

OWNER'S MANUAL

THE BUSINESS OF HOSPITALITY



»» Back To It

RETURN TO WORK POLICIES PAY OFF
BY AMY SIEGEL ORAN

THE DAILY HAZARDS ENCOUNTERED by those working in the lodging industry can often lead to injuries. Even when employees are provided the best training and safety equipment, accidents happen. Due to the nature of the business, the purported accidents are typically unwitnessed and therefore difficult to challenge. For example, when a housekeeper working alone reports feeling low back pain while making a bed, it cannot be verified, so it nearly always forces acceptance of the claim as compensable. Carrying workers' compensation (WC) coverage is not only legally required, but it is also the best way to reduce financial risk. However, it is not enough to rely on the carrier. To keep costs low and premiums reasonable, a carefully tailored, well-executed return to work (RTW) policy is critical.

To run an RTW program, it is necessary to craft one that's geared not just to the nature of the business but also to the

specific company. Some core steps to guide in the creation and implementation of a successful program are provided below.

STEP 1

Implement a written RTW policy that is applied evenly.

The program, as crafted, should apply to all employees equally and be administered by one individual or team to monitor and ensure even-handed application. For example, if bell hops are offered light duty, the maintenance team must be as well.

STEP 2

Decide what job to offer the returning employee. It is often not possible to place the employee back in his or her prior role. For example, a kitchen worker who sustains a burn is commonly required to avoid heat, so it is necessary to →



find him or her a job far from the heat of grills or ovens, perhaps preparing salads or cutting vegetables. The worker should be allowed to remain within the same general department, but only if it is possible.

STEP 3
Ensure clear knowledge of employee's limitations. The injured worker should provide forms detailing their doctor's restrictions; but, if this information is not received, the insurance adjuster can provide copies. Lifting restrictions are the most common, but when a line cook must keep a cut dry, rubber gloves can accomplish that without changing the job at all. Consider restrictions carefully, and think outside the box to find the best way to keep the employee in the hotel or restaurant.

STEP 4
Send light duty job offer letters via proper means. The law on this point is clear: The employer must notify the injured worker of light duty in writing and via trackable means. A phone call telling the front desk clerk to return will not suffice. This letter, however, does not need to specify the job being offered, the shifts, or the pay—just that a position is available within the restrictions, and directing the employee to whom to report and when. If the job is refused, the adjuster should be notified immediately.

STEP 5
Manage the first day back with care. Once an injured employee reports to work, it is important to set forth the details of the assignment and the expectations. Ensure the tasks are within the most recent restrictions, and give information regarding the new role, the shifts, and the pay. With valets or bell hops earning tips, the light duty may be hourly pay without that perk, and this needs to be conveyed to avoid misunderstandings.

STEP 6
Know what to say or not say. Keeping the peace is critical, and that begins with management. It is incumbent upon supervisors to be role models. Supervisors should ask these employees how they are feeling or if they need help. Do not accuse or imply that someone is faking an injury or exaggerating pain, and do not broach the topic of lawyers, lawsuits, or litigation.

STEP 7
Manage co-workers and their reactions. The aforementioned role models must not only lead by example, but must sometimes play referee. Do not allow co-workers to lob accusations such as those mentioned above or gossip. Temper jealousy with comments like: "If you got hurt, wouldn't you want us to help you, too?" If co-workers are heard talking about money the injured worker

is supposedly getting through the case, end that conversation immediately, as these claims are contagious.

STEP 8
Monitor actual work of injured employees on light duty. Those working while in pain are more prone to re-injure or exacerbate their condition. Due to embarrassment, bravado, or thoughtlessness, workers on light duty may not ask for help, and instead, act outside the restrictions, for example, bending down to pick up the utensils they dropped. Yet, if bending is a restriction, doing so can increase pain and lead to tighter restrictions or a no-work status, which can and does increase the claim costs. Management must watch to ensure not only that the job is being done, but that it is being done within the restrictions. Given the lack of direct supervision over the day-to-day actions of each employee, a heightened level of awareness and monitoring may need to be employed. Hotel managers should rely upon team leaders and other supervisors to be their eyes and ears.

STEP 9
Accommodate medical appointments without getting taken advantage of. While some workers who return to work will try to take advantage, employers must allow them to go to their appointments. However, in this industry, work schedules often do not

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The Benefits of RTW Programs

HERE ARE SOME OF THE MOST IMPORTANT BENEFITS TO CONSIDER IF YOU'RE WAITING TO PUT TOGETHER A RTW PROGRAM.

1 Lower costs. Getting the worker back inside the hotel lessens the amount paid by the carrier and thus immediate claim costs and future insurance rates.

2 Lower risk of litigation. Allowing the employee to sit at home leads to potentially avoidable litigation. Also those lawyer ads playing on TV during the day are enticing.

3 Mental health boost. Sitting at home fosters wallowing and pain-focused behavior, which is detrimental to psychological health and makes it harder to convince someone she/he is capable of working.

4 Minimizing medication usage. RTW plans lessen the amount of medication used and lowers the risk of opioid addiction, as the job and pain medications do not mix.

5 Demonstrates employee commitment. RTW policies show you care by doing what you can to ensure the employee still has income to pay the rent and feed the family.

