

# Breaking Down Barriers:

The Value of Return-to-Work Planning



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## Takeaways

- The value of RTW for both Employer & Worker
- Key components of RTW planning
- Anticipating common barriers to RTW and approaches to mitigate them



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## Who is DMC?



- Founded in 2002
- Offices in Newfoundland & Labrador, New Brunswick, and Nova Scotia
- Working with over 550 employers across Canada in a variety of industries
- Union, multi-union, and non-union experience

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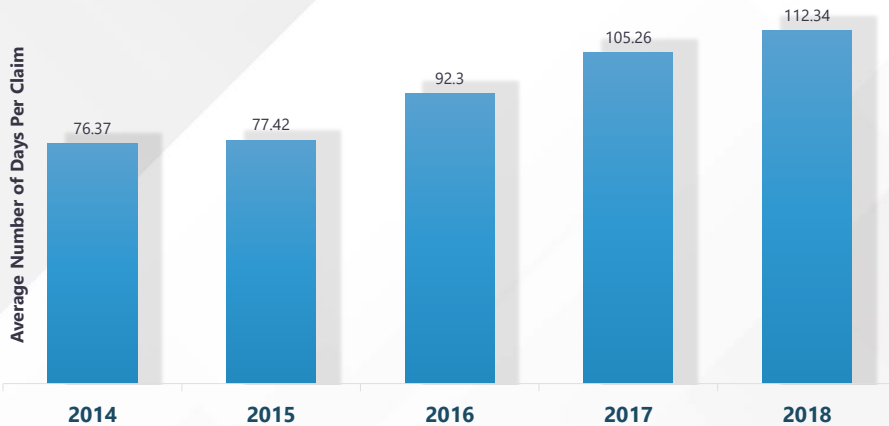
## Claim Duration Statistics



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## Composite Duration in NB



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## Why does duration matter?

- Duration has the greatest impact on the cost of the workers' compensation system.
- Studies show that a worker who is injured and off work for more than 6 months has **less than a 50% chance** returning to work.
- It only takes 21 days to form a habit. It takes an average of 66 days for a new behaviour to become automatic.

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# What is Return-to-Work?

## What is Return-to-Work?

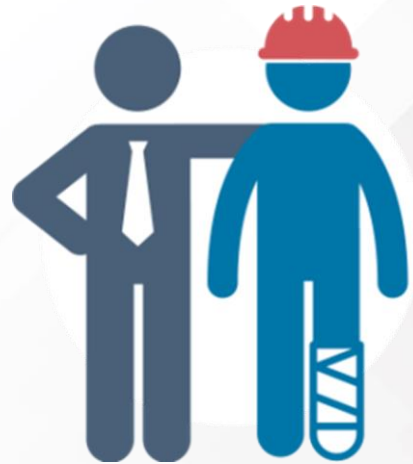
One of two scenarios:

1. Early and Safe Return to Work (ESRTW)
2. Obligation to re-employ



## Return-to-Work Planning

- Allows the injured worker to engage in meaningful work while they recover from their injuries.
- It should be customized to the worker and consider their functional abilities.



## Who benefits from Return-to-Work?

## Employer Benefits

- Retain experienced employees
- Reduce turnover
- Better employee relations
- Maintain productivity
- Lower workers' compensation costs
- Sets expectations in advance

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## Employee Benefits

- Social connections
- Sense of purpose and value
- Financial security, eliminate wage loss
- Skill retention
- Better morale
- Sees management commitment to health
- Sense of security & stability

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# Everyone Benefits from RTW



## Remember...

**The performance of the group affects everyone in the industry.**

# Return-to-work Legislation



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Return-to-work isn't just the  
right thing to do...  
**It's the law.**



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## New Duty to Accommodate Legislation

As of December 2019, WorkSafeNB amended legislation regarding obligation to re-employ, reinforcing return-to-work, unless it causes undue hardship.

Section 42.4 - 43

## Employer's Duty to Re-employ Injured Workers

Section 42.4 (1),

Suitable work, An Employer shall offer to re-employ

42.4 (2),

12 consecutive months/ essential duties/ essential work

42.4 (3),

Accommodate work to the point of undue hardship

42.4 (4),

Prior position/Alternative employment comparable earnings

42.4 (5)

Undue Hardship

## Employer's Duty to Re-employ Injured Workers

42.4 (6),  
Timeframes  
42.4 (7),  
Dismissing the worker  
42.4 (8),  
Rebut Presumption  
42.4 (9),  
Business Reasons  
42.4 (10),  
Collective Agreement



## Employer's Duty to Re-employ Injured Workers

Section 42.5,  
Enforcement



# Return to Work Responsibilities & Re-employment Obligation

WSNB Policy 21-413



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## Purpose

- Inform workplace parties of responsibilities in RTW
- Advise workplace parties of their re-employment rights and obligations
- Communicate WSNB's commitment to ensure that all workplace parties meet their legislated obligations



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## Statements include

- ESRTW is therapeutic
- Employer obligation and worker cooperation
- WSNB will partner with workplaces & provide assistance
- Employer legislated obligations include:
  - Worker contact
  - Offer suitable work/make accommodations
  - Maintain Communication
  - Cooperate with WSNB
  - Provide information to WSNB
  - Not to Discriminate

## Statements include

- Worker legislated obligations include
  - Employer Contact
  - Cooperate with suitable Work
  - Maintain Communication
  - Cooperate with WSNB
  - Provide Information to WSNB
- Re-employment
- Enforcement

## Return to Work Principles (Policy 21-420)

- I. WorkSafeNB supports injured workers throughout their return-to-work efforts
- II. WorkSafeNB promotes early and safe return to work as being clinically and vocationally therapeutic
- III. WorkSafeNB recognizes that return to work minimizes the injured worker's wage loss
- IV. WorkSafeNB promotes cooperation and active participation of all parties involved in an injured worker's return to work
- V. WorkSafeNB requires that injured workers actively participate in all return to work activities and communicates that there may be consequences for not participating

## Return to Work Principles (Policy 21-420)

- VI. WorkSafeNB promotes following a structured plan to help injured workers restore their maximum function, enabling return to work.
- VII. WorkSafeNB promotes workers returning to productive work
- VIII. WorkSafeNB promotes cooperation with and enforcement of legislated responsibilities and obligations under the Workers' Compensation Act (WC Act) and Human Rights Act (HR Act).
- IX. WorkSafeNB supports return-to-work by providing third party mediation
- X. WorkSafeNB promotes active communication between all parties involved in an injured worker's rehabilitation and return to work

# Human Rights Legislation



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# Barriers to Return-to-Work



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## Challenges for Workers

- Interacting with WorkSafeNB
- Financial Strain
- Impact of family relationships
- Pressure to return-to-work
- Stigma of being an injured worker
- Health issues other than those identified
- Fear of re-injury

## Challenges for Employers

- Absence of modified duties
- Seasonal work
- Time lags for treatment or diagnosis
- Relationship with manager or supervisor
- Worker's physician not educated in RTW
- Breakdown in communication
- No available or unclear functional abilities information

## Mitigating Barriers

- Communication to all stakeholders
- RTW planning in advance
  - Modified duties
  - Functional abilities forms
  - Communicating with health care provider(s)
- Company awareness
- Understanding roles

## Implementing a Return-to-Work Plan



Do not wait until there is an injury to think about return-to-work opportunities.

It is always best to plan for the worse-case scenario.

## Plan Ahead

- The chances that you will have a positive impact, and the likelihood of achieving a return-to-work are better the earlier something is done to support recovery.
- Odds are increasingly against the employer the longer a situation is left unmanaged.

## Plan Ahead

- Having a return-to-work program in place can drastically reduce these odds by setting expectations in advance.
- These expectations help reduce stress and anxiety for the injured worker of what the process will look like and it creates a workplace culture supportive of return to work.

## Looking for RTW Options

- Assess your workplace & positions
- Break down tasks
- Look at physical requirements
  - Lifting
  - Walking
  - Standing
  - Sitting

## Looking for RTW Options

- What tasks could you modify?
- What are the skills of your employees?
- What are things that need to be done (i.e. training)?
- Do you have needs in other parts of your business?

## Looking for RTW Options

- Sedentary
  - No lifting/bending
  - Using one arm
  - Unable to be at work (PTSD)
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- You may want to compile a list of options
  - When you know the physical restrictions of the worker, use the hierarchy of return to work.

## Hierarchy of Return-to-Work

<b>Priority 1</b> Pre-Injury Job With Modifications	Full hours; Full pre-injury duties
<b>Priority 2</b> Essentials Duties of Pre-Injury Job	Full hours; Essential duties of pre-injury job (modified work)
<b>Priority 3</b> Pre-Injury Job Modified Work	Full hours; essential pre-injury duties modified or removed
<b>Priority 4</b> Pre-Injury Job Modified Work	Full hours; some pre-injury duties; some non-pre-injury duties
<b>Priority 5</b> Ease Back to Pre-Injury Job	Full pre-injury duties; Gradual return to pre-injury hours
<b>Priority 6</b> Alternate Work	Full hours; Non pre-injury duties. This should only be utilized in cases where none of the other accommodation options involving the pre-injury job can be provided.

## Implementing Return-to-Work

- Maintain contact
- Determine essential duties (hierarchy)
- Use functional abilities information
- Review options - talk to the employee, communication is key!
- Offer work - good idea to put this in writing

## Implementing Return-to-Work

- Communicate with WorkSafeNB
- Communicate often with employee while in the plan
- Plan must be progressive so that employee moves closer to pre-injury duties; re-evaluate often
- Always good to set expectations in the plan, you can always adjust.
- We all operate better with expectations and goals

## How does this look in real life?

### Kitchen/Restaurant

- Prepare food in seated position
- Take phone orders

### Auto industry

- Safety checks
- Oil changes/Brake changes

### Nursing Home/Hospitals

- Companionship
- Light personal care duties
- Calling family members
- Help with feeding (or partner up with another worker)

## How does this look in real life?

### Trucking

- Driving with help to unload
- Short, local runs

### Warehouse

- Help with inventory

### Retail

- Greet customers
- Answer/transfer phone calls

### Janitorial

- Disinfecting surfaces that are at waist level

## How does this look in real life?

### Plants/Factories

- Workstations that only require supervision of the belts or actioning buttons

### Construction

- Audit checks
- Caulking
- Installing doorknobs
- Painting, Taping

## How does this look in real life?

Any Industry

- Catch up on training or policy review
- Administrative duties in office setting if available (or from home)
- Help with supervising duties

## If you are stuck... ask yourself

If I could have an extra employee for a few weeks, what would I have them do?

## DMC thinks outside of the box

- Seasonal companies
- Ambulance
- Network of companies
- Doing things differently

## Self-Reliant System

There's no cookie cutter model for return-to-work, but there are fundamentals!

- Employers play a major role in RTW success
- Involve the Worker
- Don't wait for WorkSafeNB to initiate
- WorkSafeNB can help remove potential barriers
- Remember confidentiality



# Questions?



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