

Video Surveillance

Activities of Daily Living

Federal Workers' Compensation

Activities of Daily Living:

Whereas, an Employer's supervision is only over an Employee's work activities, and whereas, an Employer is not privy to the employee's Protected Health Information, therefore, Ellis Clinic's work restrictions are directed to the Employer and work and not to the Employee's Activities of Daily Living. To assist in their healing, the Employee is encouraged to be active to the point of discomfort while heeding the symptoms from their injured body.

In Federal Workers' Compensation, if the Employer has concerns about the Employee's Activities of Daily Living, then the Employer must submit their concerns to the Office of Workers' Compensation Programs (OWCP) who can then contact the treating physician.

Video Surveillance:

Before expending time and money, the Employer should become familiar with the United States Department of Labor, **Employees' Compensation Appeals Board (ECAB), DECISION and ORDER, Docket No. 11-863**, Issued September 26, 2012. The below is a partial summary. Read the case.

1. Video surveillance must first be seen by Employee and their attorney.
2. The Employee's Statement must accompany the video.
3. If the Department of Justice, Office of Inspector General (OIG), presents a video to a physician, they have become an agent for the Employer.
4. Federal Employers cannot directly contact the treating physician.
5. Videos are not good evidence for the ability to work because the person may be on medications and the video may not show the employee's actual work.