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Independent Living Allowances

Policy

The WSIB may authorize one or more of three independent living allowances to enable a worker with a serious injury or illness to function at home and in the community with reduced reliance on assistance from family, other people, or institutions.

Purpose

The purpose of this policy is to outline the entitlement criteria for the independent living allowances for home maintenance, transportation, and additional expenses, how they are paid, and when entitlement may be reviewed.

Guidelines

This policy must be read in conjunction with 17-06-01, Independent living and quality of life measures - Overview and definitions.

Definitions

Activities of daily living (ADLs) are basic activities that are performed by individuals on a daily basis for self-care. Examples include, but are not limited to, ambulating (e.g., walking), mobility (e.g., transferring from bed to chair and back), feeding, dressing, personal hygiene (e.g., bathing, grooming, toileting), and taking medication.

Independent living describes the ability to function at home and in the community with reduced reliance on assistance from family, other people, or institutions.

Instrumental activities of daily living (IADLs) are basic activities that are performed by individuals on a regular basis to live independently. Examples include, but are not limited to, using communication devices (e.g., telephone), procuring basic necessities (e.g., groceries), preparing meals, housekeeping (e.g., sweeping, laundry), day-to-day travel, attending non-WSIB related health care appointments, managing medications, and handling personal finances.

A **serious injury** means a work-related injury that results in significant/severe functional limitations that impact a worker's ability to live independently such that they require assistance or other appropriate measures:

- for six months or more, or
- permanently.

A **serious illness** generally means a work-related illness that results in significant/severe functional limitations that impact a worker's ability to live independently such that they require assistance or other appropriate measures, that:

- the worker is unlikely to recover from, and/or
- is a progressive life-limiting illness.

See 17-06-01, Independent living and quality of life measures - Overview and definitions for other definitions.

Independent living allowances

The WSIB may authorize one or more of the following independent living allowances to enable a worker to function at home and in the community with reduced reliance on assistance from family, other people, or institutions:

1. Home maintenance allowance
2. Transportation allowance
3. Additional expenses allowance

Where a worker qualifies for a reimbursement, allowance, benefit, service, modification, or device under the insurance plan that serves the same objective as one of the independent living allowances, they are only entitled to one or the other. For example, if the WSIB provides a worker with vehicle modifications, then the worker generally would not be entitled to the transportation allowance.

A worker can receive only one of each type of independent living allowance, even if the worker has multiple claims. There is no entitlement to the independent living allowances in cases where a worker is admitted to an institution on a permanent basis or for the foreseeable future; in these cases, the WSIB may consider requests for reimbursement of individual independent living expenses on case-by-case basis.

Workers may spend the independent living allowances as they choose. The WSIB does not require the worker to provide receipts after entitlement is established.

Entitlement

A worker is eligible to be considered for the independent living allowances where they have a serious injury or illness that is likely to be permanent. This means that the worker:

- has a work-related injury or illness that results in or is likely to result in a permanent impairment, and
- likely requires temporary assistance for six or more months or permanent assistance with their activities of daily living or instrumental activities of daily living due to the impact of that serious injury or illness.

1. Home maintenance allowance

The home maintenance allowance offsets the cost of services for indoor and outdoor home maintenance tasks at the worker's principal residence only.

Entitlement to the home maintenance allowance is considered where:

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- an eligible worker's serious injury or illness prevents them from performing day-to-day home maintenance activities, such as light to medium housekeeping, snow removal, and lawn and yard maintenance, and
- the impact of the serious injury or illness on their ability to perform such activities is not being addressed through other benefits or services (e.g., through treatment, rehabilitation, assistive devices, prostheses, independent living devices, vehicle modifications, home modifications).

2. Transportation allowance

The transportation allowance offsets the cost of travel by public or commercial transportation so that the worker can perform instrumental activities of daily living that enable their independent living.

Entitlement to the transportation allowance is considered where:

- an eligible worker's serious injury or illness prevents the worker from accessing or using their usual means of transportation to perform instrumental activities of daily living that enable their independent living, and
- the impact of the serious injury or illness on their ability to carry out such activities has not been addressed (e.g., through treatment, rehabilitation, assistive devices, prostheses, independent living devices, vehicle modifications, home modifications).

3. Additional expenses allowance

The additional expenses allowance offsets additional costs associated with WSIB-approved vehicle or home modifications and independent living devices.

Entitlement to the additional expenses allowance is considered where:

- an eligible worker is entitled to a vehicle modification, home modification, or independent living device as a result of their work-related serious injury or illness and this results in additional costs for the worker (e.g., additional automobile insurance coverage due to a vehicle modification, increased utility use due to a home modification, increased data use due to an independent living device), and
- the additional cost is not being otherwise reimbursed (partially or fully) by the WSIB.

The WSIB generally requires proof of the prior and additional costs to establish entitlement.

Transitional claims

Workers entitled to the independent living allowance under 17-06-02, Independent Living Allowance as published on October 12, 2004, will receive all three allowances under this policy and the quality of life allowance under 17-06-09, Quality of Life Benefits for as long as they meet the entitlement criteria in 17-06-02 as published on October 12, 2004. Where a worker no longer meets the entitlement criteria under 17-06-02 as published on October 12,

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2004, the WSIB may consider entitlement under this policy and 17-06-09, Quality of Life Benefits.

The requirement for workers with transitional claims to use the independent living allowance for independent living devices costing less than \$250 ceases to apply for devices requested for serious injuries or illnesses that exist on or after the application date of this policy, provided the device was not purchased before the application date of this policy. Independent living devices costing less than \$250 that are requested (and not already purchased) on or after the application date of this policy are considered in accordance with the guidelines in 17-06-03, Independent Living Devices that are in effect at the time of the request for approval.

Payment

The allowances are paid monthly from the date the claim file information shows the worker meets the allowance entitlement criteria. The amount of the initial payment may be prorated from the date of entitlement.

Annual lump sum: home maintenance allowance

A worker who is entitled to the home maintenance allowance may elect to receive this allowance as an annual lump sum each January 1, instead of a monthly payment, where they satisfy both of the following criteria:

- The worker has reached maximum medical recovery or the permanent worsening date.
- The worker continues to meet the home maintenance allowance entitlement criteria.

The worker may elect the annual lump sum for the home maintenance allowance at any time once these criteria are met. However, only elections received January 1 to October 31 will be processed the first January 1 that follows the election. Elections received November 1 to December 31 will be processed the second January 1 that follows the election.

The election to receive the annual lump sum generally applies for the duration of the worker's entitlement to the allowance.

The transportation and additional expenses allowances are paid as monthly allowances, only (i.e., no annual lump sum option).

Review

The WSIB reviews a worker's entitlement to an allowance whenever a material change in circumstances occurs that may affect entitlement to the allowances (e.g., the worker's condition has deteriorated or improved). For information about material changes, see 22-01-02, Material Change in Circumstances - Worker.

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The WSIB may also review a worker's entitlement at its discretion (e.g., pursuant to a review schedule, at the request of the worker, worker's health care professional, or employer, etc.).

A worker's entitlement may continue as is, change, or end following a review.

Duration

The allowances are paid for as long as the worker continues to meet the entitlement criteria. Where a worker who is entitled to an allowance dies or no longer meets the criteria, payment is discontinued at the next payment date. A benefit-related debt is not created.

Amounts

The current allowance amounts are outlined in 18-01-05, Table of Rates. These amounts are reviewed annually to determine if they need to be adjusted to keep up with changes in the cost of living.

Claims prior to January 1, 1998

In claims with an accident date prior to January 1, 1998, a worker must have a permanent total disability or permanent total impairment to be eligible for an annual independent living allowance.

A worker will be considered to have a permanent total disability (in claims prior to January 2, 1990) or a permanent total impairment (in claims on or after January 2, 1990) if their disability or impairment meets the definition of a serious injury or serious illness in 17-06-01, Independent living and quality of life measures - Overview and definitions and is permanent.

In these circumstances, the worker may be entitled to one or more of the three independent living allowances if the other criteria in this policy are met.

Application date

This policy applies to all decisions made on or after x, for entitlement periods on or after TBD, for all accidents.

Document History

This document replaces 17-06-02 dated October 12, 2004

This document was previously published as:

17-06-02 dated April 6, 2001

17-06-02 dated December 13, 1999

17-06-02 dated June 15, 1999.

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References

Legislative Authority

Workplace Safety and Insurance Act, 1997, as amended
Sections 32, 33

Workers' Compensation Act, R.S.O. 1990, as amended
Sections 50, 52

Minute

Administrative

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