

FITTING THE PIECES TOGETHER

**RETURN TO WORK
PREVENTING LOST TIME
AND EVEN SAVING A LIFE**

Presenter

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Bear Bear is Down!!

- Failure is an economic catastrophe for injured workers
- Failure reduces employee life expectancy
- Failure is the second highest system cost driver
- Failure causes significant secondary costs (loss production, replacement costs, loss of team cohesion)
- Failure multiplies other cost drivers (litigation, employer / employee relationship etc.)

CSU Exposure is Unique

- “Someone has to be there”
- Police (4850)
- Students
- Physical plant
- Remote (overseas) locations
- Experiments and research (chemicals and other exposures)
- California State Employee System
- Retirement system
- Student Athletes

The “At Risk Employee”

- Adverse Childhood Experiences
- Sisterhood of the traveling body parts injuries
- Respond well to focused attention and positive reinforcement

The players

- Who are the players?
 - Workers
 - Cal State (employer)
 - Treating Doctors
 - Claims administrator (Sedgwick)
 - Attorneys
 - Friends and Family
 - Unions

Communication And Setting Expectations

- Roofus Goodson - and his finger
- Frank - The Cement Mixer
- Jackie - “The Problem Child” and Mrs. Myers

Barriers for Returning to work Employee

- Lack of understanding of system or options
- Fear over re-injury
- Psycho- social
- Financial (child care, etc.)
- Unions

Barriers For returning to work - Employer

- Failure to recognize importance of RTW
- Failure to design an effective RTW / Modified Duties program
- Communication
 - Employee
 - Co-workers
- Failure of aligning incentives
- Poor employer employee relationship
- Anger over injury and costs

Barriers for Returning to work Doctor

- Poor Communication
- Lack of understanding of modified duties available
- Failure to understand psyche / social barriers on part of injured worker
- Incentives misaligned (social media and financial issues)
- Lack of training on return to work methods

Barriers for returning to work

Claims administrator

- Poor communication
 - Failure to understand employers RTW program
 - Failure to communicate the importance of the process with the parties
 - Limited access to injured workers on litigated files
- Lack of urgency with return to work

Barriers for Returning to work

Applicant Attorney

- Communication issues (limited access to employers, doctors and claims adjusters)
- Misaligned financial incentives

Barriers for returning to work Defense Attorney

- Poor communication
 - Limited access to treating physician
 - Limited access to injured worker
- RTW is NMJ (Return to work is not my job)
- Is there any financial incentive for DA to facilitate return to work?

Solutions for returning to work

Employee

- Communicate with all parties concerning any barriers which are hindering return to work
- Will not be re-injured
- Needs to own the process. Should understand urgency and set expectations for his/her return to work
- Employee engagement

Solutions for return to work

Employer

- Set expectations with all parties about return to work
- Align financial incentives to encourage return to work programs
- Identify and overcome communication barriers
- Design and implement comprehensive return to work program (aligned within organization HR and non-occupational injury programs)
- Do not use the WC system as a way to get rid of marginal employees

Incentives

- Financial
- Social

Solutions for return to work

Doctor

- Accurate and timely diagnosis
- Quality treatment plan utilizing evidence based medicine
- Understand employer modified duties program
- Set expectations for return to work with worker
- Identify barriers (medical, communication, secondary family issues)

Solutions for return to work

Claims administrator

- Pre-injury communicate with employer and physician to insure light / modified duties program is in place and that all parties understand the program
- Prompt timely and accurate accept / deny of claim
- Timely provision of benefits to worker
- Set expectations for return to work from initial contact with injured worker
- Identify and eliminate communication barriers

Solutions for return to work

Applicant attorney

- Set expectation for quick return to work
- Prompt communication of identified barriers for return to work
- Utilize physicians who will encourage return to work
- Don't disable client at expense of return to work

Solutions for return to work

Defense Attorney

- Return to work reduces claims costs, as such, RTW is part of the defense attorney job
- Utilize deposition and any other time in front of worker as an opportunity to communicate the importance of return to work, identify barriers and provide solutions to the barriers
- Do not let applicant attorney disable their client at the expense of a successful return to work

Takeaways

- Failure is a catastrophe for employee
- Failure significantly drives employer costs
- Key is overcoming myths and preconceived notions on return to work
- Key is setting expectation for return to work with all parties
- Key to success is good communication
- Key is aligning incentives which drive desired outcomes

Don't Lift that box

- **Georgia Worker Fired For Insubordination, Not Because of His Injury**
- Posted on [November 6, 2019](#) by [Thomas A. Robinson](#)
- That the firing of a worker has some connection to his or her work-related injury is insufficient, in and of itself, to support an award of temporary disability benefits following the termination, held a Georgia appellate court in *Burch v. STF Foods, Inc.*, 2019 Ga. App. LEXIS 620 (Oct. 29, 2019). Accordingly, where a restaurant worker injured his shoulder and back in one work-related incident, was subsequently advised on multiple occasions by his supervisors not to lift anything without their express direction, and yet, the worker further strained his back when a box he had lifted (without permission) caused a stack of boxes to fall on him, there was sufficient evidence for the Board to find that his firing was the result of the worker's insubordination, and not his work-related injury.