Injury Management – 12 Steps for Developing a Return-to-Work Policy



Carrying workers compensation coverage may be one the best ways to reduce the financial risk but relying on insurance is not enough—it is also critical to implement a well-executed and carefully tailored return-to-work (RTW) policy.

There are multiple benefits to a RTW program. Getting the employee back to the office or workplace reduces the amount of money being paid out by the carrier, and as a result, your immediate claim costs and future insurance rates also go down. For employees, returning to work improves their physical and psychological well-being, reduces the amount of medication they need, and lowers the risk of addiction to substances such as opioids.

RTW policies will vary from industry to industry, so it is important to consider the nature of the work and the specific needs of the company. The following 12 steps can serve as a guide to creating a successful program:

Step 1: Implement a written RTW policy and review with employees. The plan should apply to all employees equally and be handled by one individual or team to monitor and ensure even-handed application. Be sure to follow the core policy of any well-run HR system: treat all of your employees fairly and consistently. Make sure all employees have a clear understanding of the policy.

Step 2: Decide what position to offer. You do not need to place the employee back in their prior role. Indeed, this is often impossible. For example, if you are in the construction industry and an on-site employee sustains a burn, avoidance of heat is a common restriction. Look to a job far from the heat of power tools, perhaps working within the office on administrative tasks. The employee can even use his or her field experience to help with prospects and suggest improvements management can make for other field employees.

Step 3: Ensure clear understanding of the employee's limitations. The injured employee should bring documents clearly stating the doctor's restrictions. For example, if the injured employee is based in a packing and shipping department, a back injury may be difficult to accommodate due to lifting restrictions. Consider restrictions carefully and think creatively to find the best way to keep the employee in the facility, perhaps by assigning them labeling or freight tracking duties.

Step 4: Send an official light-duty job offer letter. Legally, you must notify the injured employee of the light duty, in writing, and via trackable means. A phone call telling your employee to return is not an acceptable form of communication. The letter does not need to state the job you are offering, the pay or even the shifts. You are only required to disclose that you have a position within the restrictions

and advise the employee when and to whom they should report. If the employee refuses the job, notify the claims adjuster immediately.

Step 5: Manage the first day back with care. Once the employee reports to work, set forth the details of the assignment and your expectations. Ensure the tasks are within the scope of the most recent restrictions, and give them the information about the new role, the shifts and the pay. If an employee's restrictions have been accommodated with a desk job, ensure that person knows he or she has the option to stand to stretch or take a few minutes to walk around each hour if needed.

Step 6: Manage co-workers and their reactions. Management must not only lead by example but play referee. Do not allow co-workers to gossip or spread false rumors. If co-workers are heard talking about money the injured worker is supposedly getting through the case, it is best to put an end that conversation immediately. These claims can be contagious.

Step 7: Know what you can and cannot say. Keeping the peace is critical and that begins with your executives at the top. Ask the employee how he or she is feeling or if they need help. Do not imply injuries and pain are fake or exaggerated. Above all, do not broach the topic of lawyers and legal cases.

Step 8: Monitor the actual work of the injured employee on light duty. It is important to make sure the employee is neither under- nor over-performing. Working through pain makes one more prone to re-injury. Not asking for help due to embarrassment often leads injured parties to act outside the restrictions. Take bending for example. If bending is a restriction, doing so can increase pain and lead to tighter restrictions or a no-work status, which can increase the claim costs. Management must watch to ensure the job is being performed properly and safely.

Step 9: Accommodate medical appointments as reasonably as possible. While you must allow your employees to go to their doctor and physical therapy appointments, work schedules may not match the standard workday of a doctor. Consider shifting your employee's hours to accommodate appointments or encourage the injured employee to make their appointments around their scheduled workday.

Step 10: Respond to complaints from the injured worker. If your employee says, "This is work I am not allowed to do," you might want to respond, "Let's go over your most recent restrictions to ensure your safety." The goal is not to create an adversarial relationship between the employee and employer.

Step 11: Decide how to pay the employee on light duty. To have the best financial outcome for your claim, the goal is to offer work that allows the employee to earn 80% of what was being earned pre-injury. Once you update the insurance adjuster on the RTW plan, the adjuster can assist in these calculations.

Step 12: Report earnings to your workers compensation carrier. There are circumstances under which the employee will be entitled to compensation from the insurance carrier. You are obligated to ensure the adjuster has the weekly earnings to ensure benefits are correctly and properly administered.

Ultimately, bringing back an injured worker may not be an easy task, but the financial benefits can be significant. Perhaps more importantly, however, it will also benefit the physical and mental health of your employee.

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