

Modified Work-Part 2

(Getting the Most Out of Your Modified
Work Negotiation)



Participant Guide

Business Training
Customer Service Unit

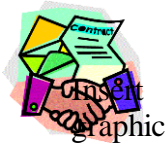


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Introduction

Welcome to the workshop “Modified Work Part 2-Getting the Most Out of Your Modified Work Negotiation”. As you know from “Modified Work-Part 1”, providing suitable modified work for injured workers is one of the cornerstones for an effective disability management program.

A safe and timely return to work with the accident employer can sometimes make the difference between the worker getting back to the life that they had before they were injured to never being able to return to work and having their life and their family’s lives profoundly changed—often not for the better. Suitable modified work is the best way to ensure that worker will be able to return to the life they had before their injury.

This training emphasizes the importance of preparing for your modified work negotiation phone calls, particularly with employers you are unfamiliar with, so you can effectively and creatively address any barriers that may surface. If you are well prepared, you will have a clear idea of what you want to accomplish and how you are going to get there while you are talking to the employer. You will also have the confidence to persevere with the employer if they are reluctant to provide modified work.

Course objective:

At the end of this course, you will be able to;

- Develop a plan for negotiating modified work with the accident employer



Benefits of Modified Work

For the Worker:

For the Employer:



Suitable Modified Work

Suitable or appropriate modified work must meet the criteria in Policy 04-05, Part II, App. #2. Temporary Modified Work Programs, the criteria include:

- Accommodates work restrictions, can be performed safely
- Contributes the worker's physical and vocational rehabilitation, keeps the worker active and involved in the workplace
- Promotes a gradual restoration to the pre-accident level of employment
- Is a meaningful and productive part of the employer's operations
- Does not create financial hardship for the worker

Types of Modified Work

- Pre-accident job duties within the worker's current work restrictions
- Job duties from a different position (something other than the pre-accident job)
- Graduated return to work
- Taking short courses in classroom setting or on-line

Keep all types of modified work in mind as you head into a negotiating conversation with the employer. You will increase your chances of success with the employer, if you take a flexible approach with what modified work could involve.

When reviewing a new claim assignment, confirm:

- Where is the worker at in their recovery?
 - Mostly recovered, returning to full duties in the next few days/weeks
 - Still recovering, returned to mod. duties, return to full duties in 3 to 8 weeks
 - **Still recovering, hasn't returned to mod. duties, return to full duties in 3 to 8 weeks**
 - **Still recovering, hasn't returned to mod. duties, return to full duties uncertain, transfer to CM likely**
- Where will the worker be at the end of their recovery?
 - What services are required and the length of each service/
 - What can go off the rails (potential barriers)?
 - What is the length of the recovery
 - Full pre-accident duties or work restrictions (temporary or permanent)?



Modified Work and the Pre-accident Job

Where possible, especially in instances when you are not familiar with the job duties or the physical demands of the pre-accident job, you need to confirm what the job involves **before** you speak to the employer.

Resources for identifying the pre-accident job duties and demands are:

- C040, employer's report of accident (Rapid Report lists the top 3 job duties)
- Modified Work PDA database (EW/Bus. Tools/RTW/Modified Work/Toolkit/Helpful Links/-not all employers are listed in the database, however you may be able to find a similar position with a different employer)
- Googling the company and/or the position can also provide useful information

Based on the information you gathered, you can re-confirm the main duties and demands during your conversation with the employer. This ensures you know what is required for the worker to be able to do their full job duties.

Once the job duties and demands are confirmed, the conversation can then move to which of these job duties can the worker do now or when they have medical clearance. The employer may agree to provide modified work by simply removing the job duties that are beyond the worker's abilities. As the worker recovers, these job duties would be added back until the worker recovers from their injury.

But, what if the employer isn't prepared to offer modified work based on the pre-accident job – what could you suggest then?

Modified Work and a Different Job

If removing the pre-accident job duties isn't an option for modified work, then a different job for modified work (or some combination) could be considered. To ensure that you are as prepared as possible for the modified work conversation, have 3 to 5 job ideas in your back pocket before you call the employer.



What are the resources that can help adjudicators come up with modified work job ideas?

- Internet-google the pre-accident job for duties and physical demands or the accident employer's company website (may have suitable jobs on career site)
- Injured worker- talking to the worker before the calling the employer and asking them for modified work ideas, then discussing these ideas with the employer
- Modified Work Generator Database-the link to the database is on EW/Business Tools/RTW
- Return to Work Planning Meeting or Discussion- Refer to Business Procedure 31.6A
- Co-workers, CRT, trainers-all often have extensive experience in coming up with suitable jobs.

Bottom line, whatever resource you use, have 3 to 5 modified work ideas in mind before you call the employer.

Researching the DOA employer and Industry

How could researching the company or industry assist with negotiating modified work?

- Job postings from the employer's career site may provide modified work options
- May also be able to gather background or timely information about the company and its operation, this helps with relationship building during your conversation with the employer

To learn more about the accident employer's industry use the Modified Work Generator (EW/Business Tools/Return to Work/Modified Work Generator/Modified Work Code Lookup/View Industry Info.)

Worker's Medical Status

The worker's medical status is another aspect of the claim that you need to have a good understanding before you call the employer or the worker for the initial contact so that you can explain (in plain language) what is happening with the worker from a medical standpoint. This ensures that everyone has realistic expectations on when and how the worker is going to recover. There are three main areas to focus on before you pick up the phone. They are the worker's;

- diagnosis
- Treatment plan – what is involved, what services are the worker likely to receive, how long will the services take to complete?
- Physical abilities and restrictions-what can the worker do and not do now? What will they be able to do in the future? When are they expected to recover?



The resources that assist with confirming the worker's medical status are;

- Internet-there are many good medical websites that provide a wealth of information on diagnosis, recommended assessments, testing and treatments, expected recovery. You'll receive more information on this resource in the course, "Introduction to Medical Management"
- WCB's EW/Business Tools/Disability Duration Reference-a guide that estimates when a worker could recover based on the injury and the physical demands of the job. It also estimates the likelihood of the worker experiencing that long term/permanent effects as result of their injury, for example, reduced range of motion
- Medical Consultants-physicians who provide medical opinion to claim owners typically on causation or fitness for work, recommended treatment to assist with decision making
- Clinical Consultants-also have a medical background (nurses, physicians) who assist with the IME (independent medical examination), provide training to claim owners on anatomy, MOI, treatment and recovery, consult with customer service teams on the medical aspect of return to work planning
- CRT, Business Trainers, Co-workers

Worker and Employer RTW Barriers

Many RTW barriers do not surface on a claim until the adjudicator has contacted the worker and the employer. These barriers can include; transportation, child care, opioid use, worker/employer conflict.

Sometimes the initial reporting on the file suggests potential barriers, they may be spelled out or you may need to read between the lines. For example an employer's report could say, "this is the employee's 2nd claim in as many months, we've had to let him go", or "this employee claims they hit their head on the ladder, there were no witnesses".

Employer concerns like this can translate into lack of support for modified work. Adjudicators need to have upfront, open discussions with the employer about any concerns they might have about the worker or the claim.

The earlier the RTW barriers are dealt with, the better chance there is for them to be resolved successfully. (This applies to both employer and worker barriers). RTW barriers, rarely if ever, disappear on their own. If anything, a barrier that isn't addressed; seems to only get worse and stalls the worker's recovery and return to work.



If you are seeing a potential barrier in your initial review of a claim, start thinking about what questions you are going to ask to clarify the barrier and what you could say, suggest or offer to do to address the barrier. This may make for a longer conversation during your initial contact; it will be time well spent, and in the long run will probably save you time.

Claim Impact and WCB Premiums

One employer concern that might surface during your modified work conversation, is how or if the costs on a claim are impacting their WCB premiums. The person who can answer this question is an account manager. A claim owner can request that an account manager contact the employer to have this discussion.

Though an account manager is the expert on how/if a claim could impact WCB premiums and with this information encourage the employer to consider modified work; a claim owner can still have an effective modified work discussion by being aware of the WCB pricing programs and how they impact a large (experience-rated) employer or a small business.

Within WCB's pricing programs, a large or experience rate employer's premiums can be impacted claim costs. A small business' premiums can be impacted by the number of time loss claims.



WCB Pricing Program- Large (Experience) Rated Employers

What can claim owners say to large employers about offering modified work and reducing claim costs?

Claim owners can let employers know that if they provide modified work, it will save money in wage replacement benefits (TD-01) and this will reduce claim costs.

A claim owner should not say to a large employer that reducing claim costs will reduce their WCB premiums. The costs on one claim are only part of how premiums are calculated. There are a number of other factors that go into calculating premiums for large employers, for example, their other claims as well as the other employers' claims in their industry.

Instead, a referral should be made to an account manager to address any questions related to the impact of claim costs on WCB premiums.

Large Employers and the Benefits of Modified Work

Emphasizing the benefits of modified work for the employer and worker are often more effective than emphasizing how it reduces claim costs. For that reason, it is generally recommended that claim costs be introduced more as a last resort in the modified work conversation when it appears that the modified work benefits are not effective with a particular employer.

WCB Pricing Program-Small Business (Employer)

Small businesses (employers) are another type of pricing program at WCB.

How do claim costs impact small employers?

A small employer is not impacted by the costs on a claim. The small employer is impacted by the number of time loss claims. For this reason, an adjudicator should not say to a small employer that reducing claim costs will impact their account.

How can I tell if the accident employer is considered to be a small employer on eCO?

A small employer in WCB's pricing program has a zero in the MPCC field on a claim in eCO.



What can claim owners say to small employers to encourage them to provide modified work?

Claim owners need to focus on the benefits of modified work to encourage a small employer to provide modified work. For example, explaining how modified work helps the worker in their recovery by keeping them connected to the job site and allowing them to be as active as possible to increase their strength and stamina during their recovery.

Account Managers and Modified Work

Account managers work closely with employers who have accounts with WCB. They advise and educate employers on how to establish and manage disability management programs at the job site as well as how to manage and reduce claim costs.

Another key part of the account manager's job is to encourage the employer to provide suitable modified work for their injured workers. If a claim owner has tried to persuade the employer to provide modified work either now or in the future and the employer has refused, the claim owner should ask the employer if they would be willing to speak to an account manager about how this claim could impact their account. If the employer is willing to speak to an account manager, then the claim owner can make a referral.

Making a Referral to Account Management

There are three ways to make a referral to account management, to follow up with an employer who is reluctant to provide modified work, send a/an:

1. File note to the ACM Team Desk in eCO
2. E-mail to a specific account manager
3. Referral from the account management site on EW/Departments, choose the "Claim Specific RTW Referral"

If the employer has questions about their account that aren't claim related, choose the "Employer General Inquiry Referral" on the EW/Departments/Account Management site

Return to Work Assessments

RTW assessments assist with making modified work happen by providing valuable information about the worker, employer and job site. They are particularly helpful in identifying and addressing RTW barriers. Their recommendations can be the foundation for the worker's return to work plan.

These assessments are provided by Millard, CBI and LifeMark depending on the city. For more information, refer to Bus. Procedure 41.6A-RTW Centres-Assessments & Programs. To request this service complete the FM733A in Forms & Corr.



Return to Work Skills Profile (RWSP)

- Identifies the worker's skills, education, work experience and return to work barriers.
- Assists with coming up with modified work options with the accident employer.

Return to Work Planning Meeting (RTWPM)

- A job site meeting with the worker, accident employer, clinician (OT, PT, ET), and sometimes claim owner to;
 - Clarify the pre-accident critical job demands and duties
 - Explore modified job options
 - Review the need for ergonomic/job site modifications
 - Determine if there are RTW barriers
 - Re-establish the worker/employer relationship
- The results of this meeting are documented in a report on the claim file.

Return to Work Planning Discussion (RTWPD)

- A telephone discussion between the employer, the worker and clinician when a RTWPM cannot be arranged, the purpose is to;
 - Clarify the pre-accident critical job demands and duties
 - Discuss return to work options including modified duties and hours
 - Develop a RTW plan
- The results of this discussion are documented in a memo on the claim file.

Medical Status Examination (MSE)

- A physical examination with a general practitioner to confirm:
 - Diagnosis
 - Fitness for work
 - Any medical conditions that may affect the worker's recovery and return to work
 - If further medical tests or procedures are required
- The worker must undergo a MSE if a rehabilitation program is being considered

Functional Capacity Evaluation (FCE)

- An evaluation to determine the worker's functional restrictions and abilities in relation to job demands of the pre-accident job or targeting occupation. Completed by a clinician.



The RTW Plan-Putting it all together ...

Ideally before you pick up the phone for your first initial contact with the employer (and the worker) you will have addressed the following:

DOA or Different Job & Modified Work

- DOA job duties, physical demands (the top 3 of each)
- Requesting a PDA from the employer if the worker won't be fit for their full duties in two or more weeks – an estimate only
- Modified work options – removing DOA job duties and/or completely different jobs (3 to 5 ideas)
- Knowledge about the company and/or industry – what do they do (why are they in business)? How is the current economy may be impacting them?

Worker's Medical Status

- Worker's current diagnosis
- Treatment plan – the services required for treatment and assessment
- How long it will take for the worker to recover so they can participate in modified work?
- What are the worker's abilities now?
- What are the worker's current restrictions?
- Will the worker be able to return to their full duties? If yes, when will that likely occur? If no, when will the worker reach maximum medical improvement (MMI) and what will be their work restrictions?
- Can you explain the medical aspects of the claim in plain language? If not, who/what could help you?

Employer and Worker RTW Barriers

- Are there any potential RTW barriers? What are they?
- What questions will you ask to clarify any barriers?
- How will you address these barriers? That is, what services could you recommend and arrange?
- Is the employer in the large or small employer pricing program? How will this impact your approach in negotiating modified work?

Activity: Preparing for modified work conversation with Sobeys

Review the information that you gathered earlier on Jane's claim to prepare for the initial contact with the employer.

Compare what you have gathered with the above or the 1st page of the modified work coaching guide, is there anything missing that you would need to fill in before you talk to Jane's employer? How will you do this?



Mod. Work Coaching Guide-Making the Mod. Work Call

Your modified work calls, how have they been going?

- Have you had an opportunity to negotiate modified work with the employer on one of your claims?
- If yes, how did your conversation go?
- What did you say to encourage the employer to consider modified work?
- How did the employer respond? What concerns or objections did the employer have?
- How did you respond to the employer's concerns?
- What seemed to be effective/ineffective in encouraging the employer to consider modified work?
- Is there anything that you would do differently the next time?

Learning Summary

- Ensure you can describe the worker's recovery (length, services, fit for full duties or work restrictions) before the modified work call with the employer
- Recognize that pre-negotiation planning (Modified Work Coaching Guide) is essential for a productive modified work negotiation conversation. Especially for those claims where you are unfamiliar with the DOA job, employer's company and industry.
- Document, document, the key details of your negotiating modified work conversation.
- If you're unsuccessful in negotiating modified work to happen now or in the future, always discuss Plan B with the employer. Implement Plan B immediately after the conversation.
 - Plan B could include:
 - Account management referral
 - Return to work planning meeting
 - Return to work planning discussion
 - Return to work skill profile
 - Medical Status Examination
 - Functional Capacity Evaluation
 - Calling family doctor to clarify fitness for work, work restrictions



Be completely committed to the idea that suitable modified work is the most beneficial return to work option for both the worker and the employer.