

Return to Work Program

A Return to Work (RTW) Program is a key aspect to managing employee injuries involving lost work days. RTW Programs get injured employees back to work as soon as safely possible, thereby lowering Workers' Compensation indemnity costs. An effective RTW Program involves planning interim job duties before accidents occurs; utilizing early case management; and sharing information between the management team, Western National Insurance Group Workers' Compensation Claims staff, and the treating physician.

Program Elements

The goal of the RTW Program is to bring an employee back to work as quickly as feasible after suffering a disabling work related injury or illness. The program targets minor-to-severe lost workday injuries. The objective of a RTW Program is to return the employee to work by utilizing preplanned interim job duties that accommodate medical restrictions set forth by the treating physician.

Program Benefits

Injured employees incur more than lost wages when they are away from their jobs due to work-related accidents. Pain caused by from the injury, concern over initial limited mobility, and the inability to perform some routine activities can cause physical, emotional, and mental stress. Employees on prolonged medical leave feel separated from their place of employment and livelihood the longer the separation the greater the stress. These factors can be obstacles to recovery and result in increased medical, indemnity and rehabilitation costs.

RTW Programs benefit for both employers and employees.

Employer benefits include:

- Lower Workers' Compensation costs
- Improved employee morale
- A positive community image
- Improved productivity

Employee benefits include:

- Job security
- Less time away from social interaction present in the work environment
- A positive self-outlook
- The ability to continue earning an income/ less of a financial impact

Reducing Employee Lawsuits

Employees away from work for an extended time due to injury may seek legal assistance from the legal assistance. Contact between an injured employee and an attorney significantly increases two weeks after the injury. Litigation increases claims adjusting expense and makes direct contact with the injured employee improbable. RTW Programs help avoid litigation, beginning with management maintaining positive oriented employee contact on a weekly basis.



Developing Your Return to Work Program

A written policy is the basis of an effective RTW Program. The policy should emphasize the goal of getting the injured employee back to work as quickly as possible by utilizing temporary light duty work assignments. The program should state management's willingness to accommodate the injured employee's physical work restrictions. In addition, the written RTW Program should identify responsibilities from upper management to front-line employees, and includes examples of light-duty jobs. Communicating the program to all employees will help set expectations before injuries occur.

Management Responsibilities

Management should develop the written program and assign responsibilities for implementation. At the time of program development, a member of the management team should be appointed the RTW Coordinator. Management should promote the RTW Program to all employees of the company and identify and explain the roles of the RTW Coordinator, all levels of management, and the employees.

RTW Coordinator

The RTW Coordinator is a key person in the RTW Program. This member of the management team should have a working knowledge of Workers' Compensation laws in all states in which the company operates. The RTW Coordinator oversees the RTW program.

The RTW Coordinator's duties include:

- Completing the First Report of Injury form and submitting it to the Western National Insurance Group Workers' Compensation Claims Department
- Contacting the injured employee weekly
- Communicating with Western National Insurance Group, the treating physician, and the management team
- Communicating light-duty work tasks with physical demand requirements to the treating physician
- Notifying the injured employee's light-duty job supervisor about the employee's work restrictions
- Setting the return-to-work date of the injured employee
- Monitoring light-duty work performance to ensure work restrictions are followed

Supervisor

The supervisor of the injured employee must support the RTW Program for the program to be effective. Supervisors should understand that their role involves creating positive interactions with the injured employee returning to work.

Supervisor responsibilities include:

- Welcoming the employee back to work
- Monitoring the employee's progress with the light-duty assignment
- Communicating employee performance to the RTW Coordinator at set intervals
- Assuring that work restrictions are never exceeded by the injured employee



Treating Medical Staff

The physician should be more involved than just providing medical treatment to the injured employee. The medical staff should be informed of the company's RTW Program and availability of light duty job assignments. Medical staff should be invited to visit the company's facility to meet the RTW Coordinator, discuss the extent of the RTW Program, and tour the company operations. These steps help improve communication between the company and medical staff before an injury occurs.

The treating physician should have knowledge of:

- The injured employee's regular job functions and the physical requirements needed to perform that work
- Available light duty jobs with physical demand requirements
- Contacts for providing information to the employer and Western National Insurance Group regarding prognosis and work restrictions

Insurance Carrier

Western National Insurance Group recognizes the value of Programs that provide positive interactions among the company, the injured employee, and the treating medical staff.

Western National Insurance Group can help in the development of RTW Programs by providing:

- Examples of written RTW Programs that can be customized to company needs
- Assistance in educating company management and staff on the importance of the RTW Program
- Instructions for conducting Job-Hazard-Analysis with physical demand requirements to develop light-duty jobs
- Workers' Compensation Claims representatives for evaluation and management of claims
- Case management communication with treating medical staff

Creating Light-Duty Jobs

Often, the best scenario is for the injured employee to return to their regular-duty job and perform as much of it as their work restrictions allow. It is important for the company to have analyzed the regular-duty job and identified the physical demands prior to any injury occurring. The treating physician needs to understand the physical demands of the regular-duty job to compare with the work restrictions assigned to the injured employee. The physical demands can be identified using Job Hazard Analysis. The goal is for the employee to be released to perform as much of their regular job tasks as possible, with the company providing accommodations for job tasks outside of the work restrictions.

If the regular-duty job cannot be performed at all, then the company should work with the treating physician to get the injured employee assigned temporarily to a light duty job. The goal is to get the employee back to their regular duty. The light-duty job needs to be developed before accidents occur. Identify the physical demands of the light-duty job tasks (e.g. time spent standing and sitting, the frequency and amount of weights lifted).

When creating light duty jobs:

- Ask supervisors for light-duty tasks that they may need performed, but that they never have time to do. Determine if these tasks can be formed into a light-duty job assignment.
- Focus on meaningful work tasks (i.e., nothing that can be deemed as punishment).
- Analyze the light-duty job tasks by identifying the physical demands of the job.
- Write a light-duty job description listing the tasks and physical demands of the job
- Share the written light-duty job description with company personnel and treating medical staff.



Regulations and RTW Programs

It is important that your company's written RTW Program is reviewed by your legal counsel before publication to ensure compliance with applicable legal requirements, including regulatory requirements that apply in your jurisdiction. Federal and state regulations may affect some areas of RTW Programs.

- **Workers' Compensation**- Laws vary from state to state. Some states may restrict aspects of RTW Programs. Discuss your state's laws with your Western National Insurance Group Claims representative to understand any restrictions.
- **Americans with Disability Act (ADA)**- Only injured workers who meet the ADA definition of an "individual with a disability" will be considered disabled under the ADA. A worker must be "qualified" (with or without reasonable accommodation) to be protected by the ADA. Most work related injuries cause temporary impairments that heal over a short time with little or no long term or permanent disability impact. Employers are to consider each work injury on a case by case basis to know if a worker is protected by the ADA.
- **HIPAA**- Privacy laws promulgated by the US Department of Health and Human Services may adversely impact RTW Programs. Written patient authorizations may be required more frequently, although written authorization is not necessarily required for Workers' Compensation claims.

IMPORTANT NOTICE - The information and suggestions presented by Western National Insurance Company in this Technical Bulletin are for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related, or other, laws or regulations. You are encouraged to alter them to fit the specific hazards of your business and to have your legal counsel review all of your plans and company policies.