

Operational
PolicySection
Independent LivingSubject
Vehicle Modifications

Policy

The WSIB may approve vehicle modifications to enable a worker to operate or travel as a passenger in their vehicle, where the work-related injury or illness affects the worker's ability to do so.

Purpose

The purpose of this policy is to outline the criteria for entitlement to vehicle modifications, the vehicles eligible for modification, and the maintenance, repair, and replacement of vehicle modifications.

Guidelines

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

Definitions

Vehicle for the purpose of this policy means a vehicle that meets the definition of 'motor vehicle' in the Ontario *Highway Traffic Act* and is primarily designed for year-round use on highways as defined in the *Ontario Highway Traffic Act*.

Entitlement criteria

The WSIB may allow entitlement to vehicle modifications where all the following criteria are met:

1. The worker has an injury or illness that impacts the worker's ability to enter, exit, operate, or travel as a passenger in the vehicle.
2. The clinical evidence supports that vehicle modification is essential to the worker's ability to safely enter, exit, operate, or travel as a passenger in the vehicle.
3. The vehicle is eligible to modify (see **Eligible vehicle** section).
4. The eligible vehicle belongs to the worker, or where the eligible vehicle does not belong to the worker, it is readily available to the worker to carry out instrumental activities of daily living.
5. The claim file information supports that modifying the vehicle is a necessary, appropriate, and sufficient means of facilitating the worker's independent living.

The WSIB generally only approves vehicle modifications in cases where the injury or illness that results in the need for vehicle modification is, or is expected to be, permanent. However, the WSIB may approve minor modifications where a worker has an injury or illness that is temporary if the impact on their ability to operate or travel in a vehicle is expected to last for an extended period of time.

Minor modifications typically involve devices or equipment that integrate simply and directly onto a vehicle's original design. This includes, but is not limited to, devices or equipment

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such as assist straps or steps, seatbelt extenders, acceleration and braking extenders, and steering wheel knobs or grips. The WSIB considers entitlement to minor modifications for temporary injuries and illnesses according to the five criteria above.

Eligible vehicle

The WSIB must approve the vehicle to be modified. The WSIB is not responsible for modification costs where WSIB approval is not obtained in advance and the WSIB does not subsequently approve the vehicle for modification.

To be eligible to modify, the WSIB must be satisfied that:

- the vehicle meets the definition of a vehicle set out in this policy
- the vehicle will be the worker's primary mode of transportation
- modifying the vehicle is cost-effective given the age and condition of the vehicle
- the vehicle as modified will meet federal and provincial standards for being operated as a motor vehicle
- the vehicle as modified will facilitate a return to safe and independent driving, and/or allow the worker to be transported safely as a passenger, and
- the intended driver of the vehicle is or will be able to legally operate the vehicle (i.e., licensed and insured).

The WSIB may request a Safety Standards Certificate or other documentation that demonstrates the vehicle is safe and operable.

Purchasing a vehicle to modify

Where the worker chooses to purchase a vehicle that is eligible to modify, in addition to providing vehicle modifications, the WSIB may reimburse the worker for features in the vehicle that:

- are required due to the impact of the work-related injury or illness, and
- are not standard features for the base model of the vehicle.

The WSIB determines the amount to reimburse for the features. The WSIB does not reimburse the cost of the vehicle itself.

Purpose-built accessible vehicles

The WSIB may contribute a portion of the cost of a purpose-built accessible vehicle purchased by the worker. The WSIB does not contribute the full cost or purchase vehicles directly.

The WSIB considers contributing where:

- the worker has, or plans to purchase, a vehicle that is eligible to modify (see "**Eligible vehicle**" section), and

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- the cost of a purpose-built accessible vehicle is similar to or less than the value of that eligible vehicle and the cost of the required modifications.

The WSIB contribution generally takes into account the difference between the cost of the purpose-built accessible vehicle and the value of the eligible vehicle the worker owns or cost of the eligible vehicle the worker had planned to purchase. The WSIB contribution may not equal or exceed the full cost of the purpose-built accessible vehicle.

Modification process

The WSIB has vendor contracts in place for vehicle modification services. Where the WSIB finds a worker is entitled to vehicle modifications, the worker is expected to co-operate with the WSIB vendor and in any required assessments.

See 17-01-07, Preferred Supplier of Health Care Products/Services for information about the circumstances in which the WSIB may approve products and services from a vendor other than a WSIB vendor.

Concurrent and subsequent vehicle modifications

The WSIB generally approves modifications for one vehicle at a time.

The WSIB may modify a subsequent vehicle for the worker in accordance with the guidelines in this policy where:

- the useful lifespan of the current modified vehicle expires, or
- permanent changes in the work-related injury or illness affect the worker's ability to live independently to the extent that it is not practical to further modify the current vehicle.

Maintenance, repair, and replacement

The worker is responsible for operating costs and normal vehicle maintenance. The WSIB pays for routine inspection, maintenance, repair, and replacement of the vehicle modification itself. The WSIB may also pay for wear and tear or damage caused to the vehicle by the vehicle modification itself. The WSIB does not pay for damage to the vehicle modification that is due to misuse, failure to follow warranty requirements, or failure to follow operating instructions.

Insurance

The WSIB does not arrange or pay for insurance for the modified vehicle. Workers who meet the entitlement criteria for the additional expenses allowance under 17-06-02, Independent Living Allowances may choose to use the allowance to pay for insurance cost increases due to the vehicle modification.

The worker is responsible for ensuring insurance is in place for the modified vehicle that:

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- includes coverage for the person driving the vehicle, whether that be the worker or some other person where the worker is accessing the vehicle as a passenger, and
- is sufficient to cover repair and replacement of the vehicle modification in the event of a motor vehicle accident; the WSIB does not pay for repair or replacement of the vehicle modification where the damage is due to a motor vehicle accident.

The WSIB may request proof of insurance at any time.

Application date

This policy applies to all decisions made on or after x for services performed or purchases made on or after x, for all accidents.

Document History

This document replaces 17-06-07 dated October 12, 2004.

This document was previously published as: 06-05-04 dated July 1989.

References**Legislative Authority**

Workplace Safety and Insurance Act, 1997, as amended
Section 32(e)

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

Minute

Administrative