



WORKPLACE REHABILITATION & RETURN TO WORK POLICY

POLICY LEVEL	Governance		
POLICY GROUP	Organisation, Structure and Management		
POLICY REFERENCE	GP 2008/24		
CURRENT VERSION	June 2024	REVIEW DATE	June 2026

PART ONE: POLICY STATEMENT

1.1 Declaration

Presbyterian Aged Care is committed to ensuring injured staff are afforded every opportunity to achieve optimal recovery and return to work as soon as possible after an injury.

The aim of Presbyterian Aged Care Workplace Rehabilitation and Return to Work Policy is to ensure that from injury prevention to when an injury occurs, through the insurance claims process and as our workers recover at work, we will:

- Provide a safe and health workplace for all workers
- Promote a culture of acceptance and positive attitude toward workers compensation claims and recovery at work
- Consult or workers, and where applicable, unions to ensure this RTW program is implemented successfully
- Have procedures to help workers achieve the best health, work and recovery outcomes, to support an early safe return to work
- Review this Policy at least every 2 years to ensure it remains current
- Maintain injured or ill workers at work, and/or, ensure the worker’s earliest but safe and sustainable return to work
- The position of the return to work coordinator is adequately resourced and
- Keep records relating to a worker’s health or injury in accordance with relevant Acts and Regulations

Presbyterian Aged Care will ensure that the requirements under relevant Acts and Regulations are complied with by all PAC operations and programs. Legislated and other accredited standards in health and safety and rehabilitation and return to work are accepted by Presbyterian Aged Care as minimum standards. PAC reserves the right to apply a risk management approach and establish and enforce more stringent standards where appropriate. PAC is committed to ensuring that compliance with legislative regulation of rehabilitation and return to work processes is maintained. This will be achieved through:

- Ensuring mechanisms are in place for the identification and alerting of new and changed legislative compliance;
- Approved industry codes of practice are followed unless there is an alternative course of action, which achieves the same or better standard of health and safety in the workplace; and
- Consideration and inclusion of Australian Standards are used to identify and promote safe work practices and systems.



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1.2 Scope

This policy applies to all PAC staff.

1.3 Objectives

- To ensure PAC workplaces and sites are compliant with all relevant Acts and Regulations
- To develop, implement, evaluate and improve rehabilitation and return to work policies, procedures and programs according to legislative requirements and organizational policies and programs
- To monitor and evaluate all aspects relating to rehabilitation and return to work programs within the workplace environments regularly and consistently
- To provide education and information for staff that ensure practices are consistent with the maintenance of a safe work environment for all rehabilitation and return to work programs, and for those staff who are involved in the program
- The appropriate recording and management of all rehabilitation and return to work processes
- To ensure return to work processes, workplace design, and safe work methods are integral to the operation of all PAC workplaces
- Resources will be made available to comply with all relevant provisions within the Workplace Injury Management and Workers Compensation Act 1998, Work Health & Safety Act 2011, and all relevant Work Health & Safety regulations and Codes of Practice to ensure that workplaces are safe and without risk to health.

1.4 Leadership and Commitment

PAC supports injured worker to return to work and understands how important it is to come back to work after an injury for their mental and physical health. And we embrace the spirit of inclusive employment practices which helps to reduce the risk of unemployment, social and economic inequality and associated poor health outcomes.

PAC is committed to support the rehabilitation and return to work staff member injured at the workplace by:

- a) Informing an injured staff member of their rights & responsibilities
- b) Educating workers about the Return to Work Program a process of early notification of injury via Team Sites, CSE Inductions
- c) Commencing injury management activities as soon as possible after an injury, in a manner consistent with an ISM's medical fitness for work (COC)
- d) Educating workers, Facility Managers, Care Managers and supervisors via communication regarding the health benefits of recovery at work
- e) Developing a culture that promotes recovery at work by fostering positive attitudes towards workers recovering at work
- f) Returning an injured worker to work as soon as practicable (subject to medical recommendations)
- g) Commencing the workplace rehabilitation process as soon as practicable for injured workers who have capacity for some type of employment
- h) Providing early access to rehabilitation services for workers who require them, i.e. rehabilitation providers



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- i) Working collaboratively with key parties to provide support throughout the RTW process and help minimize the effects of the injury or illness:
- j) Aligning a staff member's RTW plan with insurer's injury management plan

PAC recognizes its obligations under the *Work Health and Safety Act 2011 (NSW) (WHS Act, 2011)* and *Work Health and Safety Regulation 2011 (WHS Regulation, 2011)* and is committed to preventing workplace injury/illness and providing a safe, healthy and secure learning and working environment by taking all reasonable precautions to protect the health, safety and welfare of its staff, contractors and visitors whilst they are on premises or engaged in approved work for PAC. PAC will review their WHS policies and procedures to identify gaps and opportunities for improvement.

We understand that good work promotes good health or returning to work as soon as possible, is good for health and overall wellbeing. Please refer to the link below

<https://www.sira.nsw.gov.au/workers-compensation-claims-guide/understanding-the-claims-journey/recovery-at-work/recovery-at-work>

1.5 Definitions

Hazard: Refers to anything that has the potential to harm the health and safety of a person.

PACC: Presbyterian Aged Care Committee

WHS: Workplace Health & Safety

Nominated Treating Doctor (NTD): The doctor of the injured workers choosing who will assess, diagnose and treat the injured worker

Rehabilitation: Rehabilitation of a worker is a process designed to ensure the worker's earliest possible return to work or to maximize the worker's independent functioning. Rehabilitation involves the provision of approved services, services provided by a registered person, suitable duties programs or necessary and reasonable aids or equipment to an injured worker. Presbyterian Aged Care will take all reasonable steps to assist or provide their injured workers with rehabilitation for the period for which the worker is entitled to compensation.

Risk: The chance of a hazard actually causing an injury or disease. Can be measured in terms of consequence and likelihood

Standard for Rehabilitation: The rehabilitation provided to our workers will meet the standard outlined in the Workplace Injury Management and Workers Compensation Act 1998



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1.6 Roles and Responsibilities

PAC Committee

The PACC has the overall responsibility, authority and accountability for ensuring the health, safety and welfare of their employees when at work, as outlined in the Work Health & Safety Act 2011 & the Workplace Injury Management and Workers Compensation Act 1998

PAC Executive Chair

Has responsibility for ensuring organisational compliance with Rehabilitation and Return to Work Policy, and any related legislative and regulatory requirements, as well as duty to consult with workers and union representatives regarding any proposed change to the Return to Work Program

PAC Executive Leadership Team

Has delegated responsibility for ensuring organisational compliance with PAC Rehabilitation and Return to Work Policy, and any related legislative and regulatory requirements, and quality management outcomes.

PAC Facility/Program Managers

The promotion and maintenance of work health and safety and return to work programs and procedures is a primary responsibility of management. Management at all levels is required to promote and contribute to the success of rehabilitation and return to work programs in the workplace.

Each manager is required:

- To ensure that this policy and the WHS program are effectively implemented in their areas of control, and to support supervisors and hold them accountable for their specific responsibilities.
- To actively assist the return to work coordinator in identifying and coordinating suitable duties.
- To adjust workplace procedures and rosters to enable successful implementation of the suitable duties plan.
- To monitor the injured worker's progress in relation to suitable duties.
- To generally offer support and encouragement to any injured worker

Supervisors/ Team Leaders

Each first-line supervisor/team-leader is responsible, and will be held accountable, for taking all practical measures to ensure that the workplace under their control is safe and without risks to health, and that the behavior of all persons in the workplace is safe and without risks to health.

The supervisor/team leader will always be held accountable for detecting any unsafe or unhealthy conditions or behavior. If the supervisor/team leader does not have the necessary authority to fix a problem, they will be held accountable for reporting the matter promptly together with any recommendations for remedial action to a supervisor or manager who does have the necessary authority to eliminate any unsafe or unhealthy conditions or behavior.



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Other responsibilities include:

- To actively assist the return to work coordinator in identifying and coordinating suitable duties.
- To adjust workplace procedures and rosters to enable successful implementation of the suitable duties plan.
- To monitor the injured worker's progress in relation to suitable duties.
- To generally offer support and encouragement to any injured worker

Workplace arrangements

PAC has nominated two WHS Officers and RTW coordinators who are from the People and Culture team and have well-established relationships with staff and the facilities and a good understanding of all aspects of the workplace. Return to Work (RTW) Coordinators are trained PAC staff. They have completed SIRA online training and are certified RTW Coordinators. PAC has given them the authority to undertake the duties of RTW Coordinator from the business.

WHS Officer/Return to Work (RTW) Coordinators.

- **Dilini Jayathilaka—HR Coordinator**
Contact details.
[Email--djayathilaka@pcnsw.org.au](mailto:djayathilaka@pcnsw.org.au)
Phone-0498042596
- **Suparna Mallick—HR Business Partner**
Contact Details.
[Email-smallick@pcnsw.org.au](mailto:smallick@pcnsw.org.au)
Phone-0434611970

The RTW coordinator's role in recovery at work planning and managing workers with a work-related injury or illness. These duties must include:

- Compiling the initial notification information
- Coordinating the worker's recover at work, including identifying suitable work opportunities
- Preparing, monitoring and reviewing a recover at work plan (in consultation with key parties) that documents the worker's capacity and the duties available.
- 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 workers (internally or externally) into suitable work 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



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- Contributing to the improvement of relevant policies and systems.

Insurer

The insurer / case manager coordinates all aspects of a worker's claim and is the primary contact for the worker and others involved in assisting the worker to recover at work. The information provided on the SIRA certificate of capacity allows the insurer / case manager to promptly organise necessary support and services for the worker.

The insurer / case manager:

- makes early contact with the worker, employer, and the nominated treating doctor after receiving notification of a claim to determine the assistance the worker requires
- makes claims decisions
- authorises and arranges payment for 'reasonably necessary' medical and related expenses
- determines a worker's entitlement to weekly compensation payments and commences payments
- assists the employer to meet their obligations to support the worker to recover at work
- may arrange assessments or services to help determine a worker's capacity for work or identify suitable employment.
- is available to the worker and their support team throughout the workers claim to discuss any needs, barriers or issues that may impact on the workers recovery.
- Approve medical treatment where applicable and schedule independent medical advice where required
- Monitor the progress of rehabilitation cases and complete formal case reviews where required

QBE Australia Insurance

As an appointed Claims Manager for icare insurance for NSW, we provide comprehensive and tailored claims management services for a range of NSW government agencies.

Phone: +61 2 3821 5050 (Monday to Friday 7.30am to 5.30pm, closed public holidays)

New claim documentation qbenewclaims@workerscomp.nsw.gov.au

Existing claims qbeclaims@workerscomp.nsw.gov.au

It is the role of the insurer to determine and assess the work capacity of injured employees. This involves a review of medical, functional and vocational status, and these are used to help inform decisions about the capacity of the employee to return to work in suitable employment.

RESOURCES—details of the RTW coordinator will be listed in the WHS policies and procedures.

Nominated treating doctor (NTD)

The nominated treating doctor (NTD) plays a pivotal role as the primary coordinator of treatment services to a worker with a work-related injury or illness. The NTD assesses, diagnoses, and recommends treatment for a worker to help them recover. A worker has the right to choose their own doctor to help them with their recovery.

If a worker requires more than seven continuous days away from their usual duties they must nominate a treating doctor to assist with coordinating treatment, injury management and their recovery at/return to work. The NTD is often a worker's GP (General Practitioner), but it might be a specialist.

An employer may recommend a doctor to a worker, however, the worker has the right to choose their own NTD for the purpose of obtaining treatment and for their workers compensation claim.

The NTD will:



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- provide immediate and ongoing medical intervention to help the worker recover.
- will recommend medical and any other treatment that will help the worker recover from their injury.
- communicates the workers treatment and recovery needs to the workers RTW coordinator and their support team.
- assess the workers capacity for work and document the workers capacity for work on the certificate of capacity.
- Regularly review the certificate of capacity at least every 28 days. In some cases, this may be greater than 28 days
- work with the insurer and employer to develop the workers Injury Management Plan

Nominated Approved workplace rehabilitation providers.

Workplace rehabilitation providers help address risk factors which may affect a worker's ability to recover at work. These factors may include difficulty identifying suitable work, complex injury, delayed recovery, or communication breakdown.

The workplace rehabilitation provider will appoint a rehabilitation consultant who will assist the worker and their support team (which may include the employer, doctor, insurer, and others) to achieve a positive recovery at work. The rehabilitation consultant will be a health professional such as an occupational therapist, rehabilitation counsellor, physiotherapist, exercise physiologist or psychologist.

Responsibilities of the approved workplace rehabilitation provider:

- conducting a workplace or functional assessment to provide detailed information about the worker's capacity for work, their pre-injury work and available suitable work options
- providing advice about reducing work demands through changes to a work environment or work practices
- collaborating with other members of the support team to identify and develop strategies to address barriers to recovery and develop a tailored recover at work plan.
- educating the worker and employer about their obligations and/or the health benefits of work
- conducting a vocational assessment to identify suitable employment options with a new employer (where appropriate)
- preparing and/or assisting the worker to obtain suitable employment with a new employer (where appropriate).

- **Procare Group**

M: (02) 9086 8000

E: info@procaregroup.com.au

W: <https://www.procareinjurymanagement.com.au>

- **Prudence Rehab**

M-1300773422

W-<https://prudencerehab.com.au>

- **Kairros**

M- (02)9098 2660

E- help@kairros.com.au

W-<https://www.kairros.com.au/>



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While the doctor, employer or insurer usually recommend a provider for each situation, workers have the opportunity to refuse or request a change in provider. This can be done through the RTWC's. The RTWC will cooperate with the provider by providing details of the roles available and connect him/her to the facility manager. RTWC will ensure the unique needs and arrangements of the workplace are understood by the provider. And ensure the provider has reasonable access to the workplace and injured workers.

In selecting the nominated provider(s) RTWC will consult with workers and any industrial union representing them. If the Injured worker is being represented by any industrial union member PAC will consult with the Union member and involve him/her in developing the RTW program. The injured worker should advise the RTWC to involve his/her representative. PAC will ensure that all the communication needs of all staff are considered. Meetings will be organized by the RTWC to ensure that union members are across his/her case.

UNIONS

Unions are bodies that represent the interests of workers in particular industries or occupations.

In the injured worker's support team, the role of the Union includes:

- Representing the worker by negotiating with the worker's support team to ensure the worker receives fair and just compensation for a work-related injury or illness
- Providing legal representation to the worker. This can help ensure that workers receive proper representation and that their rights are protected
- Providing information and education to the worker about workers compensation.
- Promote the health benefits of recovery at work.

If your workplace does not currently have union representation, an employer must still include information in their RTW Program on the role of unions in supporting workers if union representation arises. **Employees**

All employees must take reasonable care of the health and safety of themselves and others and must co-operate with PAC management in their efforts to comply with work health and safety requirements. All employees are required to undertake their work in a safe manner, and to comply with the safe work method statements in place in their workplace. In addition to these employees may offer general support and encouragement to injured workers.

Employer Representative

PAC facility or program Manager

Contractors and Sub-contractors

All contractors and sub-contractors engaged to perform work on the organisation's premises or locations are required, as part of their contract, to comply with the WHS policies, procedures and programs of the organisation and to observe directions on health and safety from designated officers of the organisation.



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Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

Staff Communication-

- Induction
- WHS and RTW policy are available on the intranet.
- Notices regarding RTW contacts and details in all facilities are displayed in common area is available
- Staff meetings, toolbox training and addressing incidents, filling the incident form and process of reporting incidents.

Injured Worker

An injured worker is required:

- Notify employer as soon as possible after a work -related injury occurs.
- to apply for workers' compensation or the employer does that on the employee's behalf.
- to advise their doctor of the availability of workplace rehabilitation
- to ask their doctor to complete the Work Capabilities Checklist (if required)
- to actively participate in workplace rehabilitation
- to maintain communication with the employer and return to work coordinator about relevant issues related to their compensation claim.

An injured worker has the following rights:

- to workers' compensation for work-related injuries accepted by the insurer
- to choose their own doctor within the allowable parameters established by legislation
- to authorize our return-to-work coordinator to contact their doctor for advice on suitable duties
- to confidential, safe keeping of this personal information
- to be provided with suitable duties, if practicable
- to be consulted in the development of a suitable duties plan
- to involve union representation if so desired in the consultation process to ask for a review of certain insurer's decisions with which they do not agree.
- to have access to an impartial grievance mechanism, which is accessed in the first instance by raising the grievance with the return-to-work coordinator for resolution or escalation.

PART TWO: PROCEDURES

2.1 Guidelines

WORKPLACE INJURIES:

An injured worker must report the injury to their manager or supervisor as soon as possible after sustaining it. An injured worker may be given first aid treatment by a trained First Aider.

PAC has **registered nurses** in all the facilities who are trained first aiders and can provide first aid to staff who are injured at work. Every shift has registered nurses who are first aiders.

In the head office the first aid officer is
Anastasia Vossos- avossos@pcnsw.org.au
Phone--0490441423



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An **Incident Report Form** must be completed for all workplace injuries and is to be kept on file at each worksite and sent to the WHS officer/RTWC for further management. This form is available with the facility managers, care managers, registered nurses and first aid officer. The Incident Report Form will have request details as below: -

- Name of the injured worker.
- Place in which visiting or working.
- Operation in which engaged at the time of the injury.
- Date and time of the injury.
- Description of type, cause and location of the injury and any treatment given.
- Name of first aid person in attendance (if any).
- Any referral for further treatment.

RTWC will maintain a register of incidents and injuries detailing all work-related injuries and illnesses, whether or not they result in a worker's compensation claim. All incidents are recorded and stored in the HR drive which is accessible to the HR team only for confidentiality purposes.

An injured worker must report the injury to their manager/RTWC/WHS Officer as soon as possible after sustaining it. RTWC will then notify the insurer within 48 hours of receiving report of a work-related injury.

The occurrence of a serious injury, requiring immediate medical treatment, or potential for medical treatment, resulting from a workplace hazard, or work health and safety issued related to a workplace process, is to be reported to the WHS officer/RTWC.

Some serious incidents must be notified to Safe Work NSW. Examples of notifiable incidents can be found on [Safe Work NSW](#) website.

SUPPORT FOR INJURED WORKERS

Understanding a worker's situation and offering them support will positively affect the worker's response to their injury and enable successful recovery at work. The RTWC will maintain positive and effective communication with the injured worker and the support team. Injured worker will be provided with information regarding the injury management process as soon as possible after their injury has been reported and the incident form has been received by the RTW Coordinator. The RTW Coordinator will communicate with the injured worker and share the below details.

- Insurer contact details- Name and contact information.
- Payment of wages during the time of absence
- How is the injured workers leaves managed.
- Consent to share information with injured workers manager and the benefits of sharing this information. RTWC will share the consent form with the IW .The consent form is attached to the policy in appendix 1
- Safe Work NSW Guide for Injured Workers-<https://www.safework.nsw.gov.au/>
- PAC's commitment to participating in and developing an injury management plan.
- A tailored plan is essential to a successful work outcome for both employer and worker. This involves developing and maintaining a recovery at work plan.



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2.2 Recover at work

PAC committed to providing appropriate suitable duties/employment for injured workers, in accordance with Section 49 of the *Workplace Injury Management and Workers Compensation Act 1998 (NSW)* (1998 Act) as an integral part of the rehabilitation process.

S49 (1) of the 1998 Act requires that a worker who has been totally or partially incapacitated for work as a result of an injury, is able to return to work (fulltime, part-time).

PAC is accountable to offer IW suitable work, where reasonably practicable providing an ample opportunity recover at work. We promote.

- Flexible hours in the same or different site
- Same job with different hours/ or modified duties that matches to her/his Certificate of Capacity
- A training opportunity in a different role if there are no suitable duties available.

The nominated RTW Coordinator will maintain the open communication with the injured worker. RTW Coordinator, Facility Manager or Care Manager conjunction with Rehabilitation Coordinator will identify the suitable duties and notify the Nominated Treating Doctor.

When identifying the suitable duties, the message will directly communicate with the IW or can attend to the meeting. The nominated RTW Coordinator will maintain the open communication via direct contact/phone/ email.

The RTWC will discuss with the nominated treating doctor and/or approved rehabilitation provider suitable duties/employment options that are available in the workplace, and if not, what other options are available. Suitable duties/employment may mean a change in job and/or hours, and where retraining is necessary, it will be provided.

The RTWC will discuss with the injured worker, their facility Manager/ Immediate supervisor and Rehabilitation Coordinator suitable duties/employment options.

After agreement is reached, all offers of suitable duties or suitable employment to the worker must be in writing in the form of the Recover at Work Plan, clearly listing the duties to be performed, working hours, and any physical or medical restrictions.

Where possible suitable employment rather than suitable duties (suitably employed to a position of equal level and comparable) will be considered especially where the injury is serious, and the injured worker may have difficulty in returning to pre-injury employment. Suitable duties will not be provided if:

- They are inappropriate to the injured worker's restrictions
- The injured worker voluntarily resigned from PAC after the injury happened (whether before or after the commencement of the incapacity for work), or
- The injured worker's employment was terminated after the injury happened, other than because the injured worker was not fit for employment as a result of the injury
- In instances where suitable duties cannot be identified within PAC or, if a worker is unable to return to his/her pre-injury or permanent alternative employment, the services of an approved workplace rehabilitation provider may be required.

Return to work with a different employer may be required when suitable duties are unable to be provided. An



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approved workplace rehabilitation provider will then provide assistance to:

- Assess the worker's skills, education and experience
- Identify suitable work options, providing job seeking assistance and organizing training (where appropriate)
- Assess appropriate programs and services that support the worker to secure employment.

SIRA has a range of funded programs to support injured workers who need additional assistance to return to work which include:

- Education or training assistance
- New Employment Assistance
- Transition to Work Program
- Work trial program.

For further information regarding these programs please refer to the SIRA website.

<https://www.sira.nsw.gov.au/theres-been-an-injury/im-a-worker-recovering-at-work>

2.3 Developing and Maintaining a Recover at Work Plan

A Recover at Work Plan is a written plan that is established prior to an injured worker carrying out suitable duties/suitable employment options following an injury which results in any period of medically certified reduced work capacity.

The Plan outlines the following:

- goals
- commencement and review dates
- duties that the worker will perform on their return to work
- treatment arrangements
- restrictions as per the Workers Compensation Certificate of Capacity
- evidence of consultation
- arrangements to notify relevant parties of changes or issue with the Plan

NOTE: A Recover at Work Plan is required for work-related injury/illness where a worker is certified as having a current work capacity (fit for suitable duties) even if for only one day.

A Recover at Work Plan is to be developed by the RTWC and reviewed in accordance with the Workers Compensation Certificate of Capacity issued by the Nominated Treating Doctor.

The Plan will then be given to the worker and the Facility manager/supervisor of the work area to review and discuss, with both having the opportunity to provide feedback and propose amendments to the plan as part of the consultation process. It must be agreed to and signed by the Facility Manager/Supervisor and the worker before the plan can commence. The signed copies of the Plan should be attached to the rehabilitation file. The RTWC is responsible for obtaining signatures by either faxing and or emailing the signed plan to the Nominated Treating Doctor for review. The Plan should be adjusted to reflect any changes in the injured worker's condition or capacity for work.

The RTWC will file a case note detailing the decisions, and rationale supporting the decisions made during the development and review of the Recover at Work Plan.



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PAC acknowledges that it is against workers compensation legislation to terminate an injured worker on the basis of a work-related injury within 6 months of date of injury. If the worker is dismissed 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 worker may be entitled to be reinstated to the role.

2.4 WORK CAPACITY PROCESS

PAC is committed to providing suitable duties for injured workers in line with any capacity restrictions specified by the NTD.

A number of practices should be implemented related to work capacity decisions which should be adopted to help return injured workers back to suitable employment as early as possible.

Functional task analysis and/or job descriptions:

- These should be created for all pre-injury roles across the facility/program, as well as suitable employment which are provided to injured workers.

In consultation with the medical practitioner and insurer, detailed return to work plans should include:

- Proposed upgrades for the worker and expected timeframes
- Plans should include full details of the duties being performed by the worker, as well as information about any internal/external training provided and required to assist the work in performing the role, where appropriate
- Plans should clearly state any restrictions that apply
- Plans should be signed by all key stakeholders and copies forwarded to the insurer.

2.5 SUITABLE DUTIES & SUITABLE EMPLOYMENT

Suitable duties are defined as any duties that may be provided by the employer for the purposes of facilitating recovery from the workplace injury. Suitable duties must be:

- In line with the worker's work capacity
- Provided for the purpose of increasing a worker's capacity for work.

Suitable employment, related to a worker, refers to employment in work which for which the workers is currently suited. In order to conduct a work capacity assessment to determine whether the suitable duties an injured worker is performing could be assessed as suitable employment, the following documents, may be used:

- Return to Work Plans: These should include/provide functional details of the tasks and hours the worker is completing, noting also any issues the injured worker may be experiencing. Return to Work plans should be signed by key stakeholders, including the injured worker.
- Workplaces Assessments: These should cover the worker's pre-injury duties and the suitable duties being completed. Task analysis, job diaries can also be included.
- Job Descriptions: Functional components and skills and/or experience required to perform the role should be included.



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2.6 PAYMENT OF WAGES

The RTW coordinator will share the workers pre-injury average weekly earnings (PIAWE) with the insurer.

PAC insurers will determine the liability of a claim, ie. accept or reject application.

PAC may pay sick or other accrued leave to a worker while the claim is being determined. Upon acceptance of a claim, leave will be reimbursed. If the claim is accepted, PAC will pay workers directly and seek reimbursement from the insurance company, however in some cases, it may be necessary for our insurers to pay weekly benefits to workers directly.

For workers participating in a partially funded suitable duties program on reduced hours, PAC will pay the worker at the normal rate for work performed and the insurer pays a top up amount.

PAC insurers will determine the liability of a claim, ie. accept or reject application.

PAC may pay sick or other accrued leave to a worker while the claim is being determined. Upon acceptance of a claim, leave will be reimbursed. If the claim is accepted, PAC will pay workers directly and seek reimbursement from the insurance company, however in some cases, it may be necessary for our insurers to pay weekly benefits to workers directly.

For workers participating in a **partially funded** suitable duties program on reduced hours, PAC will pay the worker at the normal rate for work performed and the insurer pays a top up amount.

STAFF EDUCATION AND TRAINING:

All new staff as a component of their induction training are to be given information relating to the PAC Rehabilitation and Return to Work program, policies and procedures.

PROVISION OF WORKPLACE EQUIPMENT SERVICES AND FACILITIES:

Facilities must ensure that all equipment necessary to the maintenance of appropriate levels of work health and safety is available on site for staff to use, and in particular, when the equipment is used for a staff member who is performing selected duties as part of the Return-to-Work program.

NON-WORK-RELATED INJURIES AND ILLNESSES

This refers to an injury or illness that has been suffered or sustained outside of the workplace and is independent of any functions relating to the individual's employment. A non-work related injury or illness:

- has the potential to impact on the health, safety and welfare of people in the workplace
- may require temporary modification to duties
- may result in significant periods of absence

PAC will assess any instance of a non-work related injury or illness on a case by case basis, and may request a medical clearance prior to a worker returning to work.



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MONITORING AND REVIEW

This Policy will be reviewed at least every 2 years, or earlier if requested

Risk management should be an ongoing, consistently reviewed and steps taken to address any flaws. PAC and all facility management and staff have a joint role in ensuring high quality rehabilitation and return to work and work health and safety practices are maintained.

Monitoring incidents will be done through incident forms and file notes which are shared with the RTW coordinator

RTWC will suggest if there needs to be further training to avoid incidents.

RTWC in consultation and feedback from staff will review the policy and present it to the management with changes that are needed.

The changed program will be uploaded in the intranet once it is finalized and approved by management and the Union.

Training on the new policy will be conducted in all facilities by the Facility manager and the WHS Officer/RTWC.

All facilities/programs are to ensure that the rehabilitation and return to work program is effective through the review of management systems monitoring, quality improvement activities, incident and accident reporting, as well as evaluation outcomes of the return-to-work program.

GRIEVANCE / DISPUTE PROCEDURE

Effective and successful RTW programs involve consultation with workers.

Consultation promotes a positive culture around recovery at work and workers compensation and gives everyone an opportunity to influence policies and procedures. It is in the employer's interest to give workers clear information to avoid misunderstandings and uncertainty.

Employers must consult their workers (and any industrial union that represents them) when developing their RTW program. Consultation arrangements should ensure that the communication needs of all workers are considered. This will ensure that all workers are able to participate equally. For example, consultation arrangements should accommodate the needs of workers who do not speak English or workers with disability.

Consultation can be facilitated through health and safety committees or their representatives, unions or other agreed means.

Workers are urged to raise any issues at an early stage to their Managers/Supervisors however every effort should be made to resolve a grievance or dispute through open communication between the RTW Coordinator, injured worker, Nominated Treating Doctor, Facility Manager or nominated Rehabilitation Coordinator. This may involve formal or informal consultation between some or all the above-mentioned parties. The injured worker may involve the union to resolve the dispute or take legal advice.

If agreement cannot be reached, PAC may implement one or combination of the following management strategies:



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- Liaison with the Nominated Treating Doctor by the RTW Coordinator to establish the basis for disagreement and negotiate a suitable solution and return to work
- PAC may seek help from the insurer or an approved rehabilitation provider if the worker's recovery at work is difficult or progress has stalled.
- PAC will also work with the worker and their representative to resolve any disputes and seek help from the insurer if necessary.
- Referral to an Independence Medical Examiner for review.
- Escalate the matter to the HR Manager in case dispute remains unresolved.

If an injured worker is unhappy with a decision made at the workplace regarding their rehabilitation, they can raise the matter with the RTWC. If the matter is unresolved, they can request the PAC Facility/Program manager review the decision. If they remain unhappy with the decision following internal review, they may request that the insurance company case manager becomes involved to resolve the dispute or formal mechanism dispute mechanism available through IRO, PIC or SIRA. Please refer to the links below

<https://www.sira.nsw.gov.au/workers-compensation-claims-guide/understanding-the-claims-journey/resolving-complaints-and-disputes>

<https://iro.nsw.gov.au/>

<https://www.pi.nsw.gov.au/>

3.1 Administration

All information and records collected during Return-to-Work process will be kept confidential in accordance with the applicable privacy laws and will only be disclosed in accordance with these and / or the provisions of the *Workplace Injury Management and Workers Compensation Act 1998*.

Recover at work information is information that involves the treatment, rehabilitation, retraining, claims management and employment management practices that are directed to assist an injured worker to return to work.

A critical aspect of Recover at work process is the management and maintenance of appropriate records. PAC ensures that;

- All relevant documentation associated with an injured worker's work-related injury or illness is retained lawfully on the compensation and rehabilitation files
- All files relating to the workers compensation process are appropriately archived and locked in secured location (Hard Copies)
- Soft copies are saved in the appropriate manner in HR Team Sites
- Access information in relation to workers compensation and return to work matter is strictly confidential
- Privacy is maintained in accordance with the requirements of S243 of the *Workplace Injury Management and Workers Compensation Act 1998 (NSW)*, *Privacy and Personal Information Protection Act 1998 (NSW)*, and *Health Records and Information Privacy Act 2002 (NSW)*.
- Destruction of all documentation associated with the workers compensation process is undertaken through an appropriately secure disposal process



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Workers compensation files are maintained and secured in the People and Culture/ Human Resource Department, these files may only have access to the RTW Coordinator, Directors of the P&C and Human Resources

Case notes of all action taken throughout the life of a claim are created and retained on the relevant rehabilitation and workers compensation file

PAC will maintain a secure database recording all claims made, claims estimates and payments in accordance with SIRA Claim Technical Manual.

PART THREE: CROSS REFERENCES

3.2 Related Legislation

Aged Care Act 1997.

Accreditation Grant Principles 1999

Work Health & Safety Act 2011 (NSW)

Workplace Injury Management and Workers Compensation Act 1998 (NSW)

Workers Compensation Amendment Act 2012 (NSW)

3.3 Related Policies and Procedures

PAC Work, Health and Safety Policy

Workcover: Guidelines for Return-to-Work Programs: September 2010 Workcover:

Work Capacity Guidelines: NSW Government Special Supplement August 2013

QUALITY INFORMATION / REVISION HISTORY

ELT APPROVAL APPROVED BY:	ELT	DATE	June 2024
PREVIOUS VERSIONS	PAC Workplace Rehabilitation & Return to Work Policy v1.1 Issued November 2008 Rescinded September 2011 PAC Workplace Rehabilitation & Return to Work Policy v1.2 Issued September 2011 Rescinded September 2014 PAC Workplace Rehabilitation & Return to Work Policy v1.3 Issued September 2014 Rescinded July 2023 PAC Workplace Rehabilitation & Return to Work Policy v1.3 Issued September 2014 Rescinded July 2024		



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Appendix- 1

Form for obtaining/releasing personal information.

Worker details

Claim

Given Name(s)

Surnames

Employer details

Contact Name

Position

Phone

Email

Worker's declaration

I have discussed this consent form with my employer. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

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



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Considering the above, I authorise _____ and consent to my employer collecting, using and disclosing personal and health information relevant to managing my recovery at work and workers compensation claim with my support team identified below:

Role Insert specific names
Nominated treating doctor
Allied health treatment practitioner

Role Insert specific names
Nominated treating doctor
Allied health treatment practitioner

I understand my consent is voluntary and I may change or withdraw this consent at any time by notifying my employer.

Worker

Signature

Date DD/MM/YYYY

Employer representative

Signature

Date DD/MM/YYYY

Interpreter

Signature

Date DD/MM/YYYY



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