



Execute Successful Return-to-Work with Unions

Successfully executing return-to-work in a union environment is a challenging topic. When done properly unions can be a large benefit and asset to your workers' compensation program. However, a strained union relationship at your organization can be a significant road block which makes success in workers' compensation management nearly impossible.



Define Roadblocks to Success with Unions

Roadblock #1: Assess Current Level of Trust

As you begin this process you need to understand the current state of affairs at your company...what are you up against?

Trust Between Union Leadership & Senior Management

- 1) Is the relationship cooperative, or combative?
- 2) How was the collective bargaining agreement negotiated, in good-faith or using dirty tactics?
- 3) What propaganda is distributed by both sides?

The number one roadblock to success in working with unions is lack of trust.

Trust Between Employees & Company

- 1) On scale of 1-10, how satisfied are you that safety hazards are addressed timely?
- 2) On scale of 1-10, where would you rank the top priority of our organization, 10 being employee safety, 1 being production.

Employee safety is a common ground in even the most strained union relationship.

Roadblock #2: Collective Bargaining Agreement

The agreement can be one of the biggest obstacles to developing cost reduction programs in the unionized environment as it may address (and possibly limits) the employer's ability to return employees to work.

Work to negotiate out restrictive provisions in your collective bargaining agreement.

Roadblock #3: Lack of Senior Management Support

In most cases the union is not going to initiate the conversation. A disinterested senior management team will therefore not have the motivation or knowledge to educate union leadership as to why return to work is a mutual benefit. Senior management needs to "get-it" before gaining buy-in from union leadership.

Roadblock #4: Disincentives to Return to Work

Disincentives to return to work are those items or policies which will motivate injured workers to NOT return to work. These will cause an injured worker to make more money or gain larger benefits by not working, then by working.



How To Bridge The Gaps

Once you have identified the challenges, develop a plan to bridge the gap and overcome the roadblocks.

Bridge the Gap #1: Negotiation 101

The key to negotiation is to understand the important issues for the other side. One of the bedrock principles of a union is to create a better scenario for the worker in a group than could be done as individuals.

Bridge the Gap #2: Identify An Easy Victory

Once you understand the why, and the biggest driving motivators in your union relationship, identify what is an easy victory? Ask the question "what is something that we can put out to the men as a victory that will show there's a level of trust and cooperation?"

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3 Steps to Successful Return-to-Work with Unions

Bridge the Gap #3: Safety

One of the biggest benefits of a union is safety, the ability to protect the union men and create a better working environment. Even the most strained union relationship can find common ground with safety.

Actions speak louder than words regarding safety: what can an employee working at your company see, feel, and touch regarding your safety culture?

Bridge the Gap #4: Americans w/ Disability Act (ADA)

An individual that is hurt at work can be considered a "qualified individual with a disability" whom is protected under the American's with Disabilities Act. A collective bargaining agreement that is says "no temporary work" could be in direct violation with the ADA. Consult with your attorney for further information on addressing this topic.

Bridge the Gap #5: Consider Financial Impact on Union/Pension Fund

A powerful way to bridge the gap and gain union support is by focusing on the economic consequences and interests of the membership.

Understand union hot button issues:

- Are union welfare funds being depleted by suspicious claims?
- Are dues being stopped when employees are out-of-work?
- Do claims impact profit sharing or employer's financial survival?
- What are the negative physical and mental effects experienced by the out-of-work employees?



Tactics to a Successful Return-to-Work

The most difficult pieces to return to work with unions are successfully identifying the roadblocks to success and bridging the gaps. Once an organization successfully completes these steps, returning employees to work becomes very easy.

Return to Work #1: Creative, Individual, Flexible, Progressive

A successful return to work program needs to be described as creative, individual, flexible, and progressive. Companies will often run into challenges when their return to work program is rigid "you're a forklift driver, and all you can do is drive a forklift."

This statement simply is not true and finding out the employee's other skills is simply a matter of asking.

Return to Work #2: Understand Employee Medical Restrictions

According to the RIMS Benchmark Survey 2010, only 21% of employers consistently receive the medical restrictions of their employees on the FIRST medical visit, this leaves 79% of employers that are not receiving the medical restrictions of their employees until at least the 2nd medical visit, automatically creating a lost time claim.

Return to Work #3: Uncover Company Needs & Employee Skills

The basic job in return to work is to uncover a legitimate company need and match that with a skill of your employee. Understand your employee's skills by asking them in a conversation, as well as obtaining the medical restrictions from their treating physician.

Return to Work #4: What Words Are You Using To Respond to An Injury?

Liberty Mutual completed a study in the mid-1990s that examined the effect of early supervisor response on the outcome of a claim. Here were the findings:

- If the initial response by the supervisor to an injured worker reported an injury contained a negative tone including unsupportive, blame, anger, disbelief, or encouragement not to file a claim, all things being equal, *the employee would be out of work 2x as long.*



Return to Work #5: Do you think you will be able to do your regular job, without any restrictions, 4 weeks from now?

Separate studies have supported with conclusive evidence that the injured worker's expectation of recovery is a strong predictor of outcome. Leverage this fact to identify those employees which will need additional support to aid their recovery:

- 1) *Ask the question:* Do you think you will be able to do your regular job, without any restrictions, 4 weeks from now?
a) Give potential answers: definitely, probably, not sure, unlikely.
- 2) If an injured worker responds "I don't think I'll be able to go back to work"; *ask WHY.*
- 3) Give additional support leveraging case management, counseling, etc. as needed to aid recovery.

When done properly unions can be a large benefit and asset to your workers' compensation program.

