



Woden Early Childhood Centre

"Creating the Future"

PO Box 1595 Woden ACT 2606
Ph: 6281 3121 Fax: 6281 7077
Email: wodenecce@tpg.com.au

RETURN TO WORK POLICY (Work related injury)

QUALITY AREA 7: LEADERSHIP AND SERVICE MANAGEMENT

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- Links to Education and Care Services National Regulations 2011:
- Links to National Quality Standards / Elements: 7.1.3, 7.3.2

Introduction

Under the Safety Rehabilitation and Compensation (SRC) Act 1988, Woden Early Childhood Centre (WECC) is committed to providing rehabilitation for all educators who have been injured in a work related incident.

Goals – What are we going to do?

WECC is obliged to have a written rehabilitation policy to outline its response to injured educators incorporating a return to work (RTW) process. This policy covers the objectives, management and responsibilities of all educators inclusive of the injured educator, and is available through Guild Insurance if required.

In response to this commitment, the Nominated Supervisor or Director will initiate an RTW process by engaging an approved rehabilitation provider to prepare an RTW plan. The process is designed to formulate the best possible plan for recovery of the injured educator.

The plan is devised in consultation with the educator, the educator's supervisor, WECC's Nominated Supervisor or Director, the approved rehabilitation provider and the educator's treating doctor.

Once this plan is signed by all parties it constitutes a determination under s38 of the SRC Act. All parties to the plan are committed and the expectation is that the educator will follow that plan. The plan is aimed at returning the educator to pre injury duties as quickly and safely as possible.

Acknowledgment to Our Community Policy Bank.

The objectives of WECC's RTW policy are to:

- facilitate the quickest, safest and most cost-effective return of educators to the workplace following illness or injury
- contain the cost of WECC's workers' compensation claims
- clarify the rights and obligations of all parties.

Strategies – How will it be done?

The extent to which these objectives are met is assessed by:

- the implementation of the RTW case management plans
- participation of Room Leaders, other educators and the Nominated Supervisor or Director in the RTW process
- the movement of WECC's annual compensation premium
- the number of educators who continue on long term incapacity compensation leave or are retired or invalidity grounds with compensable conditions.

The role of the Nominated Supervisor or Director or Room Leaders in the RTW process is paramount to the successful return to pre injury duties of the educator and cooperation is mandated by legislation.

Room Leaders must:

- advise the Nominated Supervisor or Director of educator injuries/illness impacting on work or attendance
- cooperate with the educator and the Nominated Supervisor or Director in determining the RTW program, including suitable and meaningful duties
- provide suitable and meaningful duties, outlined in the RTW plan, to assist in the rehabilitation of educators in consultation with all or any of the combination of the following:
 - Nominated Supervisor or Director
 - educator
- maintain appropriate confidentiality.

The Nominated Supervisor or Director must:

- assess the educator's need for occupational rehabilitation
- engage, if necessary, a rehabilitation provider through WECC's insurance company, Guild Insurance
- consult with the injured educator, rehabilitation provider, supervisor and their treating medical practitioner
- negotiate with all parties on suitable duties and appropriate modifications or additional equipment to assist with the recovery of the educator and compliance with the RTW process

- through a consultation with the educator, medical practitioner, rehabilitation provider and supervisor, determine the content of the RTW program
- negotiate workplace trials, placements, return to work (including graduated return to work, where appropriate) and redeployment, in consultation with the Room Leader
- liaise with Guild Insurance and process forms.

The educator's co workers

Co workers can assist with particular tasks giving training where applicable or by sharing part of their work with their colleague.

All WECC educators are obliged under legislation and this policy to promote a supportive environment to assist our colleagues.

Co workers should not be subjected to increased workload, greater pressure or undue disruption to their normal work, for long periods, because of a colleague's RTW plan.

Guild Insurance

WECC has worker's compensation insurance with Guild Insurance. Guild:

- decides whether or not to pay the educator compensation
- is responsible for processing any payment or reimbursement of benefits on accepted claims
- endorses and monitors RTW plans (on compensable cases)
- will engage appropriate and authorised rehabilitation providers.

Rehabilitation consultant (RC)

For the purposes of this policy, approved rehabilitation consultants are organisations or individuals who are selected and approved by Guild Insurance to provide rehabilitation programs **under s37 of the SRC Act**. They are also available to provide the initial rehabilitation assessment under **s36**. RCs provide professional expertise to assist with the return to work of injured educators.

The RC will provide:

- expert services such as assessment for suitability for rehabilitation (initial assessment)
- advice on appropriate rehabilitation and the development of a GRTW plan or other return to work strategies
- management of the educator's return to work which includes:
 - liaising with a variety of stakeholders including the educator, treating general practitioners, specialists and other practitioners, the case manager, the educator's manager and supervisor, the educator's colleagues in the workplace and the educator's representatives
 - organising and monitoring of GRTW programs or pacing programs
 - job redesign work
 - work trials

- on the job training
- work conditioning
- ergonomic assessment
- vocational counseling
- job search activities
- specialised assessments
- injury management.

Educator's rights and obligations

Successful RTW outcomes rely on rehabilitation being conducted in a consultative and cooperative environment. The educator has the right and the obligation to actively participate in the rehabilitation process. The educator must understand that they are obliged under the SRC Act to participate in the rehabilitation assessment and planning process.

Educator's obligations

The educator must:

- report to the Nominated Supervisor or Director details of any accident, injury or disease that might be related to their work at WECC
- provide their doctor or provider of treatment with an accurate description of how the injury occurred, or of the circumstances in which the condition became apparent
- provide Guild Insurance with information or copies of documents that Guild Insurance considers are relevant to the claim
- attend any medical examination arranged by Guild Insurance
- attend any rehabilitation assessment arranged by the case manager
- undertake the rehabilitation program agreed to with the case manager
- cooperate with the case manager and approved rehabilitation provider
- report any changes in their circumstances to Guild Insurance, rehabilitation provider and WECC's Nominated Supervisor or Director.

Educator's rights

The educator has the right to:

- request a rehabilitation assessment
- access WECC's *Return to work* policy, and to participate in its design or change via the agreed processfully participate in decisions about their rehabilitation assessment and program
- request copies of documents held by Guild Insurance, and which relate to their rehabilitation programs or claim under Section 59 of the SRC Act

- request a reconsideration by Guild regarding decisions made either by the case manager or by Guild Insurance.

Both the educator and WECC have the right to appeal to the Administrative Appeals Tribunal if they are not satisfied with a reconsideration decision made by Guild Insurance.

The educator must implement any professionally recommended and agreed changes to work practices, environment and home environment in an effort to minimise any exacerbation of the injury and to prevent further injury.

It is important that the RTW program is followed so that the best recovery is achieved. If, however, the RTW program is not followed or a rehabilitation assessment is not attended, without reasonable excuse, the educator's rights to compensation under the SRC Act can be suspended until the program is recommenced.

The educator cannot claim compensation for the period of that suspension even if the suspension is lifted and the right to compensation is re-instated.

Annual leave is not generally recommended for educators on a GRTW program. As the GRTW is aimed at building up an educator's capacity to work, there is potential for those gains made in the program to be lost if periods of leave are taken before the program is completed. Any request for leave will be assessed by the Nominated Supervisor or Director and the RC.

Where possible, all medical practitioner visits should be made outside of work hours or during a normal work break. If an educator can only obtain treatment during their normal working hours they are entitled to claim. However they will need to provide a medical certificate for ALL absences.

The return to work process

Step 1

The educator or Nominated Supervisor or Director should notify all work related injuries/illness/disease to the Nominated Supervisor or Director and Workplace Health and Safety Officer or Management Committee as soon as possible.

Once information about an individual's work related injuries/illness/disease is received, the Nominated Supervisor or Director will identify whether the educator will need assistance to return to work. This applies to educators requesting help in a return to work process for non-compensable injuries/illness/disease as well.

Factors to be considered are:

- Is it likely that there will be a long duration of incapacity for work (that is over seven (7) days)?

- Whether the educator has a particular injury type that may affect capacity for work and/or develop into chronic disability such as:
 - stress related disorders
 - back injuries
 - occupational overuse syndrome
 - soft tissue injuries
 - multiple or serious injury
- Whether there is a high incidence of re-injury, or the educator has previously had time off work for the injury
- Whether the injury is a recurrence of a previous injury.

Step 2

Guild Insurance contacting the educator is the next step in establishing if they require assistance to return to work. Explain the return to work process and WECC's role and legislative responsibilities. Contact with the educator should occur as soon as possible following the injury, and may be in person or by telephone. A file note of the discussion should be prepared afterwards and signed by both parties, prior to being placed in the appropriate file.

Step 3

At this point it is important to determine the need for a rehabilitation assessment. Where a decision that a rehabilitation assessment is required, a referral is made to an approved rehabilitation provider. The Nominated Supervisor or Director will advise the educator in writing of the decision. This decision can be made for non compensable injury/illness/disease as well, in consultation with the educator and their Room Leader. The cost for the RP will be the responsibility of WECC in non compensable cases.

Step 4

The next step is the return to work assessment, which is done by the RC. An analysis of the educator's pre-injury duties will be completed, with consideration of suitable alternative duties if the educator will not be able to return to their pre-injury duties in either the short or longer term. The involvement of the treating medical practitioner in the RTW process is also considered.

Step 5

After the injured educator's capabilities have been assessed, negotiation and implementation of the RTW plan will commence. The plan will outline the steps to be taken to get the injured educator back to suitable work, as well as who is responsible for the various steps and a timetable for completion of the plan. When all parties agree to the plan it is signed by all. This is taken as signifying acceptance and agreement to participate in the RTW plan.

Once the RTW plan has been signed and its implementation begun, it will be monitored and reviewed by the RC as appropriate. If the injured educator does not agree with the plan or

requires an amendment to the plan, they must contact the Nominated Supervisor or Director and the RC immediately so that the necessary adjustments can be made in consultation with the treating medical practitioner and rehabilitation team. When there is agreement to any proposed changes it is necessary that an RTW amendment be prepared and signed.

Step 6

Closing the RTW plan must be done in consultation with the Nominated Supervisor or Director, the RC, the educator's Room Leader and the educator. The RTW plan can usually be closed:

- when a return to pre-injury duties or optimum level of functioning in the workplace has been achieved
- when all parties are reasonably sure that the return to work is durable and safe
- when the educator has either withdrawn from the program or rehabilitation is no longer appropriate.

If an RTW has not been sustained, the case manager will need to re-assess the educator's circumstances and potential for employment, and develop a new RTW plan.

Confidentiality

Participants of an RTW process should be aware and respectful of the confidentiality of information in individual RTW programs. Confidentiality will normally cover doctor's certificates and other medical advice, rehabilitation assessments and RTW plans. This information should only be exchanged amongst the participants on a 'need to know' basis.

The Nominated Supervisor or Director in particular must exercise full discretion in obtaining, holding and releasing information.

The educator must sign consent to exchange information for the case manager, as an early step in the RTW process.

Related policies / documents

- *Long term sick leave*
- *Staff rehabilitation*

Statutory legislation and considerations

- Safety Rehabilitation and Compensation (SRC) Act 1988

Sources and references

- Nil.

Authorisation

Jessica York
President
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