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# Return to Work (RTW) and Maintenance of Employment

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## Section A

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### Disabling Conditions—Activity Limitations

# The Right to Live, Work

“To every man his chance—to every man the right to live, work, to be himself and to become whatever thing his manhood and his vision can combine to make him.”

— *Thomas Wolfe, You Can't Go Home Again, 1940*

# Disabling Conditions—Activity Limitations

- Cardiovascular disease
- Back problems
- Arthritis
- Asthma
- Diabetes
- Mental disorders
- Visual impairments
- Learning disabilities and mental retardation
- Cancer

# Impairment

- Loss and/or abnormality of mental, emotional, physiological, or anatomical structure or function
- Includes all losses or abnormalities, not just those attributable to active pathology; also includes pain
- *Defined by medical diagnosis*

# Functional Limitation

- Restriction or lack of ability to perform a task in the manner or within the range considered normal, which results from impairment
- E.g., inability to grasp, pull with arm
- *May be limited but no disability*

# Disability

- Inability or limitation in performing socially defined roles or activities expected of individuals within a social and physical environment
- E.g., maintenance of employment



# Americans with Disabilities Act (ADA) >15 Employees

- Title I: Employment
- Title II: State and Local Governments
- Title III: Public Accommodation and Commercial Facilities
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

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# Reasonable Accommodation

- Making facilities accessible
- Job restructuring, part-time or modified work schedules
- Acquisition or modification of equipment or devices
- Reasonableness or accommodation based on cost and impact on business

# Pre-placement Assessments

- Must be performed after an applicant has been offered a position
- Can *only* evaluate the applicant's ability to perform the identified critical functions of the job being offered

# Family Medical Leave Act (FMLA)—1993 EEOC

- Employers with more than 50 employees must provide up to 12 weeks of unpaid, job-protected leave in any 12-month period
- Eligibility—12 months of employment and 1,250 hours prior to leave
- State/federal employees eligible

## FMLA (cont.)

- A woman or a man with a new or newly adopted child can apply
- Rights of employee—return to same or equivalent position, benefits, compensation, and conditions of employment
- Employer may require medical certification



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## Section B

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### Components of a Disability Management Program

# Components of a Disability Management Program

- Corporate philosophy that values employees
- Gain senior management support
- Intervene early and regularly
- Develop case management capabilities
- Create modified/light-duty jobs to allow early RTW
- Cultivate supervisors who allow and encourage early RTW
- Educate local physicians



# Benefits

- Reduce employee turnover and lost time
  - Reduce hiring or training costs
  - Retain experienced employees
- Reduce accident and workers' compensation costs
- Improve employee relations and morale
- Boost overall productivity and company image

# Case Management

- Case management—a process of coordinating health and rehabilitation services for an individual worker from the onset of an injury or illness to an optimal return-to-work status or a satisfactory alternative
  - Achieve optimal, quality care
  - Deliver cost-effective care

# Workers' Compensation

- Income replacement
- Support for dependents because of occupation-related death
- Hospital, medical, and funeral expenses
- Incidental expenses such as travel and parking

# Work-Related Illness

- Time elapsed between exposure and onset of illness
- Insidious onset of illness
- Multi-factorial nature of the illness
- Obscurity of exposure because of the inability to detect low levels of toxic substances

# Light Duty

- Adaptation of an employee's original job
- Generally, "light duty" refers to temporary or permanent work that is physically or mentally less demanding than normal job duties
- Light duty is an interim step in the physical conditioning and recovery of an injured employee with temporary restrictions with the goal of returning to his/her original job

# Limited Duty Work

- A job that is appropriate to an injured worker's skills and interest as well as his capabilities

# Work Hardening

- A progressive individualized program for conditioning

# Job Modification

- Change in duties, hours, expectations of the job





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## Section C

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Factors That May or May Not  
Influence the Return to Work

# Environmental Factors

- Work demands
- Work environment
- Organizational/social aspects
- Temporal aspects
- Ergonomic aspects
- Travel

# Factors That Influence RTW

- Demographic
- Occupational
- Psychosocial
- Clinical

# Demographic Factors

- Age
- Gender

# Demographic Factors

- Age
- Gender
- Education

# Demographic Factors

- Age
- Gender
- Education
- Marital status
- Number of dependents
- SES

# Occupational Factors

- Employment status prior to illness/injury
- Stability of employment
- Job classification

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- Employment status prior to illness/injury
- Stability of employment
- Job classification
- Job satisfaction
- Job demands
- Availability of early retirement/disability



# Psychosocial Factors

- Response to illness
  - Depression
  - Anxiety
- Social support
  - Employer
  - Co-workers
  - Family

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- Response to illness
  - Depression
  - Anxiety
- Social support
  - Employer
  - Co-workers
  - Family
- Self-efficacy/motivation/intention
- Functional status

# Clinical/Physical Factors

- Disease severity
- Duration of disease
- Presence of co-morbidity
- Symptomatology

# Predictors of Work Disability after Limb Trauma

- Median RTW time: 600 days
- Returned to different job (26%)
- Job limitations
- Non-RTW: related to injury
- Greater reconstruction vs. amputation—RTW ( $p=0.05$ )
- Young age, white, high school or college education, high self-efficacy—significant for RTW
- Blue collar jobs with high physical demands: low RTW

# Environmental Barriers after Traumatic Brain Injury

- CHIEF Inventory
  - Addresses physical, environmental, and architectural barriers
  - Potential barriers, such as family and community attitudes, access to technology and information, government policy, and employment issues

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- CHIEF Inventory
  - Addresses physical, environmental, and architectural barriers
  - Potential barriers, such as family and community attitudes, access to technology and information, government policy, and employment issues
- Report of statistically significant barriers
  - Age (older)
  - Marital status (married)
  - Premorbid employment (not employed)

# Web Sites

- [http://www.cdc.gov/nchs/data/series/sr\\_10/sr10\\_212.pdf](http://www.cdc.gov/nchs/data/series/sr_10/sr10_212.pdf)
- <http://www.wbgh.com>
- <http://www.eeoc.gov>
- <http://www.ada.gov>
- <http://www.social-security-disability-claims.org/>
- <http://www.healthypeople.gov>