



THE ROAD TO RECOVERY

WCB MODIFIED WORK DUTIES

Workplace injuries, illnesses and accidents are costly to both employers and employees. Implementing a sound, practical return to work program can be an effective way to manage injuries and control costs.

The concept of modified duties or returning injured workers to the workplace before they are totally recovered is relatively new to Alberta employers. In the past, the practice has been to return a worker to work only when fully recovered from an injury or occupational disease. Unfortunately, many workers do not recover 100 per cent or require significant time to recover completely. Some move into vocational rehabilitation that readies them for new appropriate jobs but also leads to additional costs. In the early '90s, employers began to examine the impact of this practice of waiting for full recovery on their workers' compensation assessments, recognizing that injured workers were increasing their expenses significantly.

FOR EACH DOLLAR the Workers Compensation Board (WCB) spends on the rehabilitation of an injured worker, employers may be charged multiple times that amount through increases to their assessment. An average increase of 27 per cent is expected this year. A claim will be reflected on the company's experience account for three years, altering its surcharge/discount rate for that length of time. With so little control over these additional expenses, employers began to seek an alternate approach. What arose was the concept of returning injured workers to work sooner and managing residual disabilities on site. It became apparent that an injured worker managed through a modified/suitable work opportunity program returns to pre-accident employment sooner than a worker who is managed through time loss. Moreover, the majority of industrial accidents can be managed through these programs. As the practice evolved and many employers began offering modified/light duties to their workers, the financial advantages of this alternative to time loss were soon evident. From the workers' perspective, the hardships associated with the return to work date and reintegration issues are eliminated. Both employer and workers benefit.

Many employers now have a structured modified work opportunity program available for workers. Typically, this program commences on the day of accident. An injured worker receives a written offer of modified/suitable work based on physician assessment prior to the beginning of his or her next work shift. This requires a coordinated effort and good communication with the physician about the modified employment duties that are available. Many employers, however, experience difficulty with finding suitable activities for an injured worker to do when he or she returns to work. This can be especially challenging in the construction industry where much work occurs in field locations. Our firm hears on a weekly basis from employers who state that they have no meaningful modified duties that they could reasonably offer. In most circumstances it is found, with some effort, that modified duty opportunities are extensive. For example, an injured individual who is an experienced staff member can often become a company's best job trainer. Is there new staff on a site? If so, the experienced worker can be attached to newer staff members to serve as a job coach. This benefits the company who will pay less to have the worker at work than at home, and at the same time, this voice of experience can help ensure that others remain safe at work, improving overall site safety. The inexperienced injured worker can likewise be returned to work, specifically to job shadow an experienced worker or to learn other jobs on a site.

Injured workers can also take on other essential tasks. Perhaps a review of issues involved in a company's safety program can be addressed. If the site requires individuals to wear personal protective equipment (PPE), this can be an opportunity to demonstrate due diligence by completing a PPE compliance review asking that an injured worker be responsible for completing this task. Are there controlled products on the site? If so, an injured worker could be asked to complete an inventory of these products and also confirm that material safety data sheets are available for each product. In some cases, a worker may not be deemed fit for field site activities. In these cases, the worker could be assigned sedentary/light office tasks.

The time to determine the modified activities available in a company is not, however, after a worker has been injured. Companies should complete the task of assessing their modified

work opportunity inventory long before an accident has occurred. The WCB (Alberta) has specifically documented in policy, what they expect for work to be considered as "suitable modified employment." The conditions are clearly stated:

- the job, task, function, or combination of tasks which the worker will be required to perform must accommodate the worker's compensable medical restrictions so that the worker can perform the duties without endangering his/her recovery or safety, or the safety of others;
- the worker must contribute to the worker's physical and vocational rehabilitation by keeping the worker active and involved in the workplace and by promoting the gradual restoration to the worker's pre-accident level of employment;
- the worker must be a meaningful and productive part of the employer's operations; and,
- it is fair and just to expect the worker to accept the work.

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What happens when the employer has made an offer of modified duties and the worker refuses to accept the assignment? The bottom line is that the employer does not need to attempt to convince a worker that they must accept modified employment. If the employer has been in communication with the physician and has offered a reasonable and fair work assignment that meets the above criteria outlined by the WCB, there is nothing further that the employer is required to do. The injured employee who refuses a reasonable offer that meets the above criteria however, may be refused further benefits under section 51(8) of the Workers' Compensation Act.

It is recommended that offers be made on a written contract that is to be signed by the worker and employer and indicates mutual understanding and agreement. If the employer cannot provide a written offer to an injured worker due to the remoteness of the work site, the details of all discussions should be documented and copies of the documents couriered or forwarded through registered delivery to the worker on the date the documentation is completed. As with the modified duty inventory, these strategies should be determined and in place before an accident has occurred.

The concept of modified duties offers employers an effective way to manage the costs associated with injured workers, but it requires employers to thoughtfully determine the parameters of the program. Now that workers accept the fact that an injury at work does not necessarily mean time loss and expect the opportunity to perform modified duties, they look to their employer for direction. The concept of modified duties is a win-win option for employers and employees.

*Randy Upright
BCL Consulting Group*



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Modified Work Duties in Action

When construction worker Randy Dawson seriously injured his ankle at work, he stayed right where he wanted to be — on the job site — thanks to a well implemented modified work duties program.

A foreman who has worked on PCL-Maxam jobsites for over 12 years, Randy fell down the stairs at a jobsite tearing the ligaments in his ankle so severely he could barely walk. Not wanting to sit at home for the three weeks prior to his surgery, he jumped at the chance to participate in PCL-Maxam's modified work duties program.

For the next three weeks, Randy stayed close to the jobsite, working in the office and assisting the superintendent on the site but refraining from any field work to prevent further injury. Following the surgery and a nine-week recovery period, his doctor gave him the go ahead to return to work and he headed back to the job with a leg brace where he continues to work under the program.

Having a strong modified work duties program in place has a number of benefits, both for the company and the injured employee, explains Randy White, District Loss Prevention Manager for PCL Construction Management Inc.

For many employees, an injury can be a serious financial setback. By keeping workers on the payroll, during modified duties employees aren't forced to sit around waiting for Workers' Compensation payments. Plus it keeps workers close to the job, making a meaningful contribution and preventing them from losing touch with the job and their fellow workers.

"When guys go on compensation from an injury, they can really lose sight of what's happening on a job," Randy says. "They are suddenly out of the loop and things progress so quickly that, by the time they come back to work, they don't even know the job anymore. Not only that, the company has usually put someone else in the position."

This program demonstrates the value of the workers on PCL-Maxam's jobsites. "We want to show them there is dignity here...that we recognize their abilities and the job they were doing and want to ensure that position is kept available for them when they come back," Randy says.

"We find value in all of the guys on modified work duties. If they are injured, we look after the walking wounded. We have a responsibility and an obligation to

work with these guys and get them back to their regular duties once we have the O.K. from their doctor."

In the past, workers recovering from an injury often found themselves sweeping floors or pulling nails when they returned to work, Randy says. Instead, PCL-Maxam works closely with WCB caseworkers to create meaningful programs designed to suit the worker and their abilities. That way the work takes into account the worker's individual skills and their physical limitations.

All in all, the program has been a huge success. One area that can be a problem however, is generating understanding among fellow workers, Randy says. Often there can be a perception problem, where injured workers participating in the program are seen as "slackers". To combat this, PCL-Maxam is working to communicate the program to field staff to ensure injured workers have a positive, supportive work environment to come back to.

For PCL-Maxam, a modified work duties program is much more than a way to reduce Workers' Compensation costs. It plays a vital role improving morale, reducing turnover and training costs and helping maintain a dedicated, loyal workforce.

Laura Soucek