



WORKPLACE REHABILITATION AND RETURN TO WORK

Summary:

The purpose of this policy is to provide clear direction in helping injured workers with their recovery and getting back to work. Legislation in this area provides for the safe and durable return to work of an injured worker as early as possible allowing for their injury.

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| Policy Number | 4.183 |
| File Number | |
| Document version | V5.0 |
| Adoption Date | 26 August 2020 |
| Approved By | Council |
| Endorsed By | Council |
| Minute Number | 169/20 |
| Consultation Period | N/A |
| Review Due Date | July 2023 – 3 years |
| Department | Office of Chief Executive |
| Policy Custodian | Manager HR, Workforce Development & Safety |
| Superseded Documents | N/A |
| Related Legislation | Workers Compensation Act Workplace Injury Management and Workers Compensation Act Workers Compensation Regulation Information Privacy Act |
| Delegations of Authority | Manager HR, Workforce Development & Safety |

1. Overview

Tenterfield Shire Council is committed to the rehabilitation of employees who are injured at work and to ensuring that such employees remain at work, or return to work as soon as possible, after they have sustained an injury. An “injury” means a personal injury arising out of, or in the course of, employment, including disease, physiological, psychological and or the aggravation, acceleration, exacerbation or deterioration of any disease where the Council was a contributing factor.

Tenterfield Shire Council has instituted the following procedure in consultation with staff. The procedure describes how rehabilitation and return to work is to be implemented in the workplace and documents the roles and responsibilities of all employees - including management.

Employees can call SafeWork on 13 10 50 for further information on the rights and obligations of the employer and employee.

2. Policy Principles

- To comply with Council's obligations under the Work Health and Safety Act 2011 to ensure a safe and healthy working environment and provide for our employees' welfare.
- Understand the requirements regarding identification, assessment, elimination or control of workplace risks to prevent injury and illness.
- To investigate workplace incidents in a spirit of 'no blame' as it is an important factor in the development of prevention programs with a focus on identifying safety management system deficiencies.
- Formal consultation procedures between Council and our workers which plays an important role in helping to provide a safe and healthy working environment. Council will consult with workers on issues concerning their health, safety and welfare at work.

3. Policy Objectives

The objectives of the Workplace Rehabilitation and Return to Work Policy is to demonstrate, Tenterfield Shire Council's commitment to providing an effective workplace-based rehabilitation system for our people.

4. Policy Statement

Council recognises the benefits and is committed to assisting injured workers to safely recover at work or make an early return to work that will facilitate rehabilitation. Council supports workers with a work-related injury by having a workplace injury management and return to work system in place. This includes immediate injury management support and the provision of suitable duties, in accordance with the provisions of the Injury Management and Return to Work Procedure which supports this policy and forms part of Council's Work Health and Safety Management System (WHSMS). All workers have a responsibility to comply with the requirements of this policy, supporting procedures the WHSMS and legislation. Council will provide meaningful suitable duties as soon as possible for all injured workers with the capacity to work, in accordance with medical advice.

5. Scope

Council is required by legislation to provide a safe and healthy working environment to prevent injury and illness to all employees, contractors and visitors while they are on Council premises or engaged in approved work for Council. The Workplace Return to Work Program applies to all Council employees including permanent, temporary and casual employees.

6. Accountability, Roles & Responsibility

Elected Council

Nil.

Chief Executive, Executive, Management Teams and Employees

Elected Council

Have a duty to help provide the environment that ensures their Council complies with its own duties and obligations under the Act, including Council's primary duty to ensure, so far as reasonably practicable, the health and safety of workers and other persons.

Roles and responsibilities

Specific duties and responsibilities have been assigned to:

1. Rehabilitation and Return to Work Coordinator;
2. Chief Executive, Chief/Director, Managers and Supervisors;
3. Injured employees;
4. Other employees.

1 Rehabilitation and Return to Work Coordinator

The rehabilitation and return to work coordinator plays a pivotal position in the successful return to work of injured employees. Tenterfield Shire Council has appointed an employee to this role. The rehabilitation and return to work coordinator will coordinate and monitor rehabilitation in the work place, working with injured employees, managers and/or supervisors, treating medical practitioners, medical experts and contracted vocational rehabilitation service providers.

Your coordinators are:

Janet Vassallo - can be contacted on 0429 123 665.

James Taylor – can be contacted on 0407 735 462.

1.1 The responsibilities of the rehabilitation and return to work coordinator are to:

- Assist injured employees to remain at work, or return to work as soon as possible, after they have sustained an injury;
- To assist the Council in the preparation and implementation of a rehabilitation and return to work plan for injured employees;
- Liaise with any persons involved in the rehabilitation, or the provision, of medical services to injured employees;
- Monitor the progress of an injured employee's capacity to return to work;
- Take steps to prevent the occurrence of secondary disabilities when workers return to work.

1.2 Initial action

Tenterfield Shire Council believes that rehabilitation commences immediately after the injury is sustained.

The supervisor (*manager*) and the rehabilitation and return to work coordinator should be notified (in person, by telephone or email) of all incidents or accidents as soon as possible - *preferably within 24 hours*.

On being notified of an incident or accident, the supervisor (*manager*) and rehabilitation and return to work coordinator will:

- Ensure that the employee's immediate needs are met (e.g, transport for treatment is organised, family members are notified etc.);
- Obtain as much relevant information regarding the injury as possible;
- In conjunction with the injured worker, complete an incident report as soon as possible - *preferably within 12 hours*;
- Inspect site of injury and remove any danger to other persons.

1.3 Follow-up action

The supervisor (*manager*) and/or rehabilitation and return to work coordinator will make considered contact with the injured employee within *12 hours* of the incident or accident occurring.

The rehabilitation and return to work coordinator will ensure that the injured employee:

1. Has their rights and responsibilities explained to them;
2. Is given a contact telephone number, a workers compensation *Claim form* and a medical authority to sign, allowing the treating doctor to release information;
3. Is given a copy of the SIRA (State Insurance Regulatory Authority) publication 'Injured at Work';
4. A copy of this procedure.

The rehabilitation and return to work coordinator will:

- Arrange a meeting with the injured employee, within an appropriate timeframe, to initiate discussion about the employee's rehabilitation and return to work;
- Maintain regular contact with the injured employee;
- Subject to the injured employee signing a medical authority, contact the treating medical practitioner to obtain medical guidelines for a return to work;
- Meet with the injured employee after the initial contact to:
 1. Clarify the employee's need for assistance to minimise the impact of the injury;
 2. Clarify medical guidelines/restrictions;

3. Establish if any other treating specialists or rehabilitation specialists are involved;
 4. Provide duties within the guidelines/restrictions;
 5. Establish a suitable employment schedule that documents the internal return to work plan.
- Assist in the preparation and implementation of a rehabilitation and return to work plan if the case manager requests that a contracted vocational rehabilitation service provider develops a rehabilitation and return to work plan.

2 Chief Executive, Chief Officer/Director, Managers and Supervisors

2.1 The responsibility of Manager's, Directors and Supervisors is to:

- Assist the rehabilitation and return to work coordinator and the contracted vocational rehabilitation service provider (if appointed) to identify alternative duties that are within the medical guidelines for an injured worker;
- Ensure the rehabilitation procedure is followed;
- Support and reassure the injured employee during their return to work;
- Ensure the injured employee adheres to the suitable employment schedule (or rehabilitation and return to work plan) and complies with medical restrictions;
- Manage co-workers' responses and ensure that the workplace is a supportive environment for the injured worker;
- Report any issues to the rehabilitation and return to work coordinator.

3 Injured employees

3.1 The responsibility of an injured employee is:

- To report a workplace incident, near miss or injury to the employer (including the rehabilitation and return to work coordinator) within 24 hours of the occurrence;
- To undertake appropriate treatment from a doctor of their choice;
- To actively participate in the rehabilitation process;
- To perform suitable duties and/or undertake suitable employment;
- To abide by agreed medical restrictions;
- To communicate any changes in medical restrictions to the employer;
- To provide an updated medical certificate to their employer.

3.2 Management recognises that each employee has the right to:

- Have a treating doctor/specialist of their choice and obtain a second opinion from a specialist;
- Be actively involved in all decisions and actions relating to their rehabilitation;
- Have a representative (a family member, union official, medical officer, or WHS representative) attend any meeting at which the employee's rehabilitation and return to work is being discussed;
- Seek independent advice before signing any documentation;
- Have personal and medical information kept confidential;
- The provision of a copy of the suitable employment schedule or a rehabilitation and return to work plan that takes proper account of the employee's individual needs;
- Have an interpreter at meetings and appointments if required.

4 Employers' rights and responsibilities

4.1 Tenterfield Shire Council has the responsibility to:

- Provide a safe working environment;
- Provide suitable employment in accordance with Section 58B of the Workers Rehabilitation and Compensation Act 1986 and be actively involved in an injured worker's rehabilitation;
- Comply with the requirements of an injured employee's rehabilitation and return to work plan;
- Keep in touch with an injured employee's case manager;
- Not dismiss a worker as a result of a work related injury within six months of becoming unfit for employment.

4.2 Tenterfield Shire Council has the right to:

- Actively participate in an injured worker's rehabilitation and return to work;
- Request that the injured worker's case manager reviews a claim if we believe that weekly payments should be stopped or reduced;
- Request that an injured worker attends an examination by a recognised medical expert;
- Be provided with copies of medical reports when requested in writing and ask for reports on an injured worker's medical progress and incapacity for work.

5 Other employees

Tenterfield Shire Council is committed to ensuring that all employees receive adequate training to ensure awareness and understanding of the Council’s workplace rehabilitation procedures.

5.1 New staff training

New staff members will receive a copy of Council’s workplace rehabilitation procedures and be introduced to the rehabilitation and return to work coordinator during their induction

5.2 Ongoing staff training

All employees will receive ongoing education in new workplace rehabilitation developments, be made aware of Council’s procedures and will have the opportunity to provide feedback when procedures are reviewed.

Tenterfield Shire Council expects all employees to actively support the rehabilitation of an injured colleague during that colleague’s rehabilitation process.

Management Oversight Group

Nil.

Individual Managers

Nil.

7. Definitions

Suitable Duties – Are work duties for which the worker is suited having regard to the following matters:

- the nature of the worker’s incapacity and pre-injury employment;
- relevant medical information;
- the rehabilitation and return to work plan for the worker;
- the provisions of the employer’s workplace rehabilitation policy and procedures;
- the worker’s age, education, skills and work experience;
- if duties are available at an alternate location;
- any other relevant matters.

8. Related Documents, Standards & Guidelines

- Workers Compensation Act
- Workplace Injury Management and Workers Compensation Act
- Workers Compensation Regulation
- Information Privacy Act

9. Version Control & Change History

| Version | Date | Modified by | Details |
|---------|----------|-------------|--|
| V1.0 | 26/03/08 | Council | Adoption of Original Policy (Res No. 158/08) |
| V2.0 | 19/12/12 | Council | Review/Amended (Res No. 540/12) |
| V3.0 | 27/08/14 | Council | Review/Amended (Res No. 295/14) |

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| V4.0 | 23/08/17 | Council | Review/Amended (Res No. 168/17) |
| V5.0 | 26/08/20 | Council | Review/Amended (Res No. 169/20) |
| V6.0 | | | |

Dispute resolution

All disagreements arising from the workplace rehabilitation of injured workers will be managed in accordance with the protocols outlined in the Council’s Grievance and Dispute-Procedure and Equal Employment Opportunity Management Plan.

If a disagreement cannot be resolved, authorities such as SafeWork NSW can provide assistance in settling the issue and progressing return to work.

Approved by: _____

Position: _____

Signed: _____

Date: _____

ACKNOWLEDGEMENT OF UNDERSTANDING

I have read, understand and acknowledge the need to comply with this Policy.

Name (Print)

____/____/____
Date

Signature