

Whose responsibility is it to get
an employee back to work?



HELPING INJURED EMPLOYEES MEANS HELPING YOUR BUSINESS

No-one wants to suffer an injury, but it happens. However if, during their leisure time, an employee sustains an injury that prevents them from working, whose problem is it? Does the employer have any obligation to help them recover from their injury and return to work?

Although the legal answer is 'no', Paul Wimpenny, Clinical Governance Officer at Physio Med, explains why employers should be doing everything in their power to keep staff healthy, productive and at work, as well as the measures they can take to achieve this and the positive benefits a wellbeing policy can have.

During 2015 in England, almost half of the reported 1.25 million work related injuries were musculoskeletal disorders (MSDs) and yet, according to The Institution of Safety and Health, 53% of MSDs treated by doctors were non-work related, meaning the overall majority were sustained at home or whilst taking part in leisure activities.

These figures raise an interesting question: if an employee suffers an injury in their own time and it stops them from working, whose responsibility is it to get them back to work and up to full capacity?



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If an employee suffers an injury whilst at work, the likelihood is that their employer would - or should - provide support designed to help them return to work quickly and safely. But if they suffer an injury outside of work, they're largely on their own because, according to the Government-funded Fit for Work initiative, "It is not the responsibility of the employer to get an employee fit again. That lays with the employee and their doctors as their primary carer."

However, as Fit for Work further explains: "The employer may wish to try and support the employee back to work sooner, rather than waiting until they are fully fit if the employee is on long term sick."

This suggests there are only two options for employees - either to return to work as soon as possible whether they are fully fit or not, or remain absent from work for an extended, potentially significant, amount of time – and neither is particularly appealing to either party.

For an employer, having a key member of staff absent for a long period can have a huge impact on the business, both financially and from an efficiency perspective. However, the impact to businesses of presenteeism – the phenomenon whereby employees are at work but are not fully fit, leading to a reduction in productivity levels and potentially slowing down the rehabilitation period - can be just as serious.

And, from the employee's point of view, prolonged periods of absence can impact long-term career prospects, while working when not completely fit can have health implications and result in minor conditions becoming more serious and enduring.



It is in the interests of **all parties** to put measures in place to **support** and **rehabilitate** employees. ☹☹

Whatever the legal position, from an employer's perspective it is in the interests of all parties to put measures in place to support and rehabilitate employees no matter what the cause of their injury or absence.

For example, if an employee suffered an injury tonight at their step class, playing five-a-side, or even emptying the dishwasher, and couldn't make it into the office tomorrow, they, their colleagues and the employer would all suffer for the duration of the absence.

If they can't come to work, either their tasks will not be completed or someone else will have to do them instead. This, in turn, means that one (or several) of their colleagues will either have to suffer an increased workload, or prioritise someone else's work instead of their own, creating a backlog. This can also potentially increase both stress levels and instances of psychosocial absences amongst employees. Stress, in particular, is currently a bigger factor in workplace absences than ever before. Meanwhile, all this impacts the profitability of the company due to the decreases in productivity and efficiency.

Additionally, the organisation may be one of the many that only employs the minimum amount of staff in order to maximise profitability, in which case it is likely that the policy is to replace absent staff members with temporary ones. However, the average cost of a 'temp' is higher than the average cost of a core member of staff (who the organisation may still be paying whilst they are absent), which further impacts profitability and, in all probability, productivity, as the temp is unlikely to be able to work as effectively as the employee whose absence they are covering.

Meanwhile, the employee is at home contemplating an extended absence. For example, a musculoskeletal injury which requires physiotherapy treatment and subsequent rehabilitation can begin with a week-long absence before their doctor sees them and refers them for physiotherapy. They may then have to wait six weeks for the physiotherapy appointment, meaning they've potentially been absent for seven weeks. If the physiotherapist then wants to see them again in a fortnight, they could be looking at an absence of nine weeks or more.



So, legally it is not the employer's responsibility to help employees return to work but, let's be clear, it is in their best interests. Flipping the situation, if the employer were injured, they would do everything in their power to return to work safely and quickly, as this protects the bottom line, maintains productivity levels and avoids adding more stress to the rest of the work force. Surely it makes sense that these principles should apply to everyone; after all, everyone is susceptible to injury.





There are many ways to provide care and support to employees but having a health and wellbeing strategy in place is the most sensible option. By providing them with access to an occupational health service, you can help safeguard against illness and injury and, when something does go wrong, employees will be helped to get back on their feet and back to full capacity. This could involve phased returns to work and amended duties.

By including access to occupational physiotherapy into the occupational health mix, employees can be treated more quickly instead of waiting for NHS treatment, helping to reduce their pain levels, get them back to work more quickly and increase their productivity.

Preventative measures can also help to reduce the risk of further absences due to the recurrence of MSDs.

The fact that most MSDs actually occur outside of work needs to be reflected in policy making. It's essentially irrelevant where an injury takes place – the effects on the employer, the company, the employees and the finances are exactly the same - so we need to move away from the differentiation.

The workplace is changing. Today, more than ever, almost all jobs require teamwork in order to succeed and a flexible approach to occupational health will help to enable this. All employers need to realise that it is in their best interests to get their employees as fit as possible, as safely and quickly as possible, and then maintain it, for the good of the entire business and the UK economy.

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