



HS Broadcast – Getting injured staff back to work

I recently had a client on the phone to me who was concerned about a member of his staff who had suffered quite a serious injury but was now on the road to recovery. The employee had fallen whilst working in his garden and had sustained some ligament damage to his knee; nothing was broken but mobility was only possible with the aid of crutches. Thankfully, although his knee was still swollen he had recovered to the extent that he could now get about with the use of one walking stick.

It was pretty obvious that the knee was still some weeks from a full recovery, but he had nevertheless contacted his employer and asked to come back to work. He said that sitting at home was driving him mad and he would rather do something meaningful and he felt fit enough to return to work. Too much Jeremy Kyle can have this effect!

My advice here was straightforward; I suggested that before allowing this employee to return to work, the employer should ask the employee to seek a medical opinion on whether it was safe to return. This he did and the Doctor had said that he could return to work on “light duties only”. What can often be frustrating in situations like this is that, quite often, no definition of “light duties” is provided.

There is, therefore, a requirement to identify appropriate light duties and for appropriate risk assessments to be undertaken for them. This requires the employer to go through all the tasks that the employee undertakes and examine the risk of undertaking that task. Undoubtedly there will be a number of tasks that the employee will be banned from undertaking as the risk is just too high. These risk assessments must be documented.

Once the risk assessments have been documented it is necessary to ensure both the employer and

employee are satisfied with the findings. I would insist that both the injured employee and the employer sign and date the document to confirm that reasonable steps have been taken which will not put him at risk. This may seem over the top, but going to this level of detail will protect the employer from any claim that the employee has knowingly been subjected to unnecessary risk. This will, hopefully, significantly reduce the chance of the employee sustaining further injury and also, if something does go wrong, assist the employer in the event of any subsequent HSE investigation.

Please remember that as the employer you are under no obligation to allow the employee back to work early. You should only allow him to return when it's deemed safe for him to do so.

When I have been in this situation with an employee wanting to return to work, my starting point is to ask the injured party what he can and can't do. If he starts reeling off a long list of things he can't do, then this suggests to me that he is not fit to return to the workplace and if I don't think that we will be able to accommodate him safely, I make this clear. The situation can always be reviewed at a later time when he feels fitter.

I think it goes without saying that any employee who has suffered a musculoskeletal injury should avoid any tasks requiring manual handling, working at height, standing for prolonged periods, or those which require wearing protective footwear.

Just a final point to remember; if the injured employee has restricted mobility, you should document a safe evacuation plan so that in the event of a fire this person can be safely removed from the building.



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Here at Nicholsons we recently had a secretary return to work with her leg in plaster from toe to knee after breaking her ankle.

She was able to work with her foot resting on a stool. All lifting, use of stairs and any carrying of items was banned. Our evacuation plan provided for a number of trained staff who were ready to assist and escort her out of the building. If required they would have manually carried her out of the building should she have struggled to evacuate at a reasonable speed.