Return to Work of Injured Employees Minimum Standard

September, 2017

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Responsible Officer

Executive Director Human Resources

Approved by

Executive Director Human Resources

Approved and commenced

September, 2017

Review by

September, 2020

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle the Standard supports

- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012
- Workers Rehabilitation and Compensation Act 1988

Responsible Organisational Unit

Work Health and Safety – Human Resources
1 Executive Summary

The objective of this Minimum Standard is to provide vocational rehabilitation to all employees who sustain an injury or disease arising from their employment. The University of Tasmania accepts its responsibility to take all reasonable steps to achieve the timely and complete physical and psychological rehabilitation of employees who suffer from injury or illness at work.

2 More Information

For further information, contact the Human Resources – Work, Health and Safety Unit.

Email: health.safety@utas.edu.au

3 Using this Standard

This Standard provides minimum specifications to promote safe work practices and undertakes to provide the necessary framework and resources to implement and facilitate return to work programs.

The following legislative provisions have guided the development of this Minimum Standard:

- Workers Rehabilitation and Compensation Act 1988
- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012

4 Standard Provisions

As a minimum, the following activities are to be carried out in the University’s rehabilitation of injured employees, full-time, fixed term or casual.

4.1 Identification of the Need for Rehabilitation

Where the University is liable to pay compensation, and an employee has been absent from work for more than 5 days, a return to work plan is to be commenced. In the event of an employee being absent from work for more than 27 days, an injury management plan is also to be commenced in accordance with legislative requirements.

The return to work and/or injury management plan is to detail the following:

- employee’s name
- date of injury
- employer’s name
- diagnosis/injury details
- fitness for work
- the date the program commences
- review date
- the duties to be undertaken
- how many hours to be worked per day (if return to work is graded)
- medical restrictions on the employee
- injury management goals
- employee agreement
• employer agreement.

4.2 Appointment of a Rehabilitation Provider

A rehabilitation provider is to be appointed by the University or in the case of a workers compensation claim, the insurer. The provider will assess the employee, the workplace and work practices. The provider will, in consultation with all appropriate parties, design a rehabilitation plan outlining suitable, meaningful duties that can be undertaken by the injured employee in the workplace, taking into account any restrictions placed on the employee by their medical practitioner.

4.3 Initial Return to Work

A return to work and/or injury management plan may be implemented on a graded return to work basis, a modified duties basis, or a combination of both.

A graded return to work means that the program may commence with the employee working less than normal hours per day or days per week, with the hours increased to full capacity over a period of weeks. The pace of the increase will depend on the nature and severity of the injury. This is assessed by the employee’s treating medical practitioner.

A modified duties program is one in which the tasks outlined can be performed by the injured employee, taking into account the restrictions placed on the employee by their treating medical practitioner. This program is usually a modified version of the tasks contained in their substantive position.

The rehabilitation provider is responsible for liaising with the employee and their manager/supervisor and assessing their progress within the program. The provider may also be involved in determining whether working hours and or duties can be upgraded and in facilitating any special aids necessary for the employee's rehabilitation, i.e. slope boards, wrist rests etc.

All changes in hours and/or work duties are to be specified in a written return to work or injury management plan which is prepared by the Rehabilitation Provider and approved by the employee’s treating medical practitioner. Appropriate training will be given for any alternative duties that are unfamiliar to the employee.

A copy of the return to work or injury management plan is given to the employee, the employee’s manager/supervisor and the Work Health and Safety Unit.

4.4 Ongoing Rehabilitation

Liaison between the employee, the Work Health and Safety Unit, the Rehabilitation Provider, the employee's manager/supervisor, the insurer and treating medical practitioners is to be ongoing during the employee’s rehabilitation to ensure that the employee is achieving set goals.

Rehabilitation, as far as practicable, will be provided by the University until the injured employee is able to resume their pre-injury duties. In the event that they are unable to resume their substantive position, the University will endeavour to provide a modified version of the same position, or where this is not possible, redeployment and as a last resort, employment may be terminated on the grounds of ill health.
4.5 Conclusion of Rehabilitation

When the employee has been cleared by their treating medical practitioner as being fit for their pre-injury work, the return to work and/or injury management plan can be finalised.

5 Responsibilities

Managers/Supervisors: Ensure these procedures are implemented within their area of responsibility to:

- provide a safe working environment for employees to prevent injury or illness at the workplace
- assist with the development and implementation of return to work and injury management plans in consultation with the employee, rehabilitation provider and Work Health and Safety Unit, to ensure that the return to work or injury management plan is acceptable to all parties and within the designated legislative guidelines
- provide suitable duties for return to work and injury management plans
- accommodate necessary changes to their workplace so that return to work and injury management plans may be carried out
- ensure that all employees working under a return to work or injury management plan are treated fairly and without bias
- maintain confidentiality at all times with regard to employees undertaking return to work and injury management plans.

Employees Shall accept responsibility to:

- take reasonable care in undertaking work tasks which will reduce the risk of work related injury or illness
- immediately, or as soon as practicable, advise their supervisor of any injury or illness they may be suffering which they consider may be work related and which may affect their ability to perform their duties
- as soon as possible lodge an Incident Report via the Work Health and Safety online Incident Reporting System
• willingly undertake return to work or injury management plans, unless medical certification from a registered practitioner can show they are unable to participate in such a program

• make reasonable changes to their workplace so that return to work and injury management plans may be carried out

• claim Workers Compensation

• submit new medical certificates before the expiry of their current certificate to ensure continuity of cover

• obtain a certificate of capacity for pre-injury duties or clearance certificate before returning to their pre-injury position

• attend all medical appointments and reviews arranged by the University or insurer as requested

• advise their rehabilitation provider or the Work Health and Safety Unit if they are unable to perform the tasks set out in their return to work and injury management plan

• have the right to choose their own treating medical practitioner.

External Rehabilitation Providers Shall accept responsibility to:

• identify duties that may be undertaken in a return to work or injury management plan, taking into consideration the nature of the injury

• liaise on a regular basis with the employee participating in the return to work or injury management plan to determine how the return to work or injury management plan is progressing and make recommendations on any changes that may be necessary

• liaise with the Work Health and Safety Unit as to the ongoing status of return to work and injury management plans

• liaise with treating professionals to ensure that return to work and injury management plans are consistent with medical recommendations

• provide advice as to the most appropriate type of return to work and injury management plan and its timeframe
• provide written reports to the Work Health and Safety Unit and insurer on the progress/status of return to work and injury management plans;

• provide advice on the need for further medical treatment or counselling services as may be required

• be involved in review meetings as required.

WHS Unit

Shall accept responsibility to:

• provide on-site rehabilitation services to injured employees and, in cases that require an external rehabilitation provider, consult with that provider in accordance with the legislation

• advise employees of changes to Worker’s Compensation legislation and employee responsibilities relating to this legislation

• undertake all administrative duties in connection with return to work and injury management plans to ensure legislative requirements are met, as well as ensuring appropriate record keeping

• act as co-ordinator/liaison with the Organisational Unit in which the return to work or injury management plan is taking place

• keep Heads of Organisational Units and Managers/Supervisors briefed in relation to rehabilitation plans being undertaken by injured employees in their Organisational Unit;

• provide options for sourcing external rehabilitation providers who can provide the most appropriate care

• arrange access to Organisational Units or other work areas for external rehabilitation providers as necessary;

• develop or assist with the design and implementation of return to work and injury management plans as necessary.

Officers and Heads of Organisational Units

Will provide suitable facilities and resources within their Organisational Unit to ensure the effective implementation of this minimum standard and:

• ensure the current University of Tasmania Return to Work of Injured Employees Minimum Standard is displayed prominently in the workplace
• ensure that any work related incident or accident is reported to the Work Health and Safety Unit and that an online report is submitted e.g. “Report an Incident or Near Miss” by the injured employee or their delegate

• seek the co-operation of employees in the work area when implementing workplace changes to assist in the rehabilitation of an injured employee

• ensure that all appropriate persons are aware of any restrictions relating to the work of the rehabilitated employee

• in consultation with the Work Health and Safety Unit, arrange suitable work duties and flexible working hours for rehabilitation participants as required or necessary

• advise the Work Health and Safety Unit of any absences or deviations from the return to work or injury management plan as soon as possible

• organise and provide relief staff (if necessary) to ensure the Organisational Unit continues to operate efficiently.

6 Glossary

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Academic Unit</td>
<td>Means the secondary organisational unit in the academic structure of the University, reporting directly to the College Executive Deans, as per Ordinance 14 – Academic Structure.</td>
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<tr>
<td>College</td>
<td>(a) the primary organisational unit in the academic structure of the University, as per Ordinance 14 – Academic Structure&lt;br&gt;</td>
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<td></td>
<td>(b) the University College</td>
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<td></td>
<td>(c)</td>
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<tr>
<td>Executive Dean</td>
<td>Means: (a) the Executive Dean of the relevant College, or (b) in relation to the University College, the Principal of the University College</td>
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<tr>
<td>Head of Academic Unit</td>
<td>Means the head of the relevant Academic Unit</td>
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</table>
Manager/Supervisor  An individual, who assumes responsibility for the health or welfare of any other person in a workplace by providing instruction, direction, assistance, advice or service which includes those with responsibility for students.

Employee Officer  Refers to any staff member at the University of Tasmania.

Organisational Unit  Members of Council, Executive Deans, Heads of Academic Units, Pro Vice-Chancellors, Heads of Divisions and Sections and Members of Boards having strategic management responsibility are considered to be Officers pursuant to Section 27 of the WHS Act 2012.

Rehabilitation  Is the process of providing suitable or alternative duties to an injured employee to facilitate their early return to work after sustaining an injury or contracting a disease arising from their employment.

7 Versioning

<table>
<thead>
<tr>
<th>Former Version</th>
<th>Current Version</th>
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<tbody>
<tr>
<td>Version 1</td>
<td>Rehabilitation of Injured Workers Policy; Approved September 1999; by OHS Committee; revoked by the Work Health and Safety Committee, 27 August 2013</td>
</tr>
<tr>
<td>Version 2a</td>
<td>Return to Work of Injured Employees Minimum Standard; (approved October 2013); amendment to reflect reference to relevant Legislation – approved by the Executive Director, July 2014.</td>
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<tr>
<td>Version 4</td>
<td>Return to Work Minimum Standard, approved September 2017; amended December 2017 to incorporate the finalised academic structure.</td>
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