

# C-15 Return to Work Program Policy

## NQS

QA. 2.1	Health.
QA. 2.1.1	Wellbeing and comfort.
QA. 2.1.2	Health practices and procedures.
QA. 2.1.3	Healthy lifestyle.
QA. 2.2	Safety.
QA. 2.2.1	Supervision.
QA. 3.1.1	Fit for purpose.
QA. 3.1.2	Upkeep.
QA. 4.1	Staffing arrangements.
QA. 7.1.2	Management systems.
QA. 7.1.3	Roles and responsibilities.
QA. 7.2.1	Continuous improvement.

## National Regulations

Reg. 77	Health, hygiene, and safe food practices
Reg. 103	Premises, furniture, and equipment to be safe, clean and in good repair
Reg. 105	Furniture, materials, and equipment
Reg. 106	Laundry and hygiene facilities
Reg. 109	Toilet and hygiene facilities
Reg. 168	Education and care service must have policies and procedures
Reg. 175	Prescribed information to be notified to Regulatory Authority

## Policy Statement

To ensure that every incident is handled in the correct manner as outlined in the Workers Compensation and Return to work Legislation. SYLVANIA HEIGHTS BASC is committed to assisting employees to return safely to work after periods of illness or injury that occurred in the workplace. We aim to have procedures to help employees achieve the best health, work, and recovery outcomes.

This policy covers the procedures which allow SYLVANIA HEIGHTS BASC to assist employees to return to work as soon as is safely possible.

## Related Policies

- SYLVANIA HEIGHTS BASC Policy: A-12: Policy development and review
- SYLVANIA HEIGHTS BASC Policy A-17: Privacy and Confidentiality
- SYLVANIA HEIGHTS BASC Policy A-20: Insurance
- SYLVANIA HEIGHTS BASC Policy C-3: Staff Orientation and Induction
- SYLVANIA HEIGHTS BASC Policy C-12: Communication
- SYLVANIA HEIGHTS BASC Policy D-10: First Aid

- SYLVANIA HEIGHTS BASC Policy D-28: Workplace Health and Safety
- SYLVANIA HEIGHTS BASC Policy D-35: Incident reporting and investigation for staff members

## Scope

This procedure encompasses the management of workers compensation claims occurring to employees of the Centre.

**Note: Contractors to the Centre should have their own Workers Compensation Policy (if they have wages greater than \$7,500 per year) and the Centre will obtain copies of their Certificates of Currency to confirm this insurance (Contractors with less than \$7,500 wages per year should have a personal accident policy) If a contractor without the necessary insurance is injured the Centre may be liable for their injury.**

## Responsibilities

Management at the service have the responsibility to:

- Contact the Workers Compensation Insurer (Guild Insurance Ltd.) and / or WorkCover NSW depending on the severity of the incident
- Appoint a Return-to-Work Coordinator if relevant or will manage the employees claim themselves in partnership with the Insurer
- Create a Return-to-Work Program (standard templates are on GELSafe) in accordance with legislative requirements
- Ensure there is a generic list of suitable duties created to increase the efficiency of the Return-to-work process

Staff have the responsibility to:

- Cooperate fully with the Return-to-Work Process in the event of having a claim
- Follow the instructions within this procedure

## Procedure

As a category 1 employer, SYLVANIA HEIGHTS BASC has developed a Return-to-Work Program (attachment 1) (Workplace Injury Management and Workers Compensation Act 1998). Educators will be able to access the program in the staff folder and in the policy folder.

Provide the injured person with immediate First Aid and medical attention when necessary.

The program is to be initiated when an educator has been absent from work due to a workplace illness or injury.

An injured educator (or someone acting on their behalf) must notify the Nominated Supervisor/Responsible Person in writing or verbally within 48 hours of any work-related injury or illness as soon as possible after an injury has occurred. They are then required to complete the Register of injuries (attachment 2)

SYLVANIA HEIGHTS BASC has worker's compensation insurance that covers all employees in case they have a work-related injury or illness. The Centre will work with the insurer to ensure the employee returns to fitness and work as soon as possible.

An injured educator will be given a copy of the Return-to-Work Program and the brochure "A quick guide to workers compensation" when required.

A Return-to-Work coordinator will be selected to carry out the day-to day duties of the RTW program. This coordinator will assist the injured educator with all enquiries.

The return-to-work program will be reviewed every two years in consultation with employees and/or their representatives.

## Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011
- Workers Compensation Act 1987
- Workers Compensation Regulation 2016
- Workplace Injury Management and Workers Compensation Act 1998 ch.3 pt.2 ss.43-45 – Workplace injury management and notification of workplace injury
- Children (Education and Care Services National Law Application) Act 2010
- State Insurance Regulatory Authority [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au)
- Safe Work Australia: [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)
- Workplace Injury Management and Workers Compensation Act 1998 ch.3 pt.2 s.52 – Workplace rehabilitation
- Workplace Injury Management and Workers Compensation Act 1998 ch.4 pt.2 div.1s.63 – Register of injuries
- WorkCover NSW website information page – Return to work programs

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# **Attachment 1**

## **RETURN TO WORK PROGRAM FOR CATEGORY 1 EMPLOYERS**

### **LEADERSHIP AND COMMITMENT**

#### **OUR COMMITMENT**

From injury prevention to when an injury occurs, through the insurance claims process and as our employees recover at work, we will:

- Provide a safe and healthy working environment for all employees
- Promote a positive attitude toward workers compensation claims and recovery at work
- Consult our employees and, where applicable, their union representatives to ensure this program is implemented successfully. *Section 52(2)(b) Workplace Injury Management and Workers Compensation Act 1998*
- Review the program at least every two years to ensure it remains current
- Have procedures to help employees achieve the best health, work, and recovery outcomes.

Our worker's compensation insurance policy covers all of our employees in case they suffer a work-related injury or illness.

Related policies:

- A-12 Policy development and review
- A-17 Privacy and Confidentiality
- C-2 Conditions of employment
- C-3 Educator orientation and induction
- C-15 Return to Work Policy
- D-10 First Aid
- D-28 Workplace Health, Safety and Environment

SYLVANIA HEIGHTS BASC will develop a positive culture that promotes recovery at work by supporting the employee.

We will:

- Contact the employee regularly throughout their recovery
- Inform the employee of their rights and obligations and give them our workers compensation insurer's details and the "Quick Guide to Workers Compensation" brochure available from SIRA.
- Make early contact with the employee's doctor to discuss the employee's normal duties, suitable work that is available, and opportunities for workplace modifications or assistive equipment

- Contribute to the employee’s injury management plan, which will be written by our insurer, and meet our obligations stated in the plan
- If necessary, arrange for an approved workplace rehabilitation provider to help the employee to recover at work
- Not dismiss the employee for six months after they become unfit for employment because of a work-related injury, as the law requires.

## WORKPLACE ARRANGEMENTS

RETURN TO WORK COORDINATOR
NAME:
PHONE NUMBER:
EMAIL:

The Return-to-Work Coordinator carries out the day-to-day duties of the RTW program and is the link between the employee and their support team. The RTW coordinator has the authority to represent SYLVANIA HEIGHTS BASC and make decisions on the functions below. (*Clause 20 Workers Compensation Regulation 2016*). They do not make decisions on claims liability or funding for treatment – this is the insurer’s responsibility.

RTW functions:

- Compiling the initial notification information
- Coordinating the employee’s recovery at work, including identifying suitable employment opportunities
- Preparing, monitoring, and reviewing a recover at work plan (in consultation with key parties) that documents the employee’s capacity and the duties available. (Appendix A – recover at work plan – a tool for employers)
- Liaising with external stakeholders, such as the nominated treating doctor, insurer, treatment providers, union, and workplace rehabilitation provider
- Implementing the RTW program
- Supporting the redeployment of employees (internally or externally) into suitable employment when they cannot return to their pre-injury duties
- Keeping injury and recover at work statistics
- Keeping confidential case notes and records in line with laws and guidelines
- Promoting the health benefits of good work to the workforce
- Contribute to the improvement of relevant policies and systems

The Return-to-Work Coordinator will be guided by related policies, current legislation, Workers Compensation Insurance provider and the employees support team. SIRA online training will be available July 2019.

SYLVANIA HEIGHTS BASC will consult Guild Insurance on a case-by-case basis for their recommendation for an approved workplace rehabilitation provider when required.

WORKERS COMPENSATION INSURER: GUILD INSURANCE
PHONE NUMBER: 1800 810 213
<u>Web site: <a href="https://www.guildinsurance.com.au/employees-comp/nsw">https://www.guildinsurance.com.au/employees-comp/nsw</a></u>

SYLVANIA HEIGHTS BASC will cooperate with the workplace rehabilitation provider by ensuring reasonable access to the workplace and injured employee. We will also ensure that they understand the unique needs and arrangement of the Centre. The employee or the union representing them can refuse or request a change in provider.

SYLVANIA HEIGHTS BASC will consult and train employees about the program during staff meetings. The return-to-work program will be monitored on a need's basis. The program will be on display in the office area (*Clause 17 Workers Compensation Regulation 2016*). The return-to-work program will be reviewed every two years in consultation with employees and their representatives (if required).

## **RIGHTS AND OBLIGATIONS**

Employees are obliged to:

- Notify their employer as soon as possible after a work-related injury occurs
- Participate and cooperate in establishing an injury management plan
- Carry out the actions such a plan requires of them
- Provide their consent for information regarding their injury management and recovery at work to be shared between the insurer, employer, nominated treating doctor, treating practitioners, providers and SIRA
- Make all reasonable efforts to recover at work

Employees have the right to:

- Nominate their own treating doctor
- Employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury employment
- Be consulted and involved in identifying suitable employment and developing their recover at work plan
- Privacy and confidentiality
- Access mechanisms for resolving complaints and disputes.

*Sections 44(1), 47(103 and (5) and 49(2) Workplace Injury Management and Workers Compensation Act 1998*

Obligations of the employees support team include:

SYLVANIA HEIGHTS BASC are obliged to:

- Have workers compensation insurance
- Display the "If you get injured at work poster"

- Have a documented return to work program describing the steps to take if an employee is injured
- Maintain a record of work-related injuries (Appendix B – register of injuries/illness)
- Notify Guild Insurance of all workplace injuries within 48 hours
- Participate in the development of the employee’s injury management plan, written by Guild insurance, and comply with your obligation within it
- Provide suitable work (as far as reasonably practicable) when an employee is able to return to work, either on a full-time or part-time basis
- Provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury?

RTW Coordinator obligations:

- Participate in any injury investigations as required
- Liaise between Becklyn P/L, Director, Committee Management, doctors, approved workplace rehabilitation provider
- Determine all rehabilitation needs with consent of the injured employee
- Communicate, support, and monitor progress of injured employee
- Identify suitable duties in consultation with support team
- Maintain confidentiality
- Undertake training (available online <https://www.sira.nsw.gov.au/> July 2019)

Guild Insurance obligations:

- Appoint a case manager
- Coordinate all aspects of the claim
- Ensure the employee can return to their usual work in a timely manner

Treating Doctors obligations:

- Assess, diagnose, and treat employee
- Assess employee’s capacity and support their recovery at work
- Specify suitable duties
- Complete all necessary documentation

Workplace rehabilitation provider obligations:

- Address the physical, functional, psychological and/or workplace barriers that may affect the employee
- Assist in return-to-work plans
- Have appropriate qualifications

Industry Union representation obligations:

- Represent the employee (if required)

## **AFTER AN INCIDENT**

All staff members are required to obtain their First Aid Certificate.

We will provide immediate first aid (where appropriate) as per policy D-10 First Aid and medical treatment (if required) when an employee becomes injured or ill at work.

Once first aid has been administered the employee will be required to report the injury to the responsible person on duty and complete the register of injury form available in the

SYLVANIA HEIGHTS BASC staff folder. (Appendix B) *Section 63 Workplace Injury Management and Workers Compensation Act 1988*

Employees will be shown how to complete the form and where it is stored upon orientation and during staff meetings.

The Director/Nominated Supervisor will then report to Becklyn or Guild Insurance as soon as possible, within 48 hours of receiving the report of a work-related injury. They will also report any notifiable incidents to SAFework NSW on 13 10 50. See <https://www.safeworkaustralia.gov.au/system/files/documents/1702/incident-notification-sheet-2015.pdf> *Section 38 WHS Act 2011*

## **SUPPORT FOR THE EMPLOYEE**

SYLVANIA HEIGHTS BASC will:

- Contact the employee regularly throughout their recovery
- Inform the employee of their rights and obligations, and give them our workers compensation insurer's details
- Make early contact with the employee's doctor to discuss the employee's normal duties, suitable work that is available, and opportunities for workplace modifications or assistive equipment
- Contribute to the employee's injury management plan, which will be written by our insurer, and meet our obligations stated in the plan
- If necessary, arrange for an approved workplace rehabilitation provider to help the employee to recover at work

If we dismiss a worker because they are unfit for employment due to the injury, the worker may apply to us within two years to be reinstated.

SYLVANIA HEIGHTS BASC will request that the employee complete a standard consent form for release of personal information

The form will outline how we:

- Only collect health information that is relevant and necessary to manage the employee's recovery at work and coordinate the workers compensation claim
- Only use and disclose information for the purpose for which it was collected
- Keep any information collected separate from the employee's other personnel records
- Take reasonable steps to protect the employee's information by ensuring it is stored securely, kept no longer than necessary, and disposed of appropriately
- Allow the employee to access their information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health

The employee can change or cancel the consent at any time; however, rehabilitation or benefits could be affected.

To ensure employees payments are prompt and correct, Becklyn P/L will work closely with the insurer by advising them of the pre-injury average weekly earnings. Payments will be made at the usual time wages are paid. Becklyn P/L will pass other payments on to the employee as soon as practicable after receiving them from the insurer. *Section 69(1) (c) Workers Compensation Act 1998*

SYLVANIA HEIGHTS BASC is committed to participating and cooperating with an approved workplace rehabilitation provider to develop an injury management plan.

## **RECOVERY AT WORK**

SYLVANIA HEIGHTS BASC will provide suitable hours of employment for employees with the capacity to recover at work, as far as reasonably practicable. This work will be consistent with medical advice, productive and appropriate for the employee's physical and psychological condition. It may include parts of the same job, the same job with different hours or modified duties, a different job, training opportunities or a combination of these. *Sections 41A and 49 of Workplace Injury Management and Workers Compensation ACT 1998 and section 32A of Workers Compensation Act 1987*

We will develop and maintain a recover at work plan by:

- Providing other support if necessary, such as equipment, workplace modifications or changes in practices to reduce work demands and aid the employee's recovery at work
- Planning for the employee's recovery at work as soon as we are notified of a work-related injury of illness
- Consulting the employee, insurer, doctor (where possible) and workplace rehabilitation provider (where applicable) to write a tailored recover at work plan
- Monitoring the employee's progress and update the plan as required
- Keeping all documents about the workers compensation claim in a confidential file.

SYLVANIA HEIGHTS BASC will not dismiss an employee for six months after they become unfit for employment because of a work-related injury, as the law requires. *Section 248 Workers Compensation Act 1987*

If an employee is dismissed because of a work-related injury at any stage in the claim, the employee may apply to SYLVANIA HEIGHTS BASC to be reinstated. If we have employed a replacement within 2 years after dismissing an injured employee will inform the replacement employee that the dismissed work may be entitled to be reinstated to the role. *Sections 241(1) and 247 Workers Compensation Act 1987*

## **DISPUTE PREVENTION AND RESOLUTION**

The Director or nominated supervisor will take a new employee through an orientation process to ensure that educators are fully equipped to carry out their duties in the best possible way. An orientation process (C-3 Orientation and Induction) has been developed and carried out for all employees in the Centre, providing them with a clear understanding about the service and its operations and what is expected of them within the Centre.

We will maintain a positive working environment for staff and for the Committee. We will do this through addressing all work-related problems, complaints, or concerns as quickly and effectively as possible. The procedure C-7 Grievances encourages ownership of issues and participation in the resolution process. The highest standards of confidentiality will be maintained at all times.

SYLVANIA HEIGHTS BASC will:

- Endeavour to work with the injured employee and their support team to aid their recovery at work.
- Seek help from the insurer or an approved workplace rehabilitation provider if the employee's recovery at work is difficult or progress has stalled.
- Work with the employee and their representative to resolve any disputes and seek help from the insurer if necessary.

The employee will be provided with the following useful contacts:

Guild Insurance

Phone 1800 810 213 or visit <https://www.guildinsurance.com.au/employees-comp/nsw>

SIRA Customer Service Centre

Phone 13 10 50 or visit [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au)

Workers Compensation Independent Review Officer (WIRO)

Phone 13 94 76 or visit [www.wiro.nsw.gov.au](http://www.wiro.nsw.gov.au)

Workers Compensation Commission (WCC)

Phone 1300 368 040 or visit [www.wcc.nsw.gov.au](http://www.wcc.nsw.gov.au)

## **ADMINISTRATION**

We will ensure that all personal information remains confidential. Employees will be informed as to what and how personal information is collected and its use and storage. Information will be disclosed to appropriate persons and bodies as required under legislation only. The privacy of all persons will be respected at all times. As per policy A-17 Privacy and confidentiality.

SYLVANIA HEIGHTS BASC will obtain the employee's informed consent to exchange information by getting them to complete the standard consent form for release of personal information form. [https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/forms/employers-and-claims/Standard-consent-form\\_release-of-personal-info.pdf](https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/forms/employers-and-claims/Standard-consent-form_release-of-personal-info.pdf)

## **SOURCES:**

- Workers Compensation Act 1987
- Workplace Injury Management and Workers Compensation Act 1998 (1998 Act)
- Workers Compensation Regulation 2016
- SIRA – guidelines for workplace return to work programs
- SIRA – When a worker is injured
- SIRA – a quick guide to workers compensation
- WHS Act 2011
- Safework.nsw.gov.au

## Attachment 2

# Register of injuries / illness

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Employers are required to keep a register of injuries that is readily accessible in the workplace (*Under Section 63 of the Workplace Injury Management and Workers Compensation Act 1998*). The manager of any mine or quarry, or the occupier of any factory, workshop, office, or shop is responsible for this register of injuries.

### Requirements of injury and illness registration

- Employers must keep a **Register of Injuries** at each workplace for workers to record any workplace injury or illness
- The register of injuries may be kept in electronic form only if the employer provides education, training, and facilities to ensure that workers are able to access the register.
- An injured worker (or someone acting on their behalf) must notify the employer in writing, or verbally, of any work-related injury or illness as soon as possible after an injury has happened
- Employers need to provide written confirmation to the injured worker that they received notification of the injury or illness
- Employers need to provide a signed and dated copy of this entry to the injured or ill worker.

SYLVANIA HEIGHTS BASC

### Injured / ill worker's details

First name:		Last name:		Date of birth:	
Position:		Department/team:			
Volunteers:		Worker's address:			
Manager/supervisor's name:					

### Injury or illness details

Date of injury/illness:		Time of injury/illness:		am/pm
Nature of injury/illness:				

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**Bodily location of injury/illness (for illnesses include symptoms):**

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**Location at time of injury:**

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**How was the injury/illness sustained (cause of injury /illness):**

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**Was any plant, equipment, substance, or thing involved in the injury/ illness? If yes, please provide details:**

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### **Witnesses**

**Were there any witnesses to the injury/illness? Yes or No. If yes, please list name and contact number for each witness:**

<b>Name:</b>		<b>Contact:</b>	

### **Follow up**

**Has the injury been reported to the worker's supervisor? Yes or No:**

**Was any treatment provided? Yes or No. If yes, please provide details:**

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**Did the injured worker return to work following the injury/illness? If yes, please provide details:**

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### Details of person making this entry

First name:		Last name:	
Position:		Department/team:	
Signature:		Date:	
If you are not the injured worker, did you witness the injury/illness? Yes or No			

### TO BE COMPLETED BY MANAGER/SUPERVISOR OF INJURED / ILL WORKER

Has an investigation been conducted into the incident? If yes, by whom?	
What controls have been implemented to ensure the incident doesn't happen again:	

### Employer confirmation

I, \_\_\_\_\_ (Print name), of  
\_\_\_\_\_ (Insert company name),

Hereby confirm receipt of this notification.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Information in relation to Work Health and Safety Laws

If you are responsible under the Work Health and Safety (WHS) laws for workers other than employees, for example contractors, you may not be required under workers compensation laws to record injuries in your register of injuries. However, you may find it helpful to do so. If you wish to include details of all injuries in the one place you should add space in the template to indicate whether or not the person is an employee for workers compensation purposes.

### Additional resources

Please refer to the [Workers Compensation Regulation 2016](http://www.legislation.nsw.gov.au) (www.legislation.nsw.gov.au) for more detailed information.

**Further Information**

Contact Safe Work NSW Customer Service on **13 10 50** or visit [safework.nsw.gov.au](https://safework.nsw.gov.au).

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