

Return to Work (RTW) Program

Work-related and non work related injuries/illnesses



Policy:

SummitCare recognises that recovery is an essential part of a healthy and productive work life. Our commitment extends beyond simply meeting safety regulations. We leverage our organisational structure to ensure open communication between all levels, allowing workers to directly access support from Managers, People, Culture and Diversity, as well as wellness resources. As we are an aged care provider we are always able to offer flexible work arrangements and phased return to work programs to accommodate individual needs and ensure a smooth reintegration into the team

Leadership and Commitment:

We are committed to consulting with all our workers in relation to all aspects of health, safety and welfare at work. This includes the risk identification, assessment and control process, the development of policies and procedures and the evaluation of these.

The Return to Work Program applies to both workplace injuries and illnesses as well as those that are not work related, please ensure you refer to the relevant paragraphs contained within when applying this program.

The objective of the Return to Work Program is to ensure that all workers (including Managers) are aware of their rights and obligations when making a claim for workers compensation, as well as their rights when they suffer a non-work-related injury or illness and are ready to return to work whether in their usual capacity or when a graded return to work plan is needed.

Our Return to Work Program has been developed inline with our Work Health and Safety Policies, Work, Health and Safety Act 2011 and the Work, Health & Safety Regulations 2017. We review our policies on a regular basis and at the time of each incident, a risk assessment is completed and where gaps are identified, remedial action will be taken, this can include conducting training and reviewing policies.

Preventing Workplace Injuries and Illness:

At SummitCare our aim is to prevent incidents from happening in the workplace and keep our workers safe. We:

- Are committed to implementing a number of Work Health and Safety management practices designed to reduce workplace injuries and disease by systematically eliminating or minimising risk so far as reasonably practicable, risks in relation to all persons affected by SummitCare's business activities and services.
- Have a number of Workplace Health and Safety Policies in place in order to identify, assess and control hazards in the workplace. All of which are readily accessible for viewing on our Shared Policy Drive.
- We have dedicated Work Health and Safety Officers in each location to train workers and monitor workers ongoing adherence to the Workplace Health and Safety Policies, as well as consult with workers at regular meetings in regards to discussing any actual or potential safety incidents which have occurred, obtaining feedback to improve our Work Health and Safety Management practices.

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Who is eligible for Workers Compensation?

Under the Workers Compensation Act 1987 (NSW) an entitlement to workers compensation benefits requires:

- That the person is a worker
- That the person has suffered an injury, which means a personal injury arising out of or in the course of employment and includes:
 - A disease contracted in the course of employment, to which employment is a contributing factor
 - The acceleration, aggravation, exacerbation or deterioration, to which employment is a contributing factor
- That employment is a substantial contributing factor to the injury

Please note this only applies to workplace injuries and illnesses.

Workplace Arrangements:

Workplace and Non-Work-Related Injuries and Illnesses

Return to Work Coordinator

As per Section 52 of the Workplace Injury Management & Workers Compensation Act 1998, SummitCare employs a Return to Work Coordinator (RTWC), details are listed at the end of this document, with relevant training, skills and experience to facilitate the return to work process. The Return to Work Coordinator will also work closely with non-work-related injuries and workers who are returning to work.

The Return to Work Coordinator has the authority to represent and make decisions for SummitCare in relation to the following:

- Preparing, monitoring and reviewing a Recover at Work Plan for the rehabilitation of injured workers in consultation with key parties
- Referring workers to external rehabilitation providers (where appropriate)
- Helping to redeploy workers both internally and externally into suitable employment (where appropriate)
- Contributing to the improvement of relevant policies and systems
- Educating the workforce and promoting the health benefits of recovery at work
- Relevant correspondence

Please note that the Return to Work Coordinator does not make decisions on claims liability or funding for treatment

Supporting Workers including Rehabilitation Coordinators

We have an obligation to support our workers to recover at and/or return to work. SummitCare and the General Manager, in liaison with the Return to Work Coordinator, will make early and regular contact with the injured worker following a work-related injury in line with SIRA's key Return to Work principles which are; Connecting; Planning and Working.

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Contact will occur the day after the injury/illness and will be ongoing during the course of recovery and rehabilitation.

SummitCare has nominated our preferred Rehabilitation Provider, but you are able to choose your preferred provider. Our preferred Rehabilitation Provider is listed at the bottom of this Program.

The Return to Work Coordinator will organise the Rehabilitation Specialist for the case when the injured worker requires this to return to work. With the Return to Work Coordinator, the Rehabilitator will make contact with the nominated treating doctor and other treatment providers for the purpose of identifying any needs for the injured worker, and the development of an early and supportive Recover at Work Plan. This contact will continue for the duration of the worker's recovery.

SummitCare will cooperate with the Rehabilitation Provider at all times throughout the return to work program ensuring that they understand the unique needs and arrangements of the workplace and they will have access to the injured worker and the workplace when needed.

Ongoing Consultation with Employees

SummitCare will openly communicate with and seek feedback from management, workers and if applicable Unions in regards to the implementation and continuous improvement of the Return to Work Program.

This consultation includes:

- Communication with and seeking worker feedback through regular health and safety committee meetings
- Providing ongoing assistance and support to injured workers in regard to adhering to their Injury Management Plan
- Acknowledging positive Return to Work outcomes for injured workers

Communication and Training Arrangements

In the development of and the review of the Return to Work Program, workers will be consulted through the Work Health and Safety Committees within each home.

Training will be provided to all workers on the return to work at induction and then annually through our online training platform. It will also be discussed with injured workers when developing their individual Return to Work Plans.

Monitor and Review

SummitCare will consult with any relevant Unions and workers on the development of the Return to Work Program and the biennial review of the Program.

Notifications/Display

The Return to Work Program will be displayed in each staff room across the group along with the "If you get injured at work" poster from SIRA. The Program and the Poster are also available on SummitCare's Shared Policy Drive and is available for all to view.

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Rights and Obligations:

Developing and Implementing the Return-to-Work Program for Workplace Injuries and Illnesses

Each worker will be informed of their rights and responsibilities concerning injury management and workers compensation through a variety of channels.

A summary of the "If you are injured at work" poster for workers compensation claims, will be displayed in the workplace and a copy is available for viewing on our Shared Drive under Policy Drive/WHS Manual.

New and existing workers will be notified about the content of the Return to Work Program through their Work Health and Safety Committee.

An injured worker will be advised of their rights and obligations throughout the claim by the General Manager and/or Return to Work Coordinator, the Insurer and the Rehabilitator.

Roles and Responsibilities of Support Team

SummitCare and their Senior Management

Are committed to the return to work of our injured workers and will aim to:

- Send all work-related injuries to the insurer within 48 hours of being notified of the injury
- Prevent injury and illness by providing a safe and healthy working environment
- Participate in the development of Recover at Work Plan and ensure that injury management commences as soon as possible after a worker is injured
- Support the injured worker and ensure that early return to work is a normal expectation
- Provide suitable duties for an injured worker as soon as possible
- Ensure that our injured workers (and anyone representing them) are aware of their rights and responsibilities – including the right to choose their own doctor and approved workplace rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause
- Cooperate with the Rehabilitation provider to ensure the safe return to work of any injured worker
- Ensure the Rehabilitation provider understands the unique needs and arrangements of our business
- Ensure that the Rehabilitation provider has the necessary access to the workplace and the injured worker
- Consult with our workers through our Work Health and Safety Committees to ensure that the return to work program operates as smoothly as possible
- Consult with the Unions, where applicable, to ensure that the return to work program operates as smoothly as possible
- Secure and maintain the confidentiality of injured worker records
- Not dismiss a worker as a result of a work-related injury within six months of becoming unfit for employment

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General Manager and Immediate Supervisor must:

- Comply with the requirements of SummitCare's Return to Work Program and actively support its aims and policies
- Maintain appropriate personal contact and support with the injured worker during absence from work and whilst on alternative duties
- Provide relevant information in relation to both pre-injury duties and suitable duties available to assist in the development of the Recover at Work Plan and Injury Management plan
- Maintain regular contact with the Return to Work Coordinator to allow for monitoring and review of the return to work program
- Participate in the development of the Injury Management Plan with the insurer when the injury is in relation to a Workers Compensation claim

Return to Work Coordinator

Responsible for:

- Compiling the initial notification information
- Coordinating the worker's recovery at work, including identifying suitable work
- Preparing, monitoring and reviewing a worker's recover at work plan
- Liaising with the worker's support team
- Supporting the redeployment of workers (internally or externally) into suitable work when they cannot return to their pre-injury duties
- Keeping confidential case notes and records in line with laws and guidelines
- Implementing the Return to Work program
- Keeping injury and recover at work statistics
- Promoting the health benefits of good work
- Contributing to the improvement of relevant policies and systems

The Worker:

Will:

- Cooperate with SummitCare to prevent work-related injuries to self and others
- Cooperate with SummitCare to enable them to meet their return to work obligations
- Follow all SummitCare's Policies and Procedures at all times
- Cooperate in workplace changes designed to assist the return to work of fellow workers if injured:
 - Notify SummitCare of a workplace injury or illness on the day it occurs
 - Specify one nominated doctor or medical practice who is prepared to participate in the development and implementation of an injury management plan
 - Give consent for the nominated treating doctor to provide information for the purposes of an injury management plan and return to work plan
 - Participate and cooperate in the establishment of the initial and subsequent injury management plans
 - Make all reasonable efforts to return to work with the pre-injury employer as soon as possible
 - Comply with the activities detailed in injury management plan(s)

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- Advise of any difficulties with returning to work as soon as practical to prevent delays in addressing any problems.

The Insurer: (for work related injuries and illnesses only):

Will:

- Ensure that SummitCare is made aware of their legislative obligations in relation to the insurer's injury management program
- Within three working days of being notified that a worker has sustained a significant injury, contact SummitCare, worker and (if necessary) the nominated treating doctor
- Subsequently, the insurer must develop an injury management plan in line with time frames in the insurer's injury management program
- Within seven days of being notified by SummitCare (or the worker, or another person) that a worker has sustained a significant injury, begin provisional payments of weekly benefits and medical expenses, or advise the worker and SummitCare why they will not make payments
- Consult with the injured worker, SummitCare and nominated treating doctor in the development of an injury management plan
- Provide the injured worker, SummitCare and nominated treating doctor with information on the injury management plan initially and as the plan progresses
- Inform the worker that their entitlements to weekly benefits can be suspended if they do not reasonably comply with their injury management plan and what they must do to prevent the suspension
- Have procedures in place for an injured worker to change their nominated treating doctor and inform the injured worker of these requirements
- Consult with the injured worker, SummitCare and nominated treating doctor when referring to a workplace rehabilitation provider. Advise the injured worker that they can choose a rehabilitation provider and inform the injured worker of the process to be followed when changing a rehabilitation provider
- Ensure vocational retraining and/or assistance to obtain employment with a new employer is arranged for an injured worker as soon as it is identified that a return to pre-injury duties and provision of suitable duties is no longer possible
- Ensure accuracy of payment of weekly benefits in accordance with wage as advised by SummitCare and legislative requirements
- Provide injured worker with information about their weekly benefits and entitlements and how they may change over time

Nominated Treating Doctor:

Is responsible to:

- Assess the Worker for the physical and/or psychological concerns but also screen for psychosocial risk factors that may delay or present a barrier to recovery
- Use acceptable medical terminology to assist the insurer make better decisions
- If diagnosis is unclear, provide a provisional diagnosis
- Identify medical and any treatment that may be required to assist with the worker's recovery and return to work - prior approval is required before recommended treatment can commence
- Regularly reviewing the effectiveness of the treatment with the worker and facilitate and

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evidence based treatment approach, ensure timely progression of treatment

- Ensuring timely progression of treatment to an active, self-management approach
- Recommending cessation of treatment where there is no resulting objective improvement function or work capacity within the expected time frame
- Provide a thoroughly completed Certificate of Capacity focusing on what the worker can do, with a clear diagnosis and treatment plan, as well as hours and days of work. If the worker has no capacity, an estimated time frame of return to work needs to be included
- Certificate of Capacity can not cover more than 28 days, unless there is clinical reasoning supporting a longer timeframe

Workplace Rehabilitation Provider:

Will:

- Deliver services to workers, SummitCare and insurers in a cost effective, timely and proactive manner to achieve a safe and durable return to work
- Promote an early and safe return to work of the worker
- Ensure the needs of the worker and SummitCare are identified by means of adequate and appropriate assessment
- Identify barriers to injured worker's return to work and develop strategies to address these
- Identify and design suitable duties for the worker to assist SummitCare to meet their obligations in providing suitable employment
- Identify and coordinate rehabilitation strategies that ensure the worker is able to safely perform their duties
- Consider workplace industrial relations and human resources matters that may affect the worker's return to work
- Focus initially on return to work in the worker's pre-injury employment or, if that is not possible, in other employment in line with the hierarchy of return to work
- Arrange appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties
- Communicate with relevant parties throughout service provision to ensure progress towards the return to work goal

Unions:

- If the worker chooses they may have the Union support them through attendance at appointments and meetings
- Review return to works plans, etc. if the worker wants them to
- Consult with SummitCare and workers on any changes within the workplace or updates to the Return to Work Program

After an Incident:

First Aid

When an injury or incident occurs in the workplace, first aid will be provided in line with First Aid Procedure, available on the Policy Drive under WHS Manual, section 3.

In all our homes, the Registered Nurses are certified to carry out First Aid in the workplace and will

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determine if medical treatment is required and arrange for the injured to be transported to the appropriate medical facility. In some cases the First Aider, Supervisor or Manager may accompany them.

First Aider:

- Will be the first point of contact for administering first aid or medical treatment.
- Determines whether the injury warrants hospital attention or medical referral, arranges for ambulance assistance and/or accompanies the worker if transportation is to be arranged by some alternative means.
- When required, assists the affected worker or their Manager to complete relevant forms.

Register of Incidents

Workers Compensation records will be maintained by the People, Culture and Diversity Team within the Human Resources Information Platform in accordance with the [NSW State Records Act 1998](#), and the [Health Records and Information Privacy Act 2002](#). Details will be set up of all incidents and injuries when received.

These will be kept separate to an individual's personnel/HR file and will be kept confidential. Records can include:

- Accident and Incident Form
- Certificate of Capacities
- Case notes
- Suitable Duties Plans
- Reports from treating parties and the Accredited Rehabilitation provider

Reporting Injuries/Incidents

Employees should report all work-related injuries or near misses immediately (no matter how minor) to their Manager/Supervisor. The Accident and Incident Form must be completed by the end of the day and handed to your Manager/Supervisor. This form is available on the Policy Drive or from the Supervisor or Manager on duty. If the worker has trouble completing the form, the Supervisor or Manager on duty will assist. This is covered in the Employee Handbook.

The form is then emailed by the General Manager to People and Culture. By using the group email addressed below, this ensures that it goes to all key stakeholders - People and Culture, Payroll, Insurer and our Workers Compensation Advisors. The People, Culture and Diversity Team will enter all details and upload all documents relating to the incidents and injuries to the Human Resources Information System both from the initial contact and throughout the management of the incident or injury.

The emails are:

To Lodge a New Claim:

wcomp-new-lodgements-post1sept2020@summitcare.com.au

To Manage New Claim (from 1 September 2020) Enquiries:

wcomp-mgmt-post1sept2020@summitcare.com.au

Workers will be informed of this during induction, at tool box talks and handovers.

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Notifiable Incident

If the injury is of a serious nature it may be considered as a *notifiable* incident.

What is a notifiable incident?

A notifiable incident is an incident that results from a business conduct or action at the workplace and includes:

- Death
- Serious injury or illness
- Dangerous incident

Notifiable incidents may relate to any person—whether a worker, contractor or member of the public. For a full definition, please refer to Part 3, Sections 35 to 39 of the Work, Health and Safety Act, 2011.

A notifiable incident must be reported to SafeWork NSW on 13 10 50 immediately after becoming aware it has happened. This can be reported by the General Manager or a member of the People, Culture and Diversity Team.

Notifiable incidents must be immediately reported to the Chief Executive Officer and the People, Culture and Diversity Manager.

Support for the Worker:

The General Manager will telephone the worker the day after the incident, if they are unable to return to work, or meet with them the next day. Communication between the General Manager and/or the Return to Work Coordinator will happen on a weekly basis where the worker is unable to return to work, or each shift that they are attending to ensure that they are receiving the support that they require.

Consent

SummitCare will protect a worker's personal and health information however during workers compensation matters at times we may need to disclose information about you that is essential to your recovery and wellbeing. We will ensure that we obtain the worker's consent before providing, obtaining or using information about a worker's injury and recovery. This promotes trust and ensures the integrity of the scheme.

The confidentiality of workers' personal and health information will be respected at all times and workers' personal and health information will be dealt with only in accordance with their consent.

SummitCare will provide to the Insurer your contact number and at times your email address. Details of the claim will be shared with the Insurer, Rehabilitation Provider as well as our Workers Compensation Advisers. The "Obtaining consent to release personal information" form will be provided to you at the beginning of your claim to be completed and signed and returned back to the General Manager for distribution to group workers compensation email address.

At the time of being provided with the consent form to sign, the General Manager will explain the obligations and potential implications for recovery at work if the consent is not given. By providing

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consent, this enables exchanging of relevant information which is required for the recovery of the worker.

Weekly benefits

Workplace Injuries and Illnesses

Weekly payments are based on a calculation of a worker's pre-injury average weekly earnings (PIAWE) that includes shift and overtime allowances (*shift and overtime allowances do not apply after 52 weeks of weekly payments). The Return to Work Coordinator will supply to the Insurer's Claims manager the average weekly earnings report so that they can make a decision on provisional liability for weekly (wage) and medical compensation within seven days of receiving the claim. If the Claims Manager approves weekly payments, SummitCare will process these through the injured worker's pay, on behalf of the Insurer in the normal pay cycle.

Any reimbursements for medical expenses, etc. will be reimbursed to the worker as soon as practicable after receiving the funds from the Insurer.

While the liability decision is pending, the injured worker will be paid Personal Carer's Leave, based on their accrual. If there is no accrual available, the worker may request Annual Leave. If liability is accepted or provisionally accepted, Personal Carer's Leave and/or Annual Leave taken will be reimbursed.

A fact sheet is also available to download on SIRA'S website titled "Calculating pre-injury average weekly earnings" and will be sent to you by the Insurer.

Commitment

SummitCare is committed to participating and cooperating in the development of the worker's injury management plan. The Insurer will write the injury management plan in liaison with SummitCare with the intent to provide the worker the best possible care and recovery. SummitCare is committed to get workers back to work as soon as practicable and endeavours to accommodate the injured workers unique requirements during their recovery at work.

Recovery at Work:

Early commencement of Injury Rehabilitation and Return to Work Process

Workplace and Non-Work-Related Injuries and Illnesses

Following initial assessment and treatment, a worker will be either fit to resume pre-injury duties, fit for suitable duties (light duties) or unfit for work. This fitness for work will be stated by the nominated treating doctor on a Work Capacity Certificate/Medical Certificate which must be provided to the General Manager immediately after it is issued, the General Manager will then forward it onto all relevant bodies, including the Return to Work Coordinator.

The Return to Work Coordinator will determine when a Rehabilitation Provider will be assigned to any workplace injuries or illnesses, this is dependent on the injury/illness and the estimated time that the nominated treating doctor thinks it will take for the worker to return to work. SummitCare's preferred

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provider is listed at the bottom of this document, however the worker has the right to refuse or request a change in provider.

The Return to Work Coordinator, in liaison with the worker, General Manager and Rehabilitation Provider will discuss and agree on tasks the worker can perform within the workplace, and once the nominated treating doctor agrees with the plan, then the worker can return to work in the capacity described.

Recover at Work Plan

The worker along with the General Manager, Return to Work Coordinator and Rehabilitation Provider will work with the nominated treating doctor to develop the Return/Recover at Work Plan (the Plan).

The Return/Recover at Work Plan will include:

- Recover at work goal
- Diagnosis, capacity and restrictions
- Treatment and/or rehabilitation arrangements
- Available duties and hours to be worked
- Supervisor arrangements
- Review dates
- Contact details
- Agreement
- Supplementary information

A copy of the signed Return/Recovery at Work Plan is to be provided to the nominated treating doctor, the worker, General Manager, Rehabilitation Provider, Insurer and the Return to Work Coordinator.

The Plan will be reviewed as contained within the Plan or if concerns are raised about the capacity of the worker, this can either be from the worker, management, Rehabilitation Provider or the Return to Work Coordinator. When changes to the Plan are made at any time, this will be in consultation and discussion with all parties involved, worker, management, Rehabilitation Provider, Insurer and the Return to Work Coordinator.

The worker and the Rehabilitation Coordinator will work together along with the nominated treating doctor with regards to regular medical reviews and reviewing the Plan.

Supporting Workers - Work-Related Injuries or Illnesses

How various fitness statuses are managed are set out below:

Fit for Light Duties/Suitable Duties

- Employees who are ill or injured may be fit for suitable duties:
 - From the time of onset of the illness or injury, or
 - Following a period of unfitness for work when subsequent improvement has occurred to the point where the individual has capacity to return to some form of work
- The Return to Work Coordinator and/or Rehabilitation provider, where applicable, in consultation with the worker and General Manager will define and negotiate suitable duties based upon the

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review, recommendations and discussion with the treating doctor

- The worker, the General Manager and the Return to Work Coordinator and/or Rehabilitation provider will meet before the worker returns to work and agree on the type of work and the hours of work to be performed, taking into account the availability of light/alternative duties
- Suitable duties could take different forms, for example the same duties but with reduced hours, or modified and/or alternative duties in the same or different work area. In the majority of cases suitable duties will only need to be provided for a temporary period until the injured worker is fit to resume the full duties of their pre-injury position
- The Recover at Work Plan, which documents the agreed suitable duties and a progressive upgrading program to allow a return to pre-injury duties. This document should be developed in consultation with the worker, the General Manager and the nominated treating doctor. A copy of this plan will be provided to all key parties
- At regular intervals, no greater than two weeks, the Return to Work Coordinator and/or Rehabilitation provider shall review the worker's progress, preferably in the workplace
- Where uncertainty exists about the availability of suitable duties and the progress of an worker in the of Return to Work Program is slower than expected, the Return to Work Coordinator may consider the assistance of appropriate additional resources
- The workload impact on fellow workers of the worker being rehabilitated will be minimised
- When the worker returns to normal duties a return to 'pre-injury duties' a Certificate of Capacity shall be obtained and filed with the worker's workers compensation file. The worker should return to performing all pre-injury duties from this time
- Employees must not undertake overtime until the organisation is satisfied that medical opinion clearly states that the worker is fully fit to resume the full requirements of the job for which they were employed
- SummitCare will endeavour to provide suitable duties, but at times this may not be possible, due to business restrictions

Unfit for Work

- Where a worker is certified unfit for work by their Nominated Treating Doctor (NTD), the Return to Work Coordinator and/or Rehabilitation provider will liaise with the nominated treating doctor in order to *Plan* for a return to suitable work
- The Return to Work Coordinator and/or General Manager shall maintain regular contact with the worker
- The Return to Work Coordinator and/or Rehabilitation provider shall maintain regular contact with the NTD to ascertain progress to facilitate a plan to return to work
- The Return to Work Coordinator will initiate the use of internal or external resources, as required, to facilitate a return to work, including an Accredited Rehabilitation Provider

Permanent Restricted Capacity

- Where at any point it becomes clear that a worker will be unable to return to their pre- injury job but will be able to return to some gainful employment, consultation will begin with the worker and management. This will be to determine if there is a permanent alternative job which the worker will be able to perform once maximum capability has been reached in addition to any

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training required.

- Permanent redeployment shall be a recognised and valid position within the organisation. A task description will be provided to the worker's treating doctor and written approval shall be given prior to the relocation of the worker to a new position. Where permanent redeployment is undertaken, a new task description or position description will be 'signed-off' by the worker to acknowledge a permanent change in employment
- Should the provision of suitable alternative employment not be possible, management (after consultation with the Return to Work Coordinator and the People Culture and Diversity Team will review of appropriate medical information) may consider action to terminate employment according to organisations procedures, site agreement and legal obligation (see Section 248 Workers Compensation Act, 1987). Management may also decide to continue the employment arrangement whilst the worker is job seeking
- SummitCare will endeavour to accommodate such requests, but at times this may not be possible, due to business restrictions
- There are protections in place for workers against dismissal because of a work related injury or illness within six months (or the length of any accident pay in the worker's award or agreement) after the worker first becomes unfit for employment
- If an employer dismisses a worker because of a work related injury at any stage in the claim, the worker may apply to the employer to be reinstated. If the employer replaces the worker within two years of dismissing them, the employer must inform the replacement worker that the dismissed employee has the right to return to their role if they choose to

Supporting Workers - Non-Work-Related Injuries or Illnesses

SummitCare has an obligation under the *Anti-Discrimination Act 1977 (NSW)* to not discriminate against a worker because of an injury or illness, which includes non-work-related injuries or illnesses. SummitCare will actively work with workers who suffer from a non-work-related injury or illness to support their recovery at work in a manner that is safe to the worker, staff and our residents.

A worker who sustains a non-work-related illness or injury will typically be entitled to take personal leave (paid or unpaid) in accordance with SummitCare's Personal and Carer's Leave Policy. Depending on the nature of the non-work-related illness or injury, SummitCare may consider, at its discretion, to offer suitable duties to allow the worker to work in a reduced capacity while they recover. The following process will be followed:

- With the worker's prior consent, SummitCare shall make contact with the worker's Nominated Treating Doctor (NDT) to obtain information on the worker's capacity.
- Following a review of the medical certificate and the NDT's advice, SummitCare shall consider any modified duties, modified work environment or temporary redeployment options that can be accommodated with the current restrictions.
- Suitable duties and adjustments will be reasonably considered to determine if the options are viable and will not cause unjustifiable hardship to SummitCare.
- If SummitCare cannot reasonably consider suitable duties, SummitCare will advise the worker and they will be entitled to the appropriate paid or unpaid leave available.
- SummitCare shall maintain regular contact with the worker until they are fit to return to the workplace.

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- If SummitCare can accommodate suitable duties, we will discuss a suitable return to work plan with them.

Returning to Work Not to Disadvantage Worker

SummitCare is committed to ensuring that the process of return to work will not disadvantage or discriminate against an injured worker.

Any concerns regarding the Return to Work Program or Recover at Work Plan should be raised directly with the General Manager and/or the Return to Work Coordinator, along with the Rehabilitation Provider.

Dispute Prevention and Resolution

SummitCare is committed to ensuring that throughout the return to work process that disputes do not arise by ensuring communication and consultation throughout the process with the worker and all parties involved.

Disputes may arise due to:

- Injury management
- Suitable work being offered
- Recover at work planning

The Return to Work Coordinator will facilitate a dispute resolution procedure and will begin this process by private and confidential discussions with the affected worker.

If the matter cannot be resolved a third party may be called on to assist this dispute resolution including the Workers Compensation Insurer or Accredited Rehabilitation Provider.

Where parties have not been able to resolve the matter in dispute, the matter may, at the instigation of either party, be referred to the State Insurance and Regulatory Authority (SIRA).

Further advice can be obtained from the Workers Compensation Independent Review Office (IRO). IRO's primary goal is to help resolve complaints by workers quickly, fairly and justly.

Contact details for both external parties are found at the bottom of the Program and the Program is available to all workers both in the Staff Rooms as well as on the Shared Policy Drive. During workers compensation claims, a copy of the Program will be provided to the worker and consultation on the Program reviews will be conducted through the Work Health and Safety Committees.

Administration:

SummitCare follows Section 243 of the 1998 Act, Privacy Act 1988 (Cth) for Australian Privacy Principles, Health Records and Information Privacy Act 2002 (NSW) and Privacy and Personal Information Protection Act 1998 (NSW).

Informed consent will be obtained at the initial stage of the accident/incident report and a confidential

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file will be held on each case in the Human Resources Information System. The files will be accessible by the General Manager, Return to Work Coordinator and the People, Culture and Diversity Team.

Information sharing will be inline with the Informed Consent provisions, above.

Monitoring, Review and Improvement of Return to Work Program

SummitCare along with the workers and Unions will continually monitor and review and improve its Return to Work Program through a combination of regular ongoing consultation with management, workers and the Return to Work Coordinator/s.

Related Policies

Accident and Incident Management Policy and Procedure
 Accident and Incident form
 First Aid Policy and Procedure
 Grievance Policy and Procedure
 Personal Carer's Leave Policy and Procedure
 SummitCare Enterprise Agreement

Legislative References

Anti-Discrimination Act 1977 (NSW)
Workplace Injury Management & Workers Compensation Act 1998
Work, Health & Safety Act 2011
Workers Compensation Act 1987 and the Workers Compensation Regulation 2016
Guidelines for Workplace Return to Work Programs, May 2017
Work, Health & Safety Regulations 2017

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Contact Details

Return to Work Coordinators

Name: Jeanine Betteridge
 Position: People, Culture and Diversity Manager
 Return to Work Coordinator
 Contact no.: 0439 515 556

Name: Jason McDonald
 Position: Human Resources Advisor
 Return to Work Coordinator
 Contact no.: 0415 647 620

Location: 5 Bass Drive, Baulkham Hills, NSW, 2153
 Email: hr@summitcare.com.au

Workers compensation insurer for workplace injuries and illnesses

Name: GIO Policy:
 Email: wcomp-mgmt@summitcare.com.au

Rehabilitation Provider

Workplace Rehabilitation Management (WRM)

Contact no.: 1300 853 681

At times other providers may be assigned due to WRMs availability

Occupational Healthcare

<p>Immex Parramatta 36-46 Cowper Street, Parramatta NSW 2150 Telephone no.: (02) 8960 9133</p>	<p>Immex Waterloo 561 Botany Rd, Waterloo NSW 2017 Telephone no.: (02) 9319 5999</p>
<p>Hamilton Doctors 60 Lindsay Street Hamilton NSW 2303 Telephone no.: (02) 4961 3017 office@hamiltontdoctors.com.au</p>	

Workers Compensation Commission for resolution of disputes for workplace injuries or illnesses

SIRA 13 10 50

www.sira.nsw.gov.au

IRO for workplace injuries and illnesses

Workers Compensation Independent Review Office Phone: 139476