

Safety Zone: Return to Work for the Food Service Industry

The Benefits of a Return to Work Program

A [Return to Work Program \(RTW\)](#) is universally recognized as a win-win situation for employees and employers alike. Before injuries even occur, employers can share the benefits the program provides with their employees, such as how RTW helps maintain wages and a connection with their employer and coworkers, and helps protect the financial well-being of themselves and their families. Business owners can also promote their Return to Work program as an advantage of employment with the company. At the same time, RTW plays a major role in controlling claim costs and the impact on workers' compensation insurance premiums.

Be aware that return to work procedures are state-specific, and various state and federal employment laws may apply. For example, employers that meet certain criteria (such as those having 50 or more employees) must have an understanding of the interrelationship between the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and your individual state's Workers' Compensation Act. Involving a legal and/or HR professional in the building of your program should be strongly considered.

RTW Program for Restaurant Workers

A restaurant worker with a lost time claim is off an average of [30 days before returning to work](#)* and about [40% of incurred losses are indemnity](#) (non-medical) benefits. The longer injured employees remain out of work, the more difficult it is to get them back. Having a proactive pre-injury plan will make sure everyone knows what to expect when an injury occurs.

An effective Return to Work Program may include:

1. Statements of policies and responsibilities for all levels of the company.
2. Selection of designated medical providers that will understand and cooperate with your RTW program to ensure the doctor-assigned physical restrictions are specific enough to allow the employer to make an accurate decision on what duties the employee will be assigned.
3. A list of tasks that can be assigned or modified to accommodate the restrictions.
4. A review of the injured worker's capabilities and medical restrictions and how they align with their tasks.
5. A defined recovery period that provides transitional RTW programs rather than permanent light-duty jobs.
6. Administrative forms and documents for internal case management.

Policies and Responsibilities

Developing policy statements will define the company objectives and responsibilities to the plan.

The executive statement ensures workers will receive prompt medical attention, recovery assistance, and transitional work until they can resume normal work duties.



As an injured worker returns to the job, store managers must identify available tasks and/or modifications within the doctors' physical restrictions. For example, if a worker was previously a server or line cook and suffered an ankle injury, perhaps they can complete tasks behind the scenes, like helping take phone or online orders to stay off their feet. There should be a clear understanding between the injured worker and the employer, and the employer should regularly monitor that the worker doesn't exceed restrictions and progress toward recovery. Only the authorized treating physician may assign and change medical restrictions. These limitations will apply both at work and elsewhere.

Employees must be responsible for reporting injuries promptly, be available for transitional job assignments appropriate for their capabilities and cooperate with the employer and treatment providers during the recovery period. Failure of employees to report to work or refusing suitable and available work offered could affect workers' compensation benefits and work eligibility with the company.

Focus on the Injured Workers' Capabilities

Employers and employees alike should focus on injured workers' capabilities and avoid emphasizing limitations that are vague and unworkable. An assigned job must fit the constraints assigned by the authorized care provider and be within the employee's vocational capabilities. Therefore, there may be a need to modify the job. Written job descriptions will facilitate an understanding of the physical requirements of any assigned position. This allows the treating physician to review the exact duties being offered and give an opinion on the worker's abilities to complete those tasks. Ensure managers and direct supervisors understand all details so that the RTW activity is not unknowingly thwarted by vagueness or misunderstandings between the employee and shift leaders.

Ask supervisors and employees for input identifying suitable tasks and modifications. Look at routine work like phone/online ordering, hosting, side work, assembling take-out kits, verifying and expediting orders, delivering car-side pick-up, sanitizing activities, etc. Consider ways to accommodate the increased frequency of breaks and allow for work to be done while seated when necessary.

Offering Transitional Duty

A Return to Work program is a lot like offering a new employee a job. An employer should explain employment standards, wages, benefits, work hours and task assignments and go through details again when things change. Explain the position is temporary, flexible and will be reviewed with them regularly. Even if the employer can't fill an entire shift, shortened work schedules still help control the claim cost, enhance productivity and speed up recovery time.

Internal Case Management

The ultimate goal is to return the injured worker to their regular job but also determine if other employment or claim strategies are needed. Be sure to keep careful records of program activities, including RTW offers, task assignments, regular reviews of accommodations to worker restrictions and progress to full duty.

Items to document:

- Copies of all formal claim-associated documents
- Medical updates and "light duty" doctor notes, return to work and other communications, including changes in restrictions or capabilities
- Employee efforts and cooperation with temporary assignments and employment standards

Consider a "work hardening" approach, increasing the duties to reflect improvements in capabilities at each review while being certain to align new or expanded duties with specific medical limitations in place at that time. This way, the employer can acclimate the employee slowly to full duty without risking re-injury.



Communicate With Your Insurance Carrier

Keep your adjuster apprised of your RTW efforts and the outcome of your transitional duty offers.

Send your offer to provide RTW to the injured worker by certified mail if a worker has been released with restrictions but has failed to contact you following the examination. Document, document, document.

Sources

* AmTrust Financial Restaurant Risk Report 2018, AmTrust Financial Services, Inc. <https://amtrustfinancial.com/restaurant-risk-report>

+ Workers' Compensation Costs, 2020 National Safety Council, Injury Facts, <https://injuryfacts.nsc.org/work/costs/workers-compensation-costs/>

For additional [safety resources](#) and other risk management subjects, visit the [AmTrust Loss Control website](#).

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