

**Employers and insurers who get the best SAW/RTW results and have the lowest costs:**

**Take charge** of the process from the start, making employment decisions with the worker and the doctor.

**Inform treating doctors** that the employer has a temporary transitional work program and that most workers are expected to recover on the job.



Make it clear that they can provide safe work within a wide range of functional abilities and will be careful to **abide by any guidelines set by the doctor.**

**Ask the doctors to provide functional capacities, restrictions and limitations** instead of return to work dates.

**Measure** work days lost per injury / illness **to track the effectiveness** of your programs.

Source: Preventing Needless Work Disability by Helping People Stay Employed, American College of Occupational and Environmental Medicine, September, 2005.

**The sooner an injured employee can be safely back to work, the better;** even if the tasks are reduced or the duties are restricted. This **enhances the worker's self-esteem, promotes healing and reduces costs to the employer** and the overall workers' compensation system.

**An effective SAW/RTW program saves money by:**

**Improving morale** among all employees

**Increases** control and potential for a positive resolution of the claim

**Reduces** or avoids permanent disability

**Discourages** fraudulent claims

**Retains** the services of valuable trained employees

**Avoids the replacement and training costs** of hiring a new employee

**Identifies** cross-training opportunities that enhance employees' abilities in their jobs

**Increases awareness of safe work practices** and injury prevention

**WCA HELPLINE - HOTLINE:**  
(toll free in New Mexico)

**1-866-WORKOMP 1-866-967-5667**  
**[www.workerscomp.nm.gov](http://www.workerscomp.nm.gov)**



STATE OF NEW MEXICO

Workers' Compensation  
Administration

## Stay at Work / Return to Work

**Stay at Work is a process that allows an injured worker to stay at work as he recovers from an on the job injury.**

**The prime objective of Stay at Work / Return to Work (SAW/RTW) is to minimize as much as possible the disruption caused when an accident occurs on the job.**

**New Mexico**  
**Workers' Compensation Administration**

**Always promote safety and accident prevention and ensure a safe working environment for workers.**

When an accident occurs, **provide immediate, reasonable and necessary medical care**. Then **report the claim** to the workers' compensation insurance carrier or self-insurance claims personnel within 72 hours.

**The interests of the worker and employer are best served by early return to safe and appropriate working conditions.** Although it is not always medically possible, **in many cases workers are capable of returning to work soon**, if not immediately after the accident, to the same job or modified work duties.

There are times when an injured worker can stay at work without having to miss time after medical treatment has been started. Continuous early return to work practices result in an abundance of rewards for employers and workers.

**Early return to work practices help the employer by limiting work related accident costs, thereby reducing workers' compensation insurance premiums.** Early return to work also benefits the worker by substantially decreasing the adverse effects commonly linked to an injured worker's physical and/or emotional condition.



**When a worker is given early return to work opportunities, accident related expenses are dramatically reduced and a worker's productive work routine becomes part of his therapy, allowing a faster, healthier recovery.**

**Communication among the worker, employer, adjuster and health care provider (HCP),** particularly during the initial period after injury, should be fostered, **consistent with safeguards** to prevent misuse or improper release of medical information and attempts to interfere with medical treatment.

Studies show that workers who are out of work for 12 weeks reduce their chances of returning to work by 50%. The longer a worker stays out of work, the greater the chances of never returning to work.

Workers need to be educated on the benefits of returning to work as early as possible after an accident. The worker should also be informed and involved in his medical decisions concerning return to work in an environment that is free from intimidation and coercion.

## **RTW and the Americans with Disabilities Act (ADA)**

Under the ADA, an employer may have a legal responsibility to provide reasonable accommodation to a qualified employee with a disability if the employee requests it.

Qualified individuals include persons who have a physical or mental impairment that limits one or more major activities, and who can perform essential job functions. The employer is required to engage in a timely, good-faith, interactive process with the employee or applicant to determine effective, reasonable accommodations, if any.

However, a reasonable accommodation is not required if it would impose an "undue hardship" on the employer.

A reasonable accommodation may include providing part-time or modified work schedules, reassigning to a vacant position, providing or modifying equipment or devices or making other employment adjustments.

