

sections of an EA and
what we need from you



section: requisite information



section one: requisite information

purpose

providing identifying information, and clarity regarding what ax was undertaken under what circumstances.

required content

- demographics (name, DOB, address, claim number, condition, date last worked).
- policy details (TPD policy, date of ax).
- purpose of ax.
- method of ax.
- documents reviewed.
- executive summary.

considerations: requisite information



not just identifying information!

- inclusion of address → confirms labour market for analysis.
- inclusion of TPD definition → identification of relevant points.
- clarity regarding desktop vs contact-based, retro vs current day.

section: history of condition



section two: history of condition

purpose

providing context for the report, and highlighting points for later consideration.

required content

- objective summary of documents reviewed, with all opinions clearly referenced.
 - information relating to past, current and potential future tx.
-

considerations: history of condition



not just rehashing history!

- ID's treatment factors which may indicate MMI not reached.
- ID's reason for work cessation (was it claimed condition?).
- ID's engagement in post-dis a/vocational activities (**and** level of success with this).
- ID's job-seeking activities undertaken to date.

section: functioning & work capacity



purpose

critical in summarising available medical reporting and identifying the report's overall stance on a member's functioning.

required content

- lists all opinions provide in documentation in relation to function and work capacity.
 - formulates an overall statement of work capacity to be specifically applied to the EA.
-

considerations: functioning & work capacity



rule of thumb: what does the weight of medical evidence suggest?

- does the medical evidence collected include sufficient variation to allow for reasonable determination of work capacity?
- any barriers to identifying work capacity, & impact of this on report?
(ideally identified by you, prior to referral)
- any requirement to consider “point in time” assessment?



purpose

detailing education & training info – critical in determining what a member may be qualified for.

required content

- all education & training undertaken from high-school onward (**as specific as possible** – formal/ informal/ on-the-job training, dates of commencement/ completion, institution, mode of study/ training and level attained).
 - all registrations, licences, tickets, cards & their currency.
 - literacy skills.
 - digital literacy skills.
-

section: experience



purpose

detailing experience/ employment info – critical in determining what a member may be experience/ skilled in.

required content

- all forms of employment (paid, unpaid, voluntary, casual, work experience) from high school onward.
 - should include job title, duties, dates of employment, name of company, location, reason for work cessation.
-

section: avocational activities



purpose

identifying extra information we might otherwise have missed regarding experience & skills.

required content

- a list of all avocational activities undertaken by member including hobbies, community interests, club interests/associations.

considerations: education, training & experience



- finer details are critical to this section.
- requirement to consider “point in time” assessment.
- but, do post-dis a/vocational activities ID pre-dis skills?
- consideration of qualifications/ experience becoming dated (“current day” assessment).

section: transferable skills analysis



purpose

draws a connection between a member's past employment hx and their viability for identified vocational options.

required content

- an analysis of education, training and experience to identify residual skills.
 - grouped into skill-specific categories.
-

considerations: transferable skills analysis



critical section; draws the connection between member's past employment history & their suitability for identified vocational options.

- past responsibilities vs transferrable skills.
- are skills transferrable in light of functional restrictions?

section: vocational options



purpose

provides contextual info regarding ID'd vocational options (title, duties) & all points for consideration in assessing suitability (functional demands, ETE requirements, digital literacy, age & gender breakdown).

required content

- analysis & rationale for options identified based on alignment to ETE and functional capacity.
 - where vocational options were considered but deemed unsuitable; short rationale to be provided.
-



purpose

confirms functional demands and ETE requirements of an identified vocational option.

required content

- inclusion and purpose of an LMA is highly dependent on policy definitions – instructions from insurer are critical to this section.
-

considerations: vocational options & LMA



- ongoing debate re: **purpose** and **value** of employer contacts.
- pros & cons of including job advertisements.
- purpose of “considered but excluded” section.

section: conclusion & opinion



purpose

provides summary of report's opinion.

required content

- reiterate vocational options identified, and that this was based on assessment of ETE and functional capacity alignment.
 - acknowledgement that analysis was bound by expert witness code of conduct.
-

what won't an EA contain?



- opinion on whether member does/ doesn't meet the TPD definition.
- member's vocational interests.
- opinion re: need for ongoing occupational rehabilitation.

4

factors impacting an EA
considerations for insurers & providers



factors impacting an EA



- policy definition.
- date of assessment – “point in time”.
- retraining.
- assessment type (desktop vs contact).
- case law.
- consideration of biopsychosocial factors.



- unable vs unlikely.
 - what can this mean for a report?
 - ***changed burden of proof for “employability”.**
- 25% salary consideration.
 - what can this mean for a report?
 - ***inclusion of earning capacity within report.**



- determination of this is made by you (the insurer).
- two DOA's – retrospective vs current day.
 - what can this mean for a report?
 - *retro labour market data.
 - *point in time assessment – functioning & ETE.



- most policy definitions are silent on retraining.
- but even if not explicitly allowed, reports are testing what may be allowed in courts (Dargan!).
 - what can this mean for a report?
 - ***extra vocational options included.**
 - ***analysis of retraining requirements & “reasonableness”.**

Q: what makes retraining “reasonable”?

assessment type (desk, phone, face)



- previously; desktop has been the standard/ default.
- what do the courts say (Reynolds)?
- barriers to desktop? assumptions → weakened report.
- currently; trend towards contact-based.
 - what can this mean for a report?
 - * **more detail.**
 - * **less assumptions.**

Q: what factors do you consider when determining desktop vs contact?



- case law impacts on EA's over time.
- case law → clarity on policy interpretation → evolution of EA's.
- helps clarify current standards for what is acceptable.
 - what can this mean for a report?
 - *tailoring of justifications based on courts interpretations.**

Q: what is your experience of handling case law decisions internally?

considerations of biopsychosocial factors



- currently, reports don't address BPS factors.
 - Argument for why not: BPS factors aren't relevant to consider as they aren't “total” or “permanent”, and they are not referenced in policy wording.
 - Argument for why: BPS factors are relevant to consider because the globally accepted measure of functioning (the WHO's ICF) demands this.
- how? objective (psychometric testing) vs subjective (observations & opinions of assessor).
 - what could this mean for a report?
 - ✳️ **inclusion or exclusion of vocational options based on BPS factors.**

Q: is it possible to balance policy demands with global standards of assessment? what's your opinion of assessing BPS?

5

when and how
to refer for an EA

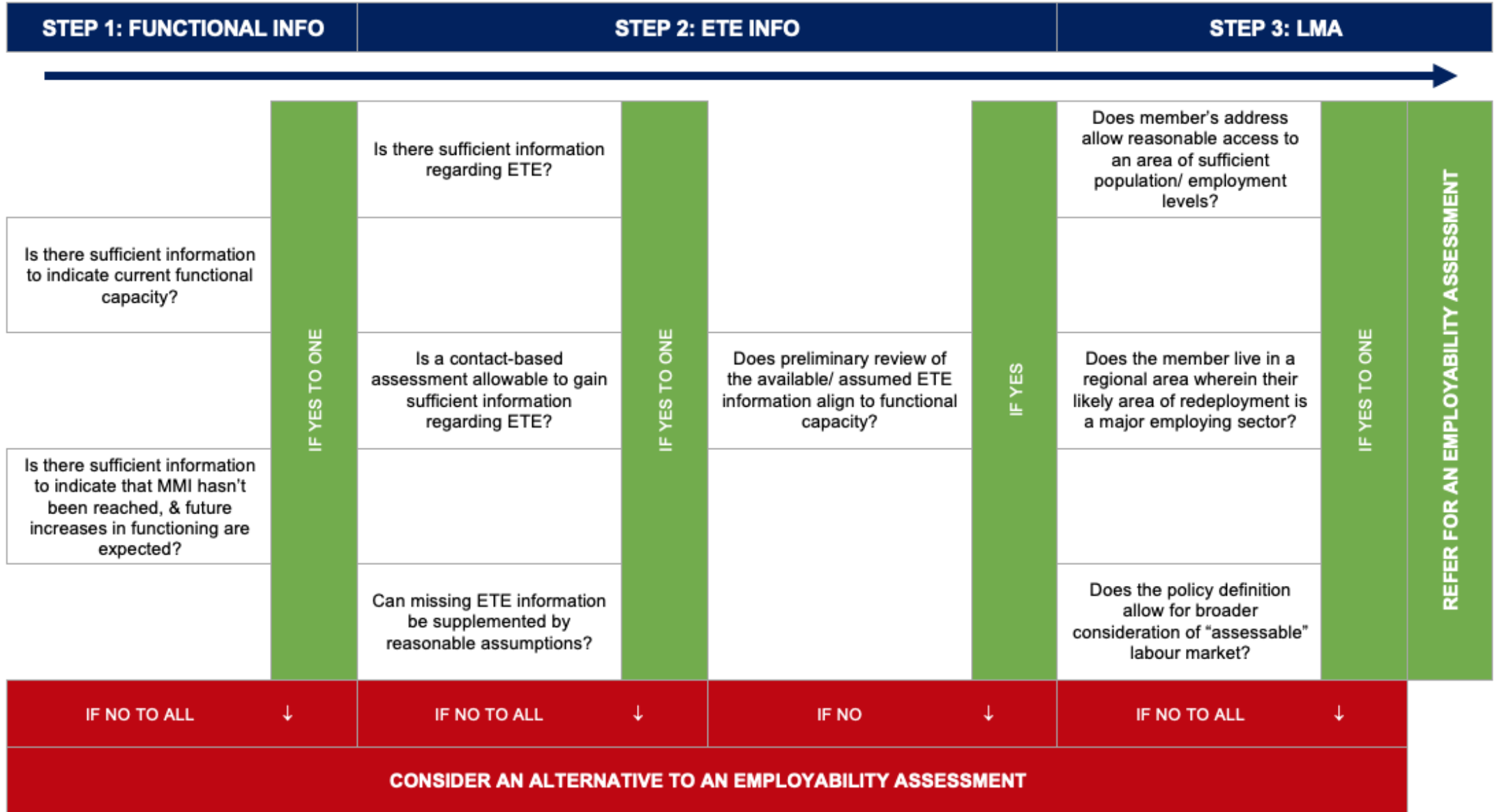


when



- we are all bound by LICOP timeframes.
- rule of thumb: an EA is your last piece of evidence.
- a consideration: while EA's are mostly requested when preliminary review indicates likely ID of vocational options; can also be requested when **no** vocational options are likely.

when





- letter of instruction: name, DOB, DCW, DOA (retro vs current), address, accepted dx, policy definition.
- functional referral docs: it is your call as the insurer what information to assess – we are bound to include all functional info sent to us.
- ETE referral docs: as much detail as possible – resume, PD, VA, ETE questionnaire, member's statement, employer's statement.
- less relevant? No hard & fast rules, but.... every WC certificate, every IP medical statements, all clinical notes.

quality over quantity

6

alternatives to employability assessments



**why use a TSA?**

to review a member's ETE and extrapolate suitable vocational options based on skill-set only.

when to use a TSA?

when medical information is too lacking/ unclear/ inconsistent to allow for an EA.



why use an LMA?

to research identified vocational option/s and determine if they are available in a specific geographic location and/ or provide evidence as to whether they are within a member's skill-set/ functional capacity.

when to use an LMA?

to ID relevant information of pre-dis role (own occ definitions?), or to complete updated LMA on previously-identified vocational options (and re-affirm suitability).

7

the end
questions, comments, chat?

