

Getting the tough cases back to work

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Abstract

According to the Bureau of Labor Statistics, in 1998, 5.9 million nonfatal injuries and illnesses were reported in private industry workplaces. Of these, a total of 1.7 million workers - 56 percent of whom were between the ages of 25 and 44 - lost time from work as a result of their injuries or illnesses. Ron Anderson, who currently serves as the workers' compensation claims manager for American Airlines, says that there are plenty of successful return-to-work programs. These typically involve, he says, six best practices: 1. Avoid claims exposure from the onset. Establish safety and training programs. 2. In appropriate states, have panels of medical providers effectively and aggressively treat injuries. 3. Maintain a good working relationship with claims handlers to identify problematic cases early on. 4. Create a culture and mentality from the top down that is accepting of injured employees. 5. Improve the quality and quantity of data available to injured workers after recovery. 6. An employee must be motivated to return to work. Making the job site interesting and enjoyable will go a long way to keep employee morale high.

As a retail worker, Jeff-not his real name, but a real return-to-work principal-suffered a back injury and did not work for several months. After his doctors cleared him for light work duty, Jeff baffled his case workers by showing up to job interviews with his two children in tow and wearing full fishing attire complete with hip waders and a hat adorned with fishing lures. During interviews, he failed to answer questions and asked prospective employers to sign a form to prove he had interviewed. He never got a job, but caught a lot of fish until settling his claim.

According to the Bureau of Labor Statistics, in 1998, 5.9 million nonfatal injuries and illnesses were reported in private industry workplaces. Of these, a total of 1.7 million workers-56 percent of whom were between the ages of 25 and 44-lost time from work as a result of their injuries or illnesses. Although it is difficult to determine national figures on return-to-work and its impact on workers' compensation settlement values, a large portion of the workforce is out of work and someone is paying for it.

Every day thousands of injured workers avoid going back to work. They intentionally sabotage interviews by wearing wildly inappropriate attire or acting hostile, aggressive and even threatening toward potential employers. They act out what some call the workers' comp return-to-work drama. In this production, the primary cast includes the injured worker, doctor, adjuster and, finally, lawyers. They are supported by the employer, private investigator, rehabilitation supplier and re-employment specialist. As some members of the cast try to end the play by getting the employee back to work or settling the claim, others counter their effort. After all, if the play ends, the money flow stops for some of these characters.

The good news is that such stories are the minority-about 85 percent of injured workers return to their jobs within thirty days of their injury. The remaining 15 percent, however, have been led to believe by doctors and lawyers that they may never work again; they are angry, afraid and often unmotivated to find work. Securing employment for them through a traditional return-to-work program is a major challenge.

Emotional Cycle of a Disability

During the recovery process, many injured workers experience negative emotional training from medical and legal professionals. Rather than exploring their patients' (or clients') potential for the future, doctors and lawyers often focus on what they will not be able to do until (or when) they recover. This is hardly intentional, since doctors and lawyers generally want what is best for their client.

But doctors are obligated to frankly discuss their patients' conditions, and to brief them on any possible disability they may face. Diagnosing a patient through rose-colored glasses is a sure way to a malpractice suit, and doctors know it. So for them, it pays to be bleak.

Likewise, while many attorneys want their clients to get back to work, there is a financial impact associated with claims resolution. Legal professionals juggling hectic schedules can inadvertently extend the litigation process by months or even years, stifling momentum toward recovery. This emotional drama weighs heavily on workers, lulling them into a cycle of disability.

By stepping in before these events unfold, employers can reduce their effect. Empowering workers before an injury occurs includes:

- * Incorporating your human resources department. Make sure it is well informed about the organization's internal and external return-to-work options. Its staff should be readily available to injured workers so when questions arise, prompt and accurate answers can be delivered. This simple courtesy conveys respect as well as a no-nonsense expectation that time away from the job is assumed to be temporary.
- * Sending a clear, unanimous message. From the top brass to floor managers, from clinic nurses to payroll staff, the employees must understand that the organization has an aggressive return-to-work program and is committed to doing whatever it takes to bring workers back in some capacity. If your organization's claims professionals, attorneys and program vendors do not realize the value of this concept, consider implementing some form of cultural training to see that they do.
- * Bringing out the big guns, when a serious injury occurs, may prevent prompt recovery. Do not wait for doctors or lawyers to cultivate an attitude of helplessness. Obtain clear work restrictions early in the process. Using these as a guideline, look inside and outside the organization for alternative positions for the injured worker. Also, look for ways to relay this information to the worker each step of the way.

Introducing a strong return-to-work program builds up the employee's confidence during his or her recovery. Rather than focusing on disability and the lure of securing a big settlement, workers are armed with a wealth of positive options.

The Psychological Impact

Once injured, workers tend to perceive the worst. They believe they will never have the capacity to work again and fear the resulting financial burden. In cases where workers have experienced severe emotional trauma at the workplace (i.e., a bank teller who is robbed at gunpoint or an injured construction worker who witnesses a co-worker's serious or mortal injury), returning to work can present a challenge that is as much psychological as it is physical.

Violent crimes or accidents are not the only cause of psychological distress. Removed from the familiar day-- to-day interaction with management and co-workers, it is easy to develop a fear of the unknown. Prolonged pain, loss of function and depression can become psychological barriers to recovery. In addition, many workers complain that they are made to feel like criminals--fraudsters--for accepting payment while staying at home.

Employers often show support at the time of the injury, but strong communication during the entire recovery process has an equally important impact on the injured worker's ability to fend off the psychological tailspin. Such strategies can promote the worker's mental and emotional recovery:

- * Show sincere concern. Look for ways to keep injured workers connected. A copy of the latest company newsletter, a brief phone call to confirm that all is going well with recovery or a simple e-mail expressing well wishes can do wonders to alleviate workers' worries.

- * Avoid disputes. Reconsider your point of view as the employer when denying a specific medical treatment or physician, arguing questionable average weekly wages, or litigating a minor issue. Tangling in lengthy disputes can be distracting and may keep the employee from returning. Keep an eye open for opportunities to rebuild communication or end minor disputes with your injured workers and the medical and legal professionals helping them.

- * Invest in proactive internal resources. Prepare a physical binder full of alternative job descriptions within the company, create a return-to-work resource center, or turn to outside resources to accommodate transitional duty workers. Promote internal online job listing resources, encourage volunteerism and partner with local employment agencies or volunteer groups to enhance workers' options.

I Don't Want to Work

Like Jeff in his fishing outfit, certain workers will sabotage every opportunity to return to work. Sometimes job prospects do not stir their interest or they are simply not motivated to work at all.

Some states place the burden of finding a new position on workers—if an employee can work in any capacity, he or she must try. Otherwise, they cannot collect benefit payments. Other jurisdictions rely on rehabilitation regulations to address return-to-work objectives. Legal remedies only go so far, however, to prevent employees from shirking their return to the workforce.

Employers must do everything possible to encourage interest in the return-to-work process. And if these best efforts fail, they must be equipped with the records to prove it.

The goal is simple: get the injured worker a job. Train employees to conduct a job search, from newspapers to Web sites to electronic bulletin boards. Teach them to network and to spot job opportunities in unlikely places. Let them know what kind of returns to expect when sending out cover letters and resumes.

Since not all workers embrace such help, bring in an aggressive vocational rehabilitation company or reemployment data research firm to document injured workers' efforts to find employment. Once a worker realizes he or she is being watched, the temptation to lie about searching hard for new work will fade.

When employers cannot facilitate modified duty on a permanent basis, the data on alternative jobs developed by the organization must be flawless. Written job descriptions are critical to communicating the duties and physical requirements of a new position. Traditionally collected in dusty corporate archives, the simple job description format can take on new life when used to communicate alternative positions in the community.

Once a job opportunity has been identified, notify everyone. Re-employment is time-sensitive. The most compelling evidence to dispute a questionably diligent job search effort can be gathered by carefully documenting when information was provided and what happened afterwards.

The final step of the documentation process requires contact with the alternative employers to report on their experience with the injured workers. Were they on time to the appointment, dressed

appropriately, interested in the position and flexible with the hours or salary? If the answers to these questions come back negative, the framework to documenting motivation to gain employment must already be in place.

Best Practices

Ron Anderson, who currently serves as the workers' compensation claims manager for American Airlines and has worked for several other Fortune 500 companies, says that there are plenty of successful return-to-work programs. These typically involve, he says, six best practices:

1. Avoid claims exposure from the onset. Establish safety and training programs and take the show on the road. Make sure that safety training is conducted regularly at all levels and physical locations in the organization.
2. In appropriate states, have panels of medical providers effectively and aggressively treat injuries. The strongest return-to-work programs feature good relationships between doctors and employers. Existing panels should be reviewed and updated routinely. In today's market it is possible to negotiate with provider facilities to handle employee treatment, return-to-work challenges, and reporting and billing requirements. If providers are unable or unwilling to meet your standards, replace them.
3. Maintain a good working relationship with claims handlers to identify problematic cases early on. This will help develop a strategy to reduce exposure. Empower them to solve problems, rather than micromanage routine tasks.
4. Create a culture and mentality from the top down that is accepting of injured employees. Workers need to feel included in the process and never too distant from the work community.
5. Improve the quality and quantity of data available to injured workers after recovery. When physical restrictions prevent employees from returning to their former position or occupation, document the alternative job market. If the injured employee is motivated to return to the workforce, chances of reemployment increase dramatically. When employee motivation is in question, reemployment data can improve the time line and value of settlement.
6. An employee must be motivated to return to work. Making the job site interesting and enjoyable will go a long way to keep employee morale high.

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