



*Taking Control of Your
Workers' Compensation Costs*

A Contractor's Guide to Return-to-Work

CNA



CNA Return-to-Work Philosophy

One of the most effective ways to control escalating work comp costs is through aggressive return-to-work programs. Hardly a new concept, return-to-work has become a cornerstone of employer efforts to control costs. However, in the construction industry, union considerations, scattered worker locations and the difficulty in finding modified duty positions, among other challenges, can create barriers and frustration on workers and employers trying to implement such a program.

The inability to address these issues can cause employers to shut down return-to-work efforts, accepting workers back only when they are 100 percent medically approved. Unfortunately, without a structured return-to-work program, absences tend to extend much longer than medically necessary. As time away from work increases, so do your costs.

CNA is one of the leading insurers of contractors and construction firms in the U.S. We have been helping companies like yours incorporate highly effective, successful return-to-work programs in their places of business for over 20 years. We are committed to helping you control Workers' Compensation costs, and can help by:

- Working with you to develop and implement an effective return-to-work program
- Selecting medical providers that support return-to-work (within statutory provisions)
- Creating Job Function Evaluations
- Advising you of the importance for the timely reporting of a loss
- Setting up individual plans for worker recovery
- Assisting you with physical assessments and job matching through our comprehensive **4Site®** program
- Assisting you with the transition of an injured worker to alternative work arrangements at one of over 800 contracted modified work facilities through our **Choices to Work®** program

Take Control of Your Workers' Compensation Costs

Establishing effective return-to-work programs for construction companies can be challenging, however, it is possible to put programs in place that produce results. The key is in understanding how to address some of the most frequent objections and barriers faced when implementing a successful return-to-work program.

Working to Overcome Objections

“We don't have light duty.”

The term “light duty” has very negative connotations among job site superintendents, supervisors and even other workers. It implies the person with the “light duty” is not contributing. In fact, the worker is working within medically approved restrictions on a temporary basis. On a case-by-case basis, the treating physician will describe exactly what and with what frequency the injured worker is capable of performing given tasks. “Modified duty” is a more acceptable term in the workplace.

Some employers feel modified duty is not available because they continue to view the job as it is currently structured. When identifying modified duty tasks, it is important to look at the various aspects involved in performing the job, i.e., list the specific tasks that a carpenter performs – not just building forms but, cleaning boards, removing nails, bringing supplies to the work area. Many of these tasks fit within the restrictions of a recovering injured worker. Creativity and flexibility play a key role in the modified duty process.

When developing modified duty, it is important to focus on what the worker is capable of doing, not what they cannot do. Detailed job descriptions help the employer, the physician and CNA to develop job duties that prevent further injury, and allow the injured worker to contribute based on their capabilities.



“I only want people back to work when they’re 100 percent.”

Management, especially management on the job site, oftentimes does not want to deal with issues of creating a special job or watching workers to make sure they work within their restrictions. It’s often perceived as easier to insist that the worker return when he or she is 100 percent medically improved. Management for the job site often lacks the monetary reasoning and understanding for utilizing return-to-work programs.

One method of addressing these objections is to structure a charge-back system that makes each site responsible for the injuries and expenses incurred. This type of structure encourages return-to-work advocacy and promotion.

“I don’t want to pay for less than a full day’s work.”

It is important that management needs to keep in mind that Workers’ Compensation coverage is not free. In fact, depending upon the state and the hazards of the business or job, it can be quite expensive. Even though the injured worker may not be receiving a payroll check, the injured worker is costing the employer money and

contributing nothing to completing the job. In addition, another worker is usually obtained from the union hall to fill the injured worker’s spot in order to help the contractor meet deadlines. In essence, the employer is paying for two people to do one job. You have to ask yourself -- “isn’t some productivity better than none?” Plus, studies have found that injured workers feel better about themselves when they are brought back to work in some capacity – even limited. They feel they are important to their employer and co-workers, as well as, add value to the completion of the job.

“Bringing a person back to light duty will negatively affect the other workers.”

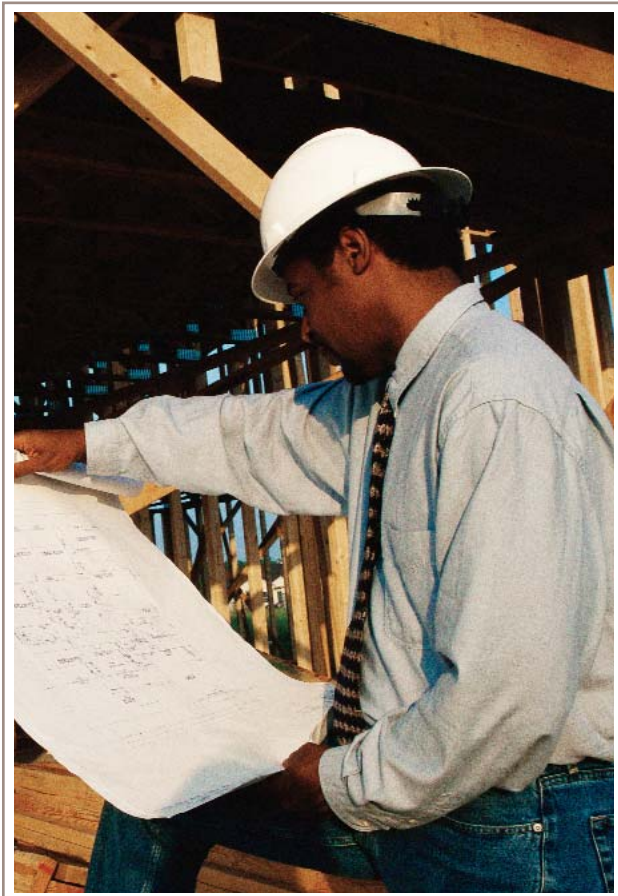
Attitudes of co-workers often reflect the job site management’s attitude. Management must be serious about the program and show its commitment to the program by:

- Meeting with co-workers to explain the situation, discussing the reasoning for the injured workers limitations, expectations of the returning injured worker, how this affects their activities and the anticipated length of time modified duties will be necessary
- Creating jobs of value to recovering injured workers
- Refraining from commenting about the modified duties being performed
- Reinforcing the value being added by the modified duties being performed; sometimes it is work others don’t have the time to perform or don’t care to perform
- Ensuring that workers return to regular duties as soon as they are medically able

Returning recovering injured workers to the job is beneficial for the worker and the employer. It allows injured workers to keep in touch with the job and co-workers, which keeps them involved with the business while they still continue to medically recuperate. Maintaining open communications among all parties helps to keep happier workers – those currently working, as well as, the recovering injured worker. This may aid in avoiding potential litigation.

“Less than full-duty workers just re-injure themselves.”

Injured workers performing modified duties need not be subject to re-injury if the modified duties are carefully screened and identified. The process, when implemented correctly, does require time and effort from all parties involved. The employer, physician and CNA must communicate with each other to determine what activities could be performed that best suit the individual's capabilities. The employer must be committed to making these activities available, to ensure the morale of the other workers remains unaffected by instilling fairness and consistent practices through the process. The returning worker must make every effort to work within the parameters set (avoid overexertion but remain productive), follow doctors orders and want to be successful in his or her return-to-work during the recovery process.



“The union won't allow it.”

Gaining cooperation from the union is important to establishing a successful return-to-work program. Contractual requirements should be followed. Having the union's cooperation without a doubt enhances the program's effectiveness. With the union's endorsement, workers are more inclined to accept the concept of a return-to-work program and follow it.

Getting the Union Involved

Do your homework.

One of the first places to start is to examine the union contract. While contracts will vary by trade and by local affiliation, the content and areas of impact are somewhat consistent. When talking of return-to-work programs, you will be looking for areas in the contract dealing with:

- Wages – This section should indicate whether you could create some financial motivation for the worker to return to modified duties. You may find some flexibility in having the worker receive payment for the hours worked with a proportional reduction in the amount of weekly benefits received through Workers' Compensation.
- Hours of Work – Determining the number of consecutive hours, breaks, etc. This section could limit or enhance your ability to design a work schedule for the returning injured worker.
- Health, Welfare and Pension - Outlining what contributions (amounts, conditions and time frames) the employer is required to make toward union worker's benefits. It may become an issue to be addressed at the next contract negotiation.
- Transportation – Some contracts allow for the payment of a transportation expense if the injured worker is required to travel beyond a pre-determined geographical limit. This could impact return-to-work efforts if the employee were asked to travel to a different job site where duties fitting his or her capabilities were available.

Highlight the benefits of return-to-work programs with union representation.

- Allows the union to have the opportunity to provide input into criteria and guidelines involving members' participation in such a program.
- Allows recovering injured workers an opportunity to ease back into the workplace. It is a win-win program for the employer, the union, and the recovering injured worker.
- Allows recovering injured workers to still make a contribution and add value to the company.
- Keeps the recovering injured worker working while using other union workers to fill vacancies left when they were injured.
- Helps the self-esteem of recovering injured workers and how they are viewed by peers and family.
- If the program is successful, the injured worker may be able to eventually return to his or her old position, thereby not displacing other workers from their positions.

Discussions with the union should serve to clarify the specifics of how the return-to-work program will work.

- Verify that the union representative you are speaking with is the most appropriate person with which to discuss these guidelines/procedures.
- Determine who will be involved in the decision-making process for each case (in addition to the injured worker's supervisor/manager).
- Evaluate the feasibility of working less than a full shift or full week (modified hours).
- Explore the feasibility of using the injured worker in a different area or department.
- Set up eligibility criteria to allow an injured worker to participate in this type of program.
- Establish guidelines to be applied when an injured worker no longer belongs in the program.
- Obtain consensus with the union on procedures/policy for monitoring and managing the program overall.
- Establish criteria with the union on salary guidelines.
- Discuss what impact this type of program could have on benefits the employer must pay the union, as well as, what payments the worker pays the union, etc.

Are they willing to defer any portion of dues and/or fees paid by the employer or worker for working in this modified position?

- Evaluate how this program impacts the union contract. Request a copy of the most recent agreement if you haven't obtained one already. What are the consequences if you implemented the return-to-work program without the union's backing?
- Recruit a union representative to participate when the return-to-work program is communicated to your workers.
- Request a copy of detailed job descriptions on the union positions they have.

When addressing modified duty issues, it is important to remember to be open-minded, creative and flexible.



Making the Program Work

Once an agreement has been reached between you (the employer), the union(s) and CNA, decisions must be communicated to the workers. The process by which the return-to-work program will be introduced and explained to the workers should have been agreed upon by all parties prior to the actual roll-out.

It is always best that both labor and management be present during the return-to-work program roll-out. In this way, workers see the program as a joint effort between the union and management. This lends greater credibility to and acceptance of the overall program.

When communicating to the workers, be sure to explain:

- The intent of the program
- The reasoning for the creation of the program
- Eligibility criteria
- Guidelines and procedures that have been agreed upon by management and labor
- Management and labor expectations of those participating in the program
- Consequences for abuse of the program

Periodic status of program results (monetary savings, recently injured workers, injured workers soon expected to participate and injured workers who have left the program) is a positive way to keep the program in workers' minds.

CNA Can Help You

The CNA Return-to-Work program applies Best Practices to provide you with one of the most results-oriented programs in the industry. We work with you, your injured worker, and medical professionals as a collaborative team, committed to returning an injured worker to the workplace as soon as medically possible.



Talk to your independent agent today about the CNA Return-to-Work Program, or visit us at www.cna.com.

***Your Success is
Our Success.***



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