



Annual Workplace Safety and Health Conference

Making Return to Work Work – Controlling the Costs and Consequences of Job-Related Illness and Injury

Pat Crawford



Workers' Compensation Insurance

- Pays reasonable medical treatment
- Weekly income benefits
- Death and burial-beneficiary benefits
- Lifetime benefits
- No fault – no blame
- No lawsuits



Workers' Compensation Premiums

- Higher costs = higher premium
 - Payroll
 - Industry type
 - Past experience
- The longer your employee is away from work, the higher your costs and the worse it is on your employee.



Goals: Legislative Intent

- 402.021: Mission of the Division (DWC)
 - Texas Labor Code §(a)(4) Each injured employee shall receive services to facilitate the employee's return to employment as soon as it is considered safe and appropriate by the employee's health care provider.
- The workers' compensation system must:
 - (b)(2) Encourage the safe and timely return of injured employees to productive roles in the workplace.



Understanding Return to Work (RTW)

A trained, experienced employee continues to do work that contributes to the success of the business *while they recover.*



Employer Benefits

- Keep trained workforce.
- Pay wages for actual work.
- Maintain quality and production.
- Employees heal better and faster.
- Significantly reduce costs and consequences of injury.



When Your Employee Is Away from Work

- Lose job-related benefits
- Lose job skills
- Lose connection with employer
- Out of condition
- Poor mental and physical condition



...Continued

- Financial hardship
- Develop complications that delay recovery
- Could lose job



Unnecessary Lost Time

- Age
- Level of education
- How long have they worked for the employer?
- Perception of the seriousness of the injury
- Job satisfaction: what is happening at work?
- Personal problems



Employers and Unnecessary Lost Time

- 100% well
- Too busy
- Insurance carrier's job
- No "light duty"
- Attitude
- Work environment



Return to Work Is a Shared Responsibility



Insurance Carrier's Role

- RTW coordination services
- Review for case management
- Use treatment/RTW guidelines
- Safety and prevention services
- Education
- Communication



Treating Doctor's Role

- Reasonable and necessary medical treatment
- Identify limitations and duration
- Set recovery goals
- Communicate
(DWC Form-073, *Work Status Report*)



Doctors and RTW

- Often lack confidence that restrictions will be followed by the employer.
- Need information about injured employee's work requirements.
- May request a job description.



Employer's Role

- Reporting – prompt and right
- Take initiative – monitor claims
- Communicate – doctor, adjuster, and employees
- Attend hearings
- Policies – procedures
- Provide work opportunities
- Accountability



Provide a Safe Workplace: the Investigation

- Fact finding **not** fault finding.
- Use non-threatening tone of voice.
- Let people feel they are being helpful.
- Never ask leading questions.
- Ask for recommendations for preventing “it” from happening again.
- Do not interrupt.



1. Change Expectations before an Injury Occurs

- Written policy
- Consistency
- Safety and prevention
- Training
- Accountability
- Clear policies



2. Educate before an Injury Occurs

- Everybody
- What to do
- What you expect
- What to expect
- Workers' compensation



3. Communication – Continuous, Positive, and Encouraging

- Injured employee
- Adjuster, doctor, internal
- Designate contact person



4. Work Assignments

- Medically appropriate
- Productive
- Temporary and transitional
- Permanent changes
- Family Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA)



Real Work

Tasks – Functions - Duties

- Job Task Analysis
- “Make Return to Work – Work”



Assignments

DWC Form-073 Compared to Job Safety Analysis (JSA)

- Employee’s regular job
- Trade jobs and cross-train
- Fill in for absences
- Ask employees
- Share work
- Part-time
- Part-time work as “modified work”
 - \$500.00 Employee’s Average Weekly Wage (AWW)
 - $\$500 \times 70\% = \mathbf{\$350.00}$ weekly benefit

 - Employee returns to **work four hours**
 - Earns \$250 working for employer
 - $\$250 \times 70\% = \mathbf{\$175}$ new weekly benefit



Win-Win Situation

- Injured employee receives **more**
 - \$250 wages earned + \$175 temporary income benefits (TIBs)
 - \$425 instead of \$350
- Employer pays **less**
 - Lower cost = lower premium
- Employer and employee benefit from RTW



DWC Resources

- Education and consultations
- Occupational Safety and Health Consultation Program (OSHCON)
- Safety and loss-control services
- Publications and DVD library
- Department of Assistive and Rehabilitative Services (DARS) and Texas Workforce Commission (TWC) referrals
- Small employer RTW incentive program



The longer your employee is away from work,
the more it costs you and the worse it is for your
injured employee.

Your \$\$ - Your Employees



Contact:

Pat Crawford
Division of Workers' Compensation
512-804-4683
pat.crawford@tdi.texas.gov

TDI Consumer Help Line
1-800-252-3439
<http://www.tdi.texas.gov>

