

## **Return to Work Programs**

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An employer has a positive duty to accommodate, short of undue hardship, the needs of an employee returning to work after an illness or a disability. While some employers may regard this as a burden, in practical terms successfully accommodating employees with disabilities achieves a number of social and business benefits in the workplace. It reduces the social and workplace costs associated with ongoing absences, disruptions to staffing and reliance on private or public disability benefits. Furthermore, it affirms the dignity, worth and ability of each person to contribute to the well-being of the workplace community, consistent with the goals of human rights legislation.

A Return to Work program is an agreement between employer and employee that sets out very clearly the accommodations to be made and, where appropriate and possible, the steps involved in returning the ill or disabled employee back to full productivity.

Return to Work Programs are a critical risk management strategy that provide a number of advantages to both employers and employees. The establishment of a formal Return to Work program allows for the development of individualized Return to Work plans for injured employees immediately after each accident occurs. This is often regarded by all involved parties much more favourably than reacting in an inconsistent manner to workplace accidents.

Return to Work programs can alleviate many of the concerns, fears and frustrations experienced by both employers and employees following a workplace injury. Return to Work programs are also helpful in improving communication and clarifying the role of each of the participants. It enables all interested parties, including non-injured and injured employees alike, to understand and have access to a process for the resolution of any difficulties that may be encountered at the work site during the period of transition.

## **Characteristics of an Effective Return to Work Program**

An effective Return to Work program contains the following characteristics:

1. **Flexibility** – Each Return to Work case should be considered on its own merits, as there is no “boiler plate” equation for an effective Return to Work program. An injured employee’s physical capabilities must be clearly identified and substantiated by medical documentation. Skill level must also be considered, as well as the time necessary to upgrade or retrain an employee for new tasks.

The injured employee may be able to carry out his or her regular work on a restricted basis. For example, an employee returning to work may work half-time initially, gradually working up to full-time work as he or she recovers (in a so-called “step-up” program). Alternatively, an employee may carry out tasks that are totally different from his or her regular tasks. Where feasible, it is important to establish a timetable to make a smooth transition from modified work to pre-accident work, based upon medical

capacity. Injuries with residual permanent disability will require permanently modified work.

2. **Productivity** – The Return to Work plan must be both meaningful to the employee and of value to the organization. Both productivity and the employee’s dignity must be maintained. Happily, these are coincidental goals, since menial or make-work tasks are demoralizing to the employee, may lead to lower productivity and may extend recovery. Unproductive modified work will also frustrate co-workers and poison the work environment if co-workers consider the injured employee’s contribution to the production process useless.
3. **Income Maintenance** – An employee completing full-time modified work should earn as much remuneration as he or she would have received at his or her pre-accident job. If an employee’s earnings for the period of the Return to Work program are reduced such as would be applicable in a graduated or step-up program, the Workplace Safety Insurance Board will pay the employee any wage-loss differential. This wage-loss supplement, however, will attract claims costs to the employer’s experience. Therefore, if the employee is on a step-up program, an employer’s goal should be to progress to pre-accident hours as quickly as medically possible.
4. **Medical Involvement** – This is essential. No Return to Work plan should be undertaken by any injured employee without full knowledge and consent of the treating physician and/or the WSIB. The employer should provide the employee with a detailed job description, outlining the amount and weight of any lifting, repetitive movements and any other physical requirements, to give to his or her health professional. The physician should also be asked to provide medical opinion about the nature and length of any work

restrictions. The employee should continue to undergo regular medical evaluations for the duration of modified work. No increase in work activity should be contemplated without medical opinion.

In this regard, the employer has a legal right to receive information on an employee's functional abilities, in order to identify suitable jobs that are compatible with the employee's physical capabilities.

5. **Communication** – Lines of communication must be kept open between all interested parties if the program is to succeed. This means regular communication with the injured employee (whether he or she is off work or on light duty), the appropriate supervisor, the treating health professional, the Board, and the union, if there is one. Regular communication with the employee on modified work will minimize any feelings of alienation and will encourage the employee to successfully graduate from the temporary modified work into the pre-accident job. Contact should be non-confrontational, as the primary goal is to reassure the employee that his or her health and well-being are of paramount concern.
6. **Stakeholder Support** – In order to be effective, a Return to Work program needs to have the support of senior management, with the necessary resource commitment, and must be endorsed and supported by employees and all levels of management.
7. **Clarity** – To work well, the Return to Work program should be founded on clear policies and procedures that are written and consistently applied. The intent should be clearly expressed, with evaluation benchmarks built into it. It is important that the roles and responsibilities assigned to all parties including the employee, employer and treating health care professional are clearly stated and known.

8. **Program Evaluation** – The employee’s progress within the Return to Work program must be closely monitored to ensure that the employee is managing well, and to determine when an increase in activity or a return to regular work can be undertaken. Much of this monitoring will be performed by the employee’s immediate supervisor, who also must be kept fully informed of the employee’s medical progress

The company should also maintain regular contact with the treating health professional, particularly following each medical assessment, to ensure that medical intervention is compatible with the Return to Work plan. The ultimate goal of an Return to Work program is to expedite the employee’s return to pre-accident level of employment. It is, therefore, necessary to closely monitor progress and encourage an efficient and timely progression within the Return to Work program.

## **Benefits of a Return to Work Program**

Apart from complying with legal obligations, a Return to Work program, if done properly, can have important business benefits for employers and employees. Primarily, a Return to Work program will improve productivity for ill or disabled employees returning to work. It will also improve industrial relations and morale, by accommodating the needs of and providing certainty to those returning from illness and disability, so that they can return to full productivity (if able to do so) as quickly as possible. Accident claims (and hence premiums) can be reduced, and the costs associated with the employee’s absence can be limited.

For employees, a Return to Work Program expedites medical recovery and return to full working capacity and maintains contact with the employer and other employees in periods of disability, keeping an employee's connection to his or her employment network. Generally, such programs will reduce the time needed for an employee to return to full working capacity. Importantly to both employees and the culture of a workplace, Return to Work Programs help to maintain dignity and self-respect and protect the employability of ill or disabled persons.

With a Return to Work program, it is estimated that:

- There is a 45% chance that the employee will return to work after six months away from work;
- There is a 25% chance that the employee will return to work after one year away from work;
- There is a 10% chance that the employee will return to work after two years away from work.

Return to Work programs are a business issue. Early action in the Return to Work process prevents the possibility of a long-term problem. Getting as early a start as possible in developing a Return to Work program will help manage claims, save money and aid in the handling of difficult matters such as psychiatric claims. A successful Return to Work program is an effective way of controlling accident frequency and cost, while supporting enhanced productivity and employee morale.