

Employers' role and responsibilities in return to work

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The Study

Early-Return-to-Work in the Context of an Intensification of Working Life and Changing Employment Relationships

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The Shift Towards Activation and Early Return to Work³

- At policy level (OECD, EU and national governments) activation policies (early-return-to-work policies) have gained strong support
- From ‘passive’ compensation to ‘active’ work reintegration
- Stricter activation principles implemented in the Swedish sickness insurance – the rehabilitation chain
- Sick-leave – start of a ‘transition process’ and increased individual responsibility for sick-leave and return to work

“It is important that sick leave becomes the start of a transition process. In successful cases, the transition can start directly from sick leave to a new job and in other cases it may require a time of unemployment before the goal is reached. In all cases, transition is preferable to continued sick leave and in the end disability pension. The task of the insurance systems is to facilitate transition [...]” (SOU [governmental report] 2006:86; page 62)

- Increased individual responsibility for sick -leave and return to work

“The insured person should have greater responsibility than previously for his/her work ability, and should take the initiative and ask for measures at the workplace which may result in him/her being able to return to work”.
([governmental] proposition 2007/08:136, page 64)

Employers' Legal Responsibility of Return to Work – the Swedish Context

- The work environment act, the social security act and local collective agreements between employers and unions
- Employers required to pay a sick-pay during the workers first period of illness (14 days)
- Legal responsibility (Work Environment Act) to organize workplace adjustments and rehabilitation activities for workers on sick leave in an “appropriate way”
- The Swedish Work Environment Authority (inspectors) may in individual cases inspect if employers are fulfilling their legal responsibilities in RTW. Employers who are considered not to comply with the regulations may be imposed with a penalty

Aim, Methods and Material

Aim of the study:

- Analyse return-to-work practice in local workplace contexts, in relation to Swedish early-return-to-work policy.

Methods and material:

- Semi-structured interviews with 18 matched worker-supervisor pairs:
In total 36 interviews with 18 workers and 18 supervisors
- Interview length: From 45 min to 2h and 22 min.
- Qualitative content analysis

Overall Results

- Intensive workplaces and work conditions
- Employer support – a function of worker value
- Work attachment and resistance to job transition

Intensive Workplaces and Work Conditions

- A demanding working life and its effects on sick listed persons' situation of return and stay at work
- Cutbacks, work reorganizations and reduction of staff
- The psychosocial work environment – more stressful
- Changes of supervisors
- Pressure on performance when workers are coming back to workplace
- Difficult to adjust workplaces

Supervisor (municipality/elderly care):

“Today we can't adjust any working tasks, it is a tough labour market, we can't do any adjustments as we could 10 years ago. Now the workers have to have full work ability when they returns back.”

Sick-listed worker (secondary school teacher):

“It was as if they [employer] suddenly didn't remember that I'd been ill. [...] No, they don't think at all. They only see a big schedule, a puzzle that must be put together, and they've got to make sure that everyone works as much as possible, so that it's as cheap as possible - because it's all about saving money. So there was no consideration at all [regarding workplace adjustments].””

Employer Support – a Function of Worker Value⁸

- Employers' production-oriented perspective on return to work
- Sick-listed workers' different value to the employer
- Employer strategies in return to work - 'return to work activities' (e.g. work accommodations in ordinary job) or 'transition activities' (e.g. relocations, unemployment and retirement)

Supervisor (public authority):

[...] it's more important what you [worker] contribute at work. If it's a person who is good and wishes other people well, someone who is always there when needed, takes a lot of responsibility, cooperates, gets things done, and does things quickly and well, of course all employers want that kind of worker. And of course all [employers] want to invest more in that kind of person, rather than someone who whines and has a bad attitude and doesn't perform.

Supervisor (public authority):

I've always thought that we have nothing to gain by letting him be sick-listed. Because we have the staff we have. You can't go to the Public Employment Service and get a legal specialist who can just step in on Monday. It doesn't work like that.

Sick-listed worker (assistant nurse):

The employers only make an effort if the worker has a special competence that they can't do without. But not for us ordinary workers – no, we can be replaced: "No, so what? I'm an assistant nurse, there are many more waiting in line. Just bring in a new one." [...] It costs money if they [employers] have to make adjustments in work tasks so that someone can come back. [...] So they don't care, there are new ones waiting in line

Work Attachment and Resistance to Job Transition⁹

- Job change and transition – a healthy change, new chance and opportunity
- A need for sick-listed workers to take individual responsibility and be more entrepreneurial about future
- Job change and transition – a painful and unjust process
- Social and emotional attachment to original job

Supervisor (Hospital/County Council):

“So I think there’s too much coddling in Swedish society. I mean, it’s better to highlight this question to the person who is sick-listed and say that maybe it’s time to look for another job, rather than thinking that everyone has the right to return to the same workplace. Instead, start to highlight this earlier. That you [sick-listed worker] have to take responsibility for yourself and make individual choices.”

Sick-listed worker (assistant nurse):

“It feels like “If you don’t take this [reallocation], well then you might not have anything left.” Personally, I sometimes feel like a pre-school child starting school, I’m expected to start all over again, a new start. [...] Like “now we start from the beginning again. You’ve been on sick leave for two years now, so you don’t have as much energy anymore, you’re not the same person anymore”. Then you feel discriminated, humiliated, trampled on, and you become angry, sad and disappointed. I don’t treat people like this myself.”

Sick-listed worker (assistant nurse):

“They [employer] really want you to quit. But see how it looks to day, you don’t want that because you will not get anything else. And I refuse to get out in unemployment so I am struggling.”

Conclusions

- Activation- and early return to work policy - based on an assumption of stable and welcoming workplaces and an available labour market for sick-listed workers
- Tension between activation- and early-return-to-work policy and intensity of working life
- Inequalities in the return to work process
- Outcomes of return to work – related to the social position of the sick-listed worker and their value to the employer
- Return to work and stay at work as an individual responsibility

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