

# The Challenge

## Changing Your Perception of “Light Duty”

**Light duty immediately invokes negative feelings for most employers.**

I have heard countless stories from employers recanting the horrible experiences they have had as they attempted to bring injured employees back to work. I have witnessed the frustration and the surrender that occurs when injured employees manipulate the system and I have been involved in countless cases as an adjuster that made me wonder, “Why are we even doing this?” Some of the cases that come to mind include:

*A client who assigned all of their injured employees to the same work area for light duty. The employees immediately developed a friendship that resulted in symptom exaggeration, defiance and litigation.*

*The key reason why employers do not offer injured employees modified-duty positions is the fear of re-injury.*

*An insurance agent who asked me to review the claim file of an employee who was on light duty and managed to file three additional claims within seven days of returning to work.*

*A file that resulted in an employee filing an Equal Employment Opportunity Commission (EEOC) complaint after being terminated for not showing up for a light-duty job.*

*Several injured employees who became extremely comfortable in their assigned light-duty positions and refused to return to their pre-injury jobs.*

*A claim for an employee who found a new excuse every time we asked him to return to work—every time he showed up for work, his symptoms of constant pain kept him from doing any work. Finally, he got his attorney to find him a doctor that took him off work permanently.*

As I made the decision two years ago to write this book, I recognized that I would have to change the way employers viewed light duty before I could motivate them to implement proactive return-to-work policies. This book had to accomplish three things:

1. Change the perception of light duty.
2. Quantify the cost of not implementing a return to work program.
3. Provide the employer with clear steps that will result in a positive return-to-work experience.

Despite all of the negative connotations about injured employees, I feel that I can, through this book, outline the steps that you, the employer, should follow to ensure that injured employees return to work after an accident. Many companies have return-to-work programs but few realize the full benefits of the program because they omit or overlook key elements of the process.

Return-to-work programs are only effective if they are implemented with the support of upper, middle and lower management. Return-to-work programs are successful when you allow frontline employees to contribute to developing the overall plan—remember, they are the ones doing the job, their input and recommendations can be an eye-opener as you follow the steps we outline in this book. To be effective a comprehensive return-to-work program has to be implemented as a key component of a broader injury prevention and injury management program.

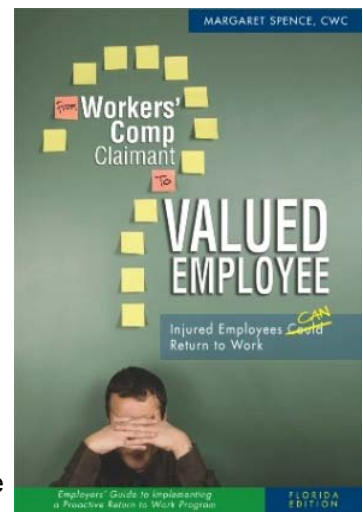
### What is the definition of a return-to-work program?

A return-to-work program is designed to facilitate the return of an injured employee to work as soon as he or she is able to perform meaningful, productive work within the restrictions imposed by the treating physician. “Modified Duty” refers to changing or removing some tasks from the employee’s normal duties so they can continue working in the regular work area. “Alternate Position,” or “Alternative Duty,” refers to a temporary position that can be used to accommodate most injuries within your work environment.

Over the years, the workers’ compensation system has given the return-to-work process many names: Modified Duty, Light Duty, Limited Duty, Alternative Duty, Restricted Duty, Transitional Duty or Transitional Work. These terms all mean the same thing—returning an injured employee to a meaningful job until they are able to return to their regular position. These positions are generally of short duration and should be a temporary option.

### Why do most return-to-work programs fail?

All too often, an injured worker is not put back to work for one of two reasons. First, as the employer, you do not feel you can offer the employee a limited but meaningful job. Or, second, you worry that the recovering employee, who is not up to “full speed,” may re-injure themselves, and create additional claims.



Some employers are reluctant to bring injured employees back to work because they do not want to deal with the attitude problems, productivity issues and the morale drain that can occur when injured employees do not want to be at work.

## How difficult is it to bring an injured employee back to work?

Statistics show that 50 percent of all injured employees return to work within ten days of their injury. A majority of those employees then return to their pre-injury job with no residual problems within thirty days. The other 50 percent attempt to circumvent the system by staying out of work beyond the time frame that is expected for the type of injury they suffered.

It is remarkable to review statistics that compare the length of time an employee is off work due to a non-work-related injury and the length of time they are off work due to a work-related injury. If you compare diagnosis, prognosis and treatment, the work-related disability statistics are significantly higher. If you remove the fact that the injury happened at work, most individuals would recover and resume their regular duties very quickly. Adding the workers' compensation component creates a sudden extension of symptoms, treatment and a distinct delay in the amount of time required to return to an active lifestyle.

## What contributes to injured employees remaining off work?

The key component that is often missing from a company's Injury Management Program is a written Return-to-Work Policy. Many injured employees have been released by their treating doctors to return to work but their employers are reluctant to allow them back into the work environment. In these instances, the insurance carrier has to pay benefits to an employee who has approval to work but is sitting at home with nowhere to go. The major factor that contributes to this reluctance is a lack of a clear policy with specific procedures that can be applied immediately after an accident that will result a positive return-to-work experience.

## What is the financial impact of leaving an employee off work?

Most jobs can be modified to accommodate an injured employee. If a job cannot be modified, modified tasks can usually be found to make an injured employee a productive member of your team. If you opt to keep the employee out of work, you risk paying for lost wages or indemnity benefits until the employee exhausts the state-mandated benefits—in Florida, that can be up to 104 weeks. Indemnity payments impact your experience modification and ultimately drive up the cost of your workers' compensation premiums as well as, your cost of doing business.

## Why is all of this important?

The National Safety Council estimates that there are more than 80,000,000 lost work days due to occupational injuries or illness. This is a billion-dollar problem for the American workforce. This is a pandemic of huge proportions but we as a society overlook the magnitude of this problem. Historically, the laws have not adequately supported the return-to-work process—it is much easier to offer an injured employee a settlement than it is to give them the opportunity to return to gainful employment. The responsibility for this lies with every insurance carrier and every employer. We as a society created this problem and the burden to correct it is in everyone's lap.

## The Challenge—Your role as the employer?

The critical steps for any employer are to understand the system, to learn the pitfalls and to set up appropriate procedures for returning injured employees to work as soon as possible. Our firsthand knowledge will guide you step by step through the return-to-work process. We will also show you how to incorporate the treating physician into the process and how to use the "Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form" (DWC-25)—a significant addendum made to the Florida Workers' Compensation Statutes in October 2003.

Employees generally do not *want* to be at home. And, even if they *do* want to be there, it is your job to remind them that they are still gainfully employed and that watching TV is not an acceptable benefit from the injury.

I would like to challenge every employer to reduce their lost work days by 25 percent each quarter. You can do so by implementing the steps you will learn in this book. It is up to us to stop the workers' compensation cycle by giving employees the opportunity to continue to contribute even if they are injured. ■

*About the Author—Margaret Spence, CWC is the President and CEO of Douglas Claims & Risk Consultants, Inc. She is a Board Certified Workers' Compensation consultant, speaker and trainer who ranks among the experts in the field of injury management and return to work implementation. For more than two decades, she has managed workers' compensation claims for Fortune 500 Corporations, Public Entities and small businesses. Margaret is an expert at showing companies how to slash their workers' compensation cost by implementing strategies that drastically reduce injury rates, increase productivity and energize employees to work safely.*

### Book Information

ISBN: 978-0-9789407-6-8  
Publisher: DCRC Training Group, Inc.  
Price: \$49.95  
Order online at: [www.WorkCompSeminars.com/Bookstore](http://www.WorkCompSeminars.com/Bookstore)  
Phone: 561-795-3036