You can’t escape it; the message is everywhere. An enormous shift in claims management ideology is upon us. An advocacy-based approach to managing injured workers is taking hold. Why? Because it works. What is different about this approach? Rather than focusing solely on costs and procedures, the approach focuses on the needs of the injured employees.

While this approach has recently become a hot topic, Lockton is no stranger to these ideas and concepts. Nearly three decades ago, Lockton discovered that many employers overlook, undervalue, or interact poorly with the most critical element in the workers’ compensation process—the employee. We began to ask these questions:

- What is the “employee experience” when injured?
- Are there non-work-related factors, such as comorbidities, psychosocial barriers, or family illness, impacting the claim?
- Is anyone communicating with injured employees?
- Are employees fearful of losing their jobs?
- What is the tone and content of communications?
- Does the employer genuinely care, and does the employee know this?
- Does management behavior breed attorney involvement?
Critical Elements

Developing answers to these types of questions can empower employers to take a more proactive approach to managing workers’ compensation losses, staffing, and production issues, while also creating a more positive workplace culture.

The development of an advocacy-based model starts with a comprehensive analysis of loss history, current and past mitigation efforts, and existing processes, as well as organizational culture. Only then can a strategic and customized plan for managing workers’ compensation claims be developed. Although no two programs are the same, an advocacy-based approach includes the following ten components:

1. **Communicate, communicate, communicate . . . then communicate some more.** The biggest flaw in communication is the assumption that it has taken place. Don’t assume that everyone involved in the process is aware of status and next steps. Make every attempt to talk with employees, not at employees.

2. **Zip it and listen.** When injured workers are speaking, actively listen to what they are saying. Hear their words rather than thinking about your next question. Listen for what’s not being said.

3. **Go the extra mile.** An unexpected action or gesture goes a long way. Don’t just do the minimum; show that you genuinely care about the injured worker’s well-being. A handwritten note is impactful, and sending food to aid with postsurgical recovery speaks volumes. Thinking outside the box about what would help an injured worker emotionally or physically can speed up recovery and shorten claim duration.

4. **Leave your baggage at the door.** We all hang on to those old claims that we know in our gut were fraudulent or milked the system. Those claims will always exist. Don’t let baggage from past claims keep you from making a difference on the next one. Your workers’ compensation program should not be designed around a few “bad” claims and employees. Focus your program and behaviors on the vast majority of injured workers who just want to heal and return to full duty.
If you say you’ll do it, then do it. People may not always remember what you did for them, but they will always remember broken promises. If you tell an injured worker you are going to do something, follow through. The moment you don’t, you’ll lose your credibility and ability to influence. Actions speak louder than words.

Explore communication options. In-person communication is always the best method. Phone communication is another good method and may be the only option due to the geographic makeup of your organization. Email can be handy if you need to get things in writing. However, we live in a world of texting and social media. Millennials have grown up with these forms of communication. Employers should explore how their employees communicate and be willing to use different methods of communication.

Talk; don’t type. Similar to exploring communication options, every attempt should be made to communicate via oral conversation and not default immediately to email or text. Often a two-minute conversation can eliminate 20 minutes of back-and-forth emails. In addition, communication can be easily misinterpreted when you can’t hear the tone of voice of the one communicating. Most importantly, it’s easier to develop and strengthen relationships when you talk than when you type.

Treat all claims equally. Don’t focus solely on lost-time claims or claims believed to be fraudulent. Medical-only claims are just as important. Many claims start out as medical-only claims but convert to lost-time claims, often due to a lack of oversight in the first 60 to 90 days. By paying more attention to medical-only claims, you can reduce lost-time claims and lower your overall workers’ compensation costs.

Walk a mile in their shoes. Put yourself in their situation and think about what the injured workers are going through. Treat injured employees the way you’d want to be treated. Or better yet, the way you’d want your loved ones treated.

Celebrate success. Don’t overlook the small and simple day-to-day successes while helping employees through the recovery process, such as employees returning your call or being actively engaged in their recovery and return to work.
How Can Employers Implement an Advocacy-Based Approach?

Linking empathy and employee satisfaction with the workers’ compensation process is often handled best by an Injury Counselor. Injury Counselors intervene as soon as a claim is reported. They serve as advocates for the employees, giving them a voice throughout the process and guiding their recovery and return to work. Key focus areas include communicating timely, expressing empathy, minimizing or eliminating delays that can prolong the process, acting as a liaison between all involved parties, and listening for what’s not being said.

Here are three real-life claim examples with positive outcomes due to an Injury Counselor’s successful use of the critical elements mentioned previously.

<table>
<thead>
<tr>
<th>Claim Challenges</th>
<th>Injury Counselor Intervention</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The employee had limited comprehension, a bilateral knee injury, lengthy delays with treatment, and multiple surgeries.</td>
<td>Established contact quickly with the employee and maintained frequent communication throughout the claim. Provided timely updates to the adjuster. Recommended a nurse be assigned to help avoid treatment delays. Helped the supervisor understand the situation, encouraging his cooperation.</td>
<td>The employee remains cooperative and wants to return to work following recovery. No attorney representation.</td>
</tr>
<tr>
<td>His wage benefits were not timely, his supervisor was uncooperative, and the employee’s mother went through a long illness and eventually passed away.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The employee is a traveling nurse who sustained a catastrophic injury involving bilateral foot fractures.</td>
<td>Established contact quickly while the employee was in the hospital. Spoke frequently with the adjuster and the assigned nurse. Maintained communication with the employee, sometimes involving lengthy conversations. Listened to the employee’s fears and concerns and offered hope and encouragement for recovery.</td>
<td>The employee was able to return to full duty three years later, without attorney involvement. Significantly reduced disability payments.</td>
</tr>
<tr>
<td>Treatment involved multiple surgeries and rehab over a three-year period.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The employee suffered from severe depression.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The employee sustained bilateral knee injuries while helping a resident.</td>
<td>Established contact with the employee quickly, removing initial fear. Worked with the employer to identify a medical provider that was more agreeable to the employee. Communicated with the provider to keep the treatment process moving. Facilitated positive communication between the employee and her supervisor.</td>
<td>The employee was satisfied with the care she received and cooperated with the process. No attorney representation.</td>
</tr>
<tr>
<td>The employee was already treating for preexisting issues with her knees and back and did not want to go to the clinic used by the employer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Symptoms continued to worsen in her knees.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notice that a common denominator in these claims is establishing quick contact with the injured employee to begin developing a trusting relationship. Each of these claim examples involved one or more factors that could have easily resulted in the employee hiring an attorney. Fortunately, due to the Injury Counselor’s quick contact and responsiveness, this was avoided, and claim costs were minimized.
Is an Injury Counselor Right for You?

An Injury Counselor can play an integral role in returning injured employees to work and reducing costs. However, every employer should lead with empathy, build trust with employees, and focus on the human side of workers’ compensation. The Injury Counselor role can be created and staffed internally by the employer or provided on an outsourced basis by Lockton. The Lockton Claims Cost Control Team can help you establish an advocacy-based approach to workers’ compensation and determine if an Injury Counselor is right for your company.

To Learn More

“Seven Ways Employers Can Reduce the Number of Workers’ Compensation Claims Involving an Attorney,” by Shawn Switzer, offers practical solutions for reducing attorney involvement. Many of the solutions are employee-centered, such as having a caring company culture, positive communication, and transitional-duty programs and training supervisors on how to talk with injured workers.

Butch Frick’s “The Human Side of Workers’ Compensation” white paper discusses the impact of employee disengagement and dissatisfaction, suggesting that a way to overcome these issues is for employers to become more human and build trust.

Most recently, Mark Moitoso and Becky Kies’s “Leading With Empathy” white paper quantifies the impact of fear in the workers’ compensation process.