Workers’ Compensation Return-to-Work-Program

1. Purpose
1.1 Under workplace/occupational health and safety and workers’ compensation legislation, Education Centre of Australia Pty Ltd (‘ECA’) is required to establish a workplace Return-To-Work Program to assist injured workers to return to work following an injury that occurs during the course of the workers employment with ECA.

1.2 The Return to Work Program must be consistent with ECA’s insurer’s injury management program which also outlines steps to be taken to assist injured workers to return to work.

1.3 Occupational rehabilitation aims to provide an early and safe return to work for workers suffering from work related injury or illness by using the workplace as a vital part of the rehabilitation process.

2. THIS RETURN-TO-WORK PROGRAM HAS BEEN DEVELOPED BY ECA, IN CONSULTATION WITH ITS WORKERS

2.1 This Return to Work Program (‘Program’) will commence from 1 January 2014. It replaces all other return-to-work programs of ECA (whether written or not).

3. Application
3.1 This Program applies to all workers of ECA who sustain an injury during the course of their employment with ECA for which they are eligible to receive workers’ compensation benefits.

3.2 This Program does not form part of any worker’s contract of employment. Nor does it form part of any contractor, agent or other person’s contract for service.

4. ECA’s commitment
4.1 ECA is committed to the prevention of illness and injury by providing a safe and healthy working environment.

4.2 ECA is committed to the rehabilitation of its injured workers. ECA aims to manage the process of rehabilitation in the workplace to ensure that injured workers have the opportunity to recover and return to work by:

   a) participating in the development of an injury management program and ensuring that injury management commences as soon as possible after a worker is injured;

   b) ensuring that a return to work as soon as possible is a normal practice and the expectation;

   c) ensuring early access to rehabilitation services, for example, accredited rehabilitation providers for all who need them;

   d) providing suitable duties for an injured worker as an integral part of the rehabilitation process wherever practicable to do so;

   e) consulting with injured workers and where applicable the worker’s union to ensure that the rehabilitation program operates smoothly and effectively;

   f) informing injured workers of their rights in relation to a workers compensation claim, including the right to choose their own doctor and accredited rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause;
g) ensuring that participation in a Return-To-Work Plan will not of itself prejudice an injured worker;

h) acting to avoid an injured worker being dismissed solely or principally because of the work related injury, within the legislatively prohibited period of the injury occurring.

5. Return-to-work coordinator

5.1 ECA has a Return-To-Work Co-ordinator.

5.2 The role of the Return-To-Work Co-ordinator is to:

a) assist in the development, ongoing improvement and maintenance of ECA’s Return-To-Work Program;

b) educate the workforce in relation to this Program;

c) consult with and determine the injured worker’s needs;

d) create and maintain injury and return to work statistics;

e) identify appropriate suitable duties for the injured worker including creation of an individual return to work plan for each injured worker;

f) develop, co-ordinate and monitor progress in treatment, rehabilitation provider services and Return-To-Work Plans;

g) assist the worker to return to work as soon as possible;

h) liaise with all relevant parties, including the Rehabilitation Provider where appropriate;

i) collect and provide information on locally-based community resources to the injured worker; and

j) maintain confidential case records.

5.3 As soon as ECA becomes aware of a ‘significant injury’, the Return to Work Co-ordinator should obtain authorisation from the injured worker to contact their nominated treating doctor and assist in the development of the injury management plan and the individual workers’ Return To Work Plan.

6. Confidentiality

6.1 A confidential file on each injured worker will be established and maintained by the Return to Work Co-ordinator.

6.2 The confidentiality of rehabilitation records shall be maintained.

6.3 Appropriate reports and records will only be available to those persons directly involved in the worker’s return to work who have a legitimate need to know (such as the Return to Work Co-ordinator, workplace medical officer, treating doctor, worker’s immediate supervisor, worker’s compensation claims officers, supervisor of the worker’s suitable duties etc.), as permitted by law or as consented to by the injured worker.

6.4 Workers should be aware that if they withdraw their consent, a return to work may not proceed and it may affect the worker’s entitlements to compensation benefits.
7. Procedure for the notification of work related injuries

7.1 The procedure for the notification of work related injuries is as follows:

a) all work related injuries or illnesses must be reported by the injured worker (or another worker where this is not reasonably practicable, due to the extent of the injured worker’s injuries), to the worker’s supervisor, the OHS Officer or the Return To Work Co-ordinator, as soon as possible, and recorded in the Register of Injuries.

b) ECA will ensure appropriate first aid and/or medical treatment is arranged.

c) ECA will notify the insurer of any ‘significant injury’ within 48 hours and within 7 days for any other type of injury.

d) Claims for compensation are to be forwarded to the insurer within 7 days of receipt of the claim.

8. Procedure for return to work

8.1 The injured worker must nominate a treating doctor who is responsible for the medical management of the injury to assist in planning return to work arrangements.

8.2 ECA will arrange for a suitable person in the organisation or, where this is not practicable, the workers’ compensation insurer, to provide advice to the injured worker to:

a) assist in filling out Workers’ Compensation forms;

b) explain rights, obligations, benefits and rehabilitation procedures to the injured worker;

c) ensure that the injured worker is offered the help of a WorkCover accredited Rehabilitation Provider if it becomes evident that the injured worker is unlikely to resume their pre-injury duties, or cannot do so without changes to the workplace or work practices. The Rehabilitation Provider shall be given reasonable access to the workplace.

8.3 ECA where reasonably practicable will:

a) arrange a separate Return-To-Work Plan on the advice of the treating doctor or the accredited Rehabilitation Provider in consultation with the treating doctor, which will not of itself disadvantage the injured worker and will be tailored to meet the individual circumstances of the particular injured worker; and

b) arrange for the injured worker’s return to work (subject to medical and rehabilitation provider advice), as soon as possible.

8.4 The Return To Work Plan for the individual employee should cover the following the matters:

a) job title and location;

b) agreed purpose of the Plan or goal of suitable duties and the length of the Plan;

c) the supervisor;

d) hours and days to be worked;

e) duties, including restrictions or duties to be avoided;

f) arrangement to attend treatment or medical appointments; and
9. Providing suitable duties

9.1 When the injured worker is, according to medical advice, well enough to return to work on suitable duties, ECA shall, as far as practicable, provide temporary suitable duties which are productive and appropriate.

9.2 Workers’ are also required to request suitable duties on return to work. A failure by a worker to request suitable duties may result in a reduction in benefits payable or complete withdrawal of benefits.

9.3 Suitable duties shall be approved by the treating doctor or by the WorkCover accredited Rehabilitation Provider in consultation with the treating doctor.

9.4 The Return To Work Co-ordinator or Rehabilitation Provider will identify suitable duties in the workplace.

9.5 The progress of any worker undertaking temporary suitable duties will be monitored and reviewed, with the aim of returning the worker as soon as medically possible, to their pre-injury duties or where this is not possible and appropriate, other alternative employment opportunities.

9.6 Workers should be aware that suitable duties are temporary arrangements and will be regularly reviewed by ECA. Such duties may be modified or removed at anytime dependant on business needs and relevant medical advice.

10. Provision of treatment

10.1 Where an injured worker returns to work and is still receiving treatment, they must in the first instance, schedule all medical appointments, examinations, tests and the like outside work hours.

10.2 If it is impracticable for a worker to schedule medical appointments, examinations, tests and the like outside work hours, then the worker should speak with their supervisor in conjunction with the Return-to-Work Co-ordinator in order to arrange a suitable time for the workers’ absence from work.

11. Consultation

11.1 ECA will consult with the injured worker and other workers on the rehabilitation process, including the availability (if relevant), of suitable duties.

11.2 Ongoing consultation with workers about this Program, as well as worker’s rights and responsibilities, will be undertaken by Meetings.

11.3 For those workers who require it, ECA will arrange interpreters to enable involvement in the consultation process.

12. Resolving disputes

12.1 If any disputes arise concerning the Program or its components, efforts will be made to resolve them in a spirit of co-operation through discussion with the worker, management, medical professionals and where appropriate, a worker’s union.
12.2 If disputes arise concerning suitable duties, then ECA and the worker should try to resolve the dispute between them. Failing resolution of a dispute concerning suitable duties, the parties should consider a referral to an injury management consultant, the NSW Workers’ Compensation Commission or WorkCover’s Assistance Service.

13. Responsibilities of workers

13.1 Every worker shall:

a) take care, in the performance of their work, so as to prevent injuries to themselves and others;

b) report all unsafe work practices they observe to ECA;

c) comply with this Program;

d) give their written consent for their nominated treating doctor to provide information for the purposes of establishing an appropriate injury management plan and Return-To-Work Plan;

e) give their written consent to the Return-To-Work Co-ordinator to obtain, use and disclose injury management information for rehabilitation purposes;

f) give their written consent to ECA to allow ECA to obtain other medical information required to ensure the worker is able to return to work and will not pose an Occupational Health & Safety risk to themselves or other workers;

g) participate and co-operate in the establishment of any injury management plan and Return To Work Plan which is developed in relation to any injury they have suffered;

h) comply with the injured worker’s injury management plan and Return To Work Plan;

i) provide accurate information about all aspects of the injured worker’s claim;

j) notify the insurer if the injured worker gets another job or earn extra income from a job while the injured worker is receiving weekly benefits;

k) attend medical and rehabilitation assessments;

l) make all reasonable efforts to return to work with ECA as soon as medically possible;

m) co-operate in reasonable workplace changes designed to assist in rehabilitation of fellow injured workers;

n) where reasonably practicable, notify their supervisor, the OHS Officer or the Return-To-Work-Co-ordinator, of any injuries that occur as soon as possible;

o) co-operate with ECA in relation to its Program, plans and rehabilitation efforts.

14. Suspension of workers compensation benefits

14.1 Injured workers should be aware that if they fail to comply with their injury management plan or fail to perform suitable duties when capable of performance, then ECA’s insurer may suspend the worker’s benefits.

15. Rights of workers

15.1 Each worker who sustains a work-related injury shall have the choice of treating doctor and can choose their accredited WorkCover Rehabilitation Provider in consultation with ECA and ECA’s insurer.
15.2 Each injured worker has a right to be actively involved in planning their return to work.

16. **Obtaining a copy of the program**

16.1 A copy of this Program can be obtained from the Return-to-Work Co-ordinator.

16.2 A copy of this Program will be displayed at Intranet.

17. **Contacts**

17.1 Return To Work Co-ordinator
    Angela Leota 92833601

17.2 Workers’ Compensation Insurer
    TBA TBA

17.3 Nominated Rehabilitation Providers
    TBA TBA
    WorkCover Assistance Service
    The service is available by telephone on 131050.

18. **Execution**

   _________________________________          _________________________________
   Education Centre of Australia Pty Ltd          Worker Representative

**Variations**

_ECA reserves the right to vary, replace or terminate this policy from time to time._

**Policy version and revision information**

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Title: Operations Director
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Title: Operations Director
Review date: 1/01/2015
Workplace participant acknowledgement

I acknowledge:

- receiving the ECA Policy;
- that I should comply with the policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name: 

Signed: 

Date: 