

One of the most expensive components of your restaurant workers compensation policy is the cost of disability payments for injured workers. And since your workers compensation insurance premiums are directly related to the amount paid out on your behalf for claims, managing this component is an important step in keeping your workers compensation costs low. The best tool in this process is your return to work program. Getting your workers back in your restaurant and productively contributing to the ongoing needs of the business will improve morale, and productivity for all employees, not just the injured person. But there are a few pitfalls to the back to work process that a restaurant owner should keep in mind.

One of the most overlooked and yet most dangerous traps in a back to work program is that while the programs are generally set up by workers compensation insurance companies to help with your workers compensation insurance claims process, you must be careful not to ignore governmental organizations and their rules in this area. If you have 15 or more employees, then you will fall under the Americans With Disabilities Act and its rules. In addition you must be careful not to run afoul of the Equal Opportunity Employment Commission, or EEOC. Each of these governmental organizations will have rules about how you must modify your workplace to accommodate a disabled worker, whether or not that worker was disabled on the job. If you look at the return to work issues only through the lens of your workers compensation insurance then you might place yourself in jeopardy with one of these organizations. That can be a costly mistake if your employee decides to hire a skillful and knowledgeable attorney for representation. Just remember that as a federal law, the Americans with Disabilities Act supersedes your state workers compensation laws and provides a floor level of protection. Anything you do with return to work through your workers compensation insurance company should exceed this floor level of protection for your workers, either disabled on the job or otherwise.

Another mistake that is often made in returning injured employees to work is insisting that they not return to work until they are able to perform full duties. There is a lot of evidence that transitioning your injured employees back to work for short periods of time or for other light duties will help reduce malingering and will also improve the employee's mental health. Many people derive their sense of self-worth and motivation from their ability to be productive. Helping them be productive in some capacity as early as possible will help you reduce your workers compensation claims costs and thus reduce your restaurant workers comp insurance rates as well.

Don't ignore co-morbidities in your injured workers, particularly as you transition them back into the restaurant for light duty work. Co-morbidities are health issues outside of the workers comp

injury that make the recovery process more difficult for the injured employee. Examples of this are hypertension, diabetes, obesity and depression. While most of the costs associated with co-morbidities in returning injured workers back to your restaurant to work are shouldered by the workers compensation insurance company, this could change with the gradual implementation of Obamacare rules. So if your restaurant does not provide health insurance for your employees, you may find most of this cost shifting to your workers compensation insurance claims and thus driving up your workers compensation premiums over time.

This last pitfall may seem counterintuitive at first glance. And that is that an overreliance on the physician treating your employee for guidance on when to let them return to work could be a mistake. If the physician is not trained in your workplace policies, job duties and does not have a solid understanding of exactly what the work in your restaurant entails, then you may be better served to let your workers compensation insurance company guide you for when you can allow your injured employee to begin to return to work for either light duty or full time work.

What I would advise for restaurant owners who are dealing with high workers compensation claims costs and thus high premiums, is to choose your workers compensation carrier very carefully. I would suggest that you consider buying your workers compensation insurance only from an insurance company that specialize in workers compensation insurance and that does not sell any other forms of insurance. These specialty companies tend to have greater expertise in return to work programs and often have nurses on staff to help evaluate the injured employee's ability to return to work. Their knowledge base can often keep you out of trouble with the EEOC and the ADA, both of which are potential huge liabilities for your restaurant in these cases.

At Clinard Insurance Group, we insure hundreds of restaurants all across North Carolina, South Carolina, Georgia and Tennessee. We would love to help you with all of your restaurant insurance questions so please feel free to call us, toll free, at 877-687-7557.