

RECOVER AT WORK PROGRAM / RETURN TO WORK PROGRAM

1.0 SUMMARY / FLOWCHART



2.0 RESPONSIBILITY

Organisational Level	Health, Safety and Recover at Work Responsibilities
<p>Council's Obligations</p>	<p>Ensure the health, safety and welfare at work of all employees.</p> <p>Notify Insurance and Injury Management Team of all injuries, & provide employees with a Workers' Compensation Claim Form if requested.</p> <p>Forward claims for compensation to Insurance and Injury Management Team within 48hrs of receipt.</p> <p>Develop, implement and review the Recover at Work / Return to Work Program (RAW/RTW Program) in consultation with workers and their representatives.</p> <p>Provide workers with adequate information on Recover at Work/ Return to Work and compensation procedures.</p> <p>Not dismiss an injured worker because of an injury within 6 months of the worker becoming unfit for duties.</p> <p>Make duties available to injured workers who have some level of work capacity</p> <p>Modify the workplace, where possible, as required ensuring a successful and durable Recover at Work / Return to Work.</p> <p>Ensure the injured employee continues to accrue all entitlements in accordance with their pre-injury entitlement.</p> <p>Provide retraining to an employee (who is unable to return to their pre-injury employment) that is likely to lead to a real prospect of employment for the injured worker.</p> <p>Monitor and review all workplace injuries and incidents regularly through Insurance and Injury Management Team briefs and / or meetings with the relevant Management.</p> <p>Undertake Workplace Safety Inspections to identify hazards.</p>
<p>Return to Work Officers' Obligations</p>	<p>Contact the injured worker, the Supervisor and Nominated Treating Doctor (NTD) within 3 days upon report of a significant injury. The contact with the Doctor can be direct through verbal communication or by using the Suitable Duties letter at first consultation and or by Introduction Letter to NTD.</p> <p>Develop a P26.F01 Return to Work / Recover at Work Plan (RAW/RTW Plan) to enable an injured worker to return to duties within their capacity in consultation with the injured employee, their NTD and their workplace Supervisor.</p> <p>Provide the injured employee and their Manager/Supervisor information in respect of P27.F01 Injury Management Plan (IMP) and RAW/RTW Plans.</p> <p>Maintain confidential records (a rehabilitation file) of rehabilitation cases.</p> <p>Maintain open communication with all relevant stakeholders;</p>

	<p>and record contacts made as file notes on the rehabilitation file.</p> <p>Enlist the assistance of external rehabilitation providers.</p> <p>RAW/RTW Officer to gain written consent from injured worker to obtain, use and disclose injury/ management information. (Signed Certificate of Capacity).</p>
<p>Council’s Self-Insurer Obligations</p>	<p>Maintain a self-insurance licence, and comply with the provisions of the Act.</p> <p>Authorise, in conjunction with the NTD, reasonably necessary treatment and associated injury management services.</p> <p>Utilise fair and effective procedures for dealing with any non-compliance with the Injury Management or Recover at Work / Return to Work Program/s.</p> <p>Inform the worker that entitlements to weekly benefits can be suspended if the worker does not reasonably comply with the RAW/RTW or IMP</p>
<p>Manager/Supervisor Obligations</p>	<p>Contact the Insurance and Injury Management Team by use of the Injury and Incident HOTLINE number (02) 4429 3542 immediately when an injury is reported.</p> <p>Facilitate a supportive work environment for injured employees and their colleagues to assist injured employees to RAW/RTW as soon as practicable;</p> <p>Where practicable, assist in the identification and provision of suitable duties for injured employees;</p> <p>Monitor the daily operational aspects of the RAW/RTW Plan to ensure compliance.</p>
<p>Employee’s Obligation</p>	<p>Notify their Supervisor of any work-related injury or illness immediately when it occurs and of their ongoing medical and rehabilitation status as frequently as practicable.</p> <p>An injured employee who lodges a workers’ compensation claim will also be obliged to:</p> <ul style="list-style-type: none"> (a) Actively participate and cooperate in the development of the RAW/RTW Plan. (b) Make all reasonable efforts to RAW/RTW with Council as soon as possible. (c) Nominate a Treating Doctor to provide relevant information for the purpose of developing a RAW/RTW Plan. (d) Comply with the obligations under the RAW/RTW Plan. (e) Attend any medical appointment proposed by Council, with due consideration given to any existing medical conditions and full disclosure of the specialty of the consultant outside of normal work hours. (f) Support all absences related to the compensable injury

	<p>with a signed Certificate of Capacity.</p> <p>(g) To cooperate in worksite changes designed to assist the RAW/RTW of fellow workers.</p> <p>(h) To give consent for the NTD to provide information for the purposes of a Injury Management Plan and RAW/RTW Plan.</p>
<p>Nominated Treating Doctor (NTD) Obligations</p>	<p>After agreeing to be the NTD, coordination of the worker’s treatment and RAW/RTW management.</p> <p>Provide Certificate of Capacity and medical reports relating to the worker’s capacity for work.</p> <p>Consult with the RAW/RTW Officer to develop a RAW/RTW Plan.</p> <p>Participate in the Injury Management Plan.</p> <p>Review RAW/RTW Plans that list duties within the workers capacity.</p> <p>Be available to discuss the worker’s injury management and medical restrictions with the RAW/RTW Officer, Council or other service providers.</p>
<p>Approved Workplace Rehabilitation Provider</p>	<p>In cases where an Approved Workplace Rehabilitation provider is deemed necessary, they must:-</p> <p>(a) Deliver services to workers, employers and insurers in a cost effective, timely and proactive manner to achieve a safe and durable return to work</p> <p>(b) Promote an early and safe return to work of the worker</p> <p>(c) Ensure the needs of the worker and employer are identified by means of adequate and appropriate assessment.</p> <p>(d) Identify barriers to injured workers return to work and develop strategies to address these</p> <p>(e) Identify and design suitable duties for the worker to assist the employer to meet their obligations in providing suitable employment</p> <p>(f) Identify and coordinate rehabilitation strategies that ensure the worker is able to safely perform their duties</p> <p>(g) Consider workplace industrial relations and human resource matters that may affect the worker’s return to work</p> <p>(h) Focus initially on return to work in the worker’s pre-injury employment or, if that is not possible, on other employment in line with the hierarchy of return work.</p> <p>(i) Arrange appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties.</p> <p>(j) Communicate with relevant parties throughout service provision to ensure progress towards the return to work goal.</p>

	<p>The following rehabilitation providers are available to assist in the rehabilitation of those workers who have suffered a workplace injury or illness:</p> <p>IOH Nowra PO Box 750, Nowra 02 44225100</p>
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3.0 PURPOSE & SCOPE

3.1 PURPOSE

- 3.1.1 Shoalhaven City Council’s (SCC) Recover at Work / Return to Work (RAW/RTW) objective is to return employees to productive employment as quickly and safely as possible following a work-related injury or illness.
- 3.1.2 Council is Self-Insured. The Workers Compensation Claims Coordinator can be contacted on (02) 4429 3375 and (02) 4429 3226.
- 3.1.3 The benefits of an effective Recover at Work / Return to Work Program (RAW/RTW Program) include:
 - 3.1.3.1 Prevention of long term absence from the workplace;
 - 3.1.3.2 Demonstrated management commitment to the employee;
 - 3.1.3.3 Increased probability of a successful Recover at Work / Return to Work;
 - 3.1.3.4 Reduction of the indirect costs to Council such as loss of productivity, recruitment and training of replacement staff;
 - 3.1.3.5 Reduction of the adverse effects on co-workers of the injured employee; and
 - 3.1.3.6 Promotion of employee confidence and morale.
- 3.1.4 This RAW/RTW Program must be read in conjunction with the Occupational Rehabilitation Policy and the Injury Management Program.

3.2 SCOPE

- 3.2.1 Council ensures a continuing commitment to the health, welfare and safety of its employees, contractors and the public, as set out in the Work Health Safety Act 2011 and its regulations.
- 3.2.2 Council will strive to meet its obligations pursuant to Chapter 3 of the Workplace Injury Management and Workers’ Compensation Act 1998 (“the Act”) as set below.
 - 3.2.2.1 Legislative Provisions:
 - a) Council has a legislative obligation to have in place an agreed RAW/RTW Program that has been

developed in consultation with the employees and any Unions that represent them.

- b) Section 52 (1) of the Workplace Injury Management and Workers’ Compensation Act 1998 (“the Act”) states that: “An employer must establish a RAW/RTW program with respect to policies and procedures for the rehabilitation (and if necessary, vocational re-education) of any injured workers of the employer.
- c) An employer’s RAW/RTW Program must not be inconsistent with the injury management program of the employer’s insurer and is of no effect to the extent of any such inconsistency.
- d) This RAW/RTW Program allows Council to comply with its obligation and to ensure the wellbeing of its injured employees by promoting the successful and early RAW/RTW of injured employees.

3.2.2.2 Program Statement:

- a) Council will uphold the following commitments to all employees who have sustained a work injury or illness:
 - i. Encourage all employees to immediately report injury or illness sustained in the workplace;
 - ii. Provide every injured employee with the opportunity to RAW/RTW as soon as possible in a manner which is timely, safe and durable;
 - iii. Provide suitable duties to every injured employee, specific to the individuals’ needs as an integral part of the RAW/RTW process, with a primary goal of a return to pre injury duties;
 - iv. Consult with the injured employee and all relevant stakeholders to ensure that the injury management and RAW/RTW Plans operate effectively;
 - v. Ensure that participation in the RAW/RTW Plan will not in itself disadvantage the injured employee or jeopardise job security; and
 - vi. Ensure that all employees and Managers are aware of their obligations and the requirements of the RAW/RTW Program. This will be achieved by Council’s commitment to education via induction programs, internal publications, ongoing training courses and communication during team briefings.

4.0 PROCEDURE

4.1 PREVENTION OF WORKPLACE INJURIES AND ILLNESSES

- 4.1.1 All employees shall be provided with a safe, healthy workplace; safe equipment, safe systems & be trained to undertake safe behaviours. Council recognises its duty of care to ensure the health & safety & welfare of employees & all others impacted by our operations. Prevention of workplace injuries and/or illness will be undertaken in accordance with the Work, Health and Safety (WHS) framework.
- 4.1.2 Injury management data will be reviewed in the form of an annual audit.
- 4.1.3 Council will review injury statistics on a monthly basis in conjunction with its Policies & Procedures identifying links and trends to reduce injuries.

4.2 APPOINTMENT AND ROLE OF RAW/RTW OFFICER

- 4.2.1 The RAW/RTW Officer is a key person in the RAW/RTW process and acts as the link with all of the parties involved. Council has a designate qualified RAW/RTW Officer.
- 4.2.2 The RAW/RTW Officer should be familiar with, and have regular access to
 - 4.2.2.1 All areas of the workplace, and to staff and supervisors with whom it may be necessary to discuss suitable duties.
- 4.2.3 The RAW/RTW Officer must hold either a:
 - 4.2.3.1 A Certificate of attendance at the accredited 2 day course “Introduction to RAW/RTW Coordination”; or
 - 4.2.3.2 A letter from the Regulator’s Workplace Provider Services Branch agreeing to exempt the RAW/RTW Officer from the requirement to participate in Regulator approved training.

4.3 ROLE OF THE RAW/RTW OFFICER

- 4.3.1 The RAW/RTW Officer is responsible for:
 - 4.3.1.1 Ongoing development and implementation of the RAW/RTW Program,
 - 4.3.1.2 Educating the workforce, keeping injury and RAW/RTW statistics and developing policies to improve systems.
 - 4.3.1.3 Providing information on the RAW/RTW process and associated workers compensation benefits to injured workers.
 - 4.3.1.4 Obtaining the injured worker’s consent before obtaining or releasing information about the worker’s Recover at Work / Return to Work.
 - 4.3.1.5 Determining the injured worker’s needs by discussion with the worker, the NTD and other treatment practitioners.

- 4.3.1.6 Working with the NTD, Council, the Supervisor and employee as they develop an Injury Management Plan for the injured worker.
- 4.3.1.7 Identifying appropriate suitable duties and assisting the injured worker to return to work as soon as possible.
- 4.3.1.8 Preparing a RAW/RTW Plan to document suitable duties and work restrictions so that all parties are informed and managing the RAW/RTW process.
- 4.3.1.9 Referring to an Approved Workplace Rehabilitation Provider as needed.
- 4.3.1.10 Being the focal point for all contact relating to the injured worker. Most contact will be with the worker, their Supervisor, the NTD, the Approved Workplace Rehabilitation Provider and union.
- 4.3.1.11 Coordinating and monitoring progress in treatment, rehabilitation provider services and RAW/RTW Plans.
- 4.3.1.12 Assisting in the redeployment of injured workers (either internally or externally) when an injured worker cannot return to pre-injury duties.
- 4.3.1.13 Collecting information on locally based resources in the community, including bilingual resources, and making this information available to injured workers where necessary.
- 4.3.1.14 Maintaining confidential case records in line with the Regulator’s Confidentiality Guidelines.
- 4.3.1.15 Consult with all parties regarding any changes to suitable duties.

4.4 REPORTING OF INJURIES

- 4.4.1 Upon receiving notification of an injury or illness, the RTW Officer must ensure a report of the injury or illness is provided to the Insurance and Injury Management Team.
- 4.4.2 For compensable or potentially compensable injuries the Insurance and Injury Management Team must be notified within 48 hrs of being notified by the employee.

4.5 NOTIFICATION OF INJURY

- 4.5.1 The Employee/ Injured Worker
 - 4.5.1.1 The injured employee is responsible for reporting the injury to their manager/supervisor immediately.
- 4.5.2 The Supervisor/ Manager
 - 4.5.2.1 Contact (02) 4429 3542 with full details of the injury. The Managers and Supervisors are to notify the Insurance and Injury Management Team immediately by phone on the Injury and Incident HOTLINE number.

- 4.5.2.2 The notification should include all of the following information:
 - a) Type of injury
 - b) The employees name
 - c) The employees contact number
 - d) Location and time of injury
 - e) Has the employee stopped work?
 - f) Name of person reporting injury and contact number
 - g) Name of the employees Doctor
 - h) The RTW Officer
- 4.5.2.3 The RTW Officer will contact the employee, the Supervisor and the NTD within 3 days following notification of a significant injury. The contact with the Doctor can be direct through verbal communication or by using the Suitable Duties letter at first consultation and/or by Introduction Letter to NTD.
- 4.5.2.4 To assist the treating health professional determine appropriate medical restrictions for the injured employee, an outline of the pre-injury duties including where possible the physical requirements, is to be provided to the Treating Doctor by the RAW/RTW Officer.

4.6 EARLY CONTACT

- 4.6.1 Contact with the injured employee, the Supervisor and the NTD when needed by the RAW/RTW Officer will take place within three (3) days of notification of a significant injury.
- 4.6.2 The purpose of the initial contact is to:
 - 4.6.2.1 Offer assistance to the employee in obtaining information regarding their claim;
 - 4.6.2.2 To obtain a list of suitable duties from the Supervisor, should they be required;
 - 4.6.2.3 Obtain more information from the employee so as to assess the need to proceed with a RAW/RTW Plan;
 - 4.6.2.4 Explain the RAW/RTW Program procedure and the claims process;
 - 4.6.2.5 Explain the employee's rights and obligations;
 - 4.6.2.6 Keep the employee in contact with the workplace;
 - 4.6.2.7 Obtain an authority to release/receive medical information related to claim.
- 4.6.3 The RTW Officer should ensure the following:
 - 4.6.3.1 Clarify the details of the injury, diagnosis and prognosis;
 - 4.6.3.2 Clarify current treatment and proposed length of treatment;
 - 4.6.3.3 Clarify confidentiality;

- 4.6.3.4 Outline how contact with the employee, the Supervisor and the NTD will be maintained;
- 4.6.3.5 Advise the injured worker of their rights to choose a rehabilitation provider if required. The worker can choose a provider agreed to by the Unions and included in this policy.
- 4.6.4 Early Contact can assist in the following:
 - 4.6.4.1 Identifying factors (or barriers) which may prevent early Recover at Work / Return to Work,
 - 4.6.4.2 Developing an effective Injury Management Plan and RAW/RTW Plan, and
 - 4.6.4.3 Realistic goal setting and sound decision-making.

4.7 PROVISION OF SUITABLE DUTIES

- 4.7.1 Provision of Suitable Duties:
 - 4.7.1.1 Council must comply with Section 49 of the 1998 Act, which requires that:
 - a) An employer will provide suitable employment when an injured worker is able to, either on a full-time or part-time basis return to the workplace.
 - b) The suitable employment provided will be (as far as is reasonably practicable) the same as or equivalent to the work being performed at the time of the injury.
 - c) Suitable duties must be selected specifically for each employee to match their capacity and must be time limited and include review dates, representing a graded return to pre injury hours and duties.
 - 4.7.1.2 Council may consider not providing suitable duties if:
 - a) It is not reasonably practicable to provide employment; or
 - b) The worker voluntarily left the employment with Council after the injury happened; or
 - c) Council terminated the worker’s employment after the injury happened, other than for the reason that the worker was not fit for employment as a result of the injury.

4.8 PROCEDURES TO PROVIDE SUITABLE DUTIES

- 4.8.1 No duties shall be offered outside the capacities stipulated by the NTD on the Certificate of Capacity, without approval from the NTD. If the NTD fails to reply to the RAW/RTW Plan, it is to be taken that the NTD has agreed to the Plan.
- 4.8.2 Suitable Duties should be considered in the following order:

- 4.8.2.1 The employee’s pre-injury position
- 4.8.2.2 The employee’s pre-injury workplace
- 4.8.2.3 Similar position in alternative workplace
- 4.8.2.4 Alternative duties in alternative workplace.
- 4.8.3 The following considerations must be made when identifying suitable duties for an injured employee:
 - 4.8.3.1 The nature of the worker's capacity and pre-injury employment;
 - 4.8.3.2 Details of physical capacities given in the Certificate of Capacity supplied by the NTD;
 - 4.8.3.3 The worker's age, education, skills and work experience;
 - 4.8.3.4 Where the worker resides;
 - 4.8.3.5 The provisions of any existing RAW/RTW Plans for the worker;
 - 4.8.3.6 Any suitable employment for which the worker has received rehabilitation training;
 - 4.8.3.7 The length of time the worker has been seeking suitable employment;
 - 4.8.3.8 The impact of suitable duties on other workers to ensure there is no increased risk to their health and safety; and
 - 4.8.3.9 The operational requirements of the workplace.
- 4.8.4 Suitable duties must be productive and meaningful (not token), and not demeaning to the worker.
- 4.8.5 If there are disputes about the suitability of duties, advice can be sought from an Injury Management Consultant. Lists of Injury Management Consultants are available from the Insurance and Injury Management Team.
- 4.8.6 When suitable duties cannot be identified at the workplace, all attempts will be made to find suitable duties within an external organisation. Training will be provided to enable the employee to undertake suitable duties; or the employee will remain absent from the workplace until such time as they are fit to return to work or they are medically terminated.
- 4.8.7 Modifications of workstations and the workplace will be accommodated according to professional assessment and recommendation.

4.9 PERMANENTLY MODIFIED DUTIES

- 4.9.1 When the employee is permanently unable to return to his/her pre-injury employment:
 - 4.9.1.1 Permanently modified duties will be negotiated by the RAW/RTW Officer.
 - 4.9.1.2 Permanently modified duties will be identified according to the needs of the employee.

- 4.9.1.3 A Functional assessment may be conducted to assist with the identification of permanently modified duties.
- 4.9.1.4 A Vocational Assessment may be conducted to assist with the identification of permanently modified duties.
- 4.9.1.5 If the employee requires new skills and knowledge, vocational retraining will be arranged in accordance with the results of the vocational assessment, or any assessment of the employees' retraining potential.
- 4.9.1.6 Vocational retraining is designed to develop knowledge and skills to enable the employee to competitively return to employment of an equivalent grade and earning capacity to his/her pre-injury duties.
- 4.9.1.7 Any offer of new employment will be in writing and will include details of employment grade, conditions, and salary/wage, etc.

4.10 WHEN AN EMPLOYEE CANNOT RESUME ANY AVAILABLE WORK WITHIN COUNCIL DUE TO PERMANENT INCAPACITY

- 4.10.1 When an employee cannot resume any available work within council due to permanent incapacity, council will assist the employee with
 - 4.10.1.1 The adjustment to his/her disability.
 - 4.10.1.2 Identifying potential avenues of new employment.
 - 4.10.1.3 Identifying vocational retraining needs and addressing those needs.
 - 4.10.1.4 Implementing a job-seeking strategy.
 - 4.10.1.5 Council will work with the employee to identify, seek, and obtain a new employment opportunity of a comparable level and earning capacity to his/her pre-injury duties, and which is consistent with the employee's functional and vocational abilities.

4.11 MEDICAL TERMINATION

- 4.11.1 When all RAW/RTW options have been exhausted, finalisation of employment could be considered as a last resort and will only be considered when:
 - 4.11.1.1 The injured workers capabilities are assessed and no suitable duties are (or are likely to be) available;
 - 4.11.1.2 All employment options have been exhausted, including redeployment within Council or with an external organisation;
 - 4.11.1.3 All vocational training possibilities have been exhausted;
 - 4.11.1.4 Workers are not to be dismissed within 6 months of becoming unfit for employment as a result of a workplace related injury.

- 4.11.1.5 Counselling will be offered to assist the injured worker to adjust to the loss of their employment.

4.12 P26.F01 RETURN TO WORK/RECOVER AT WORK PLAN (RAW/RTW PLAN)

4.12.1 RAW/RTW Plan

- 4.12.1.1 When an employee provides a Certificate of Capacity stating the injured employee is fit to RAW/RTW subject to work capacity (suitable duties), a RAW/RTW Plan is developed by the RTW Officer prior to the employee commencing duties. A verbal plan can be developed and initiated where location and time frames prevent a signed document being practical.

- 4.12.1.2 Where it is not possible for the injured worker to return to any of their pre-injury duties, the RTW Officer, in consultation with the injured employee and their Supervisor, will identify alternative suitable duties.

- 4.12.1.3 A RAW/RTW Plan should be in writing and contain:

- a) Details of the employees original position, Supervisor and workplace;
- b) Details of medical capacity as described on the Certificate of Capacity;
- c) Hours/days to be worked;
- d) Goals;
- e) Duties, including restrictions or specific duties to be avoided;
- f) Arrangements to attend treatment or medical appointments;
- g) Commencement date;
- h) Review date;
- i) Length of Plan; and
- j) Signatures of the RTW Officer and where possible the employee, Supervisor, and the NTD, and where applicable, the Union.

- 4.12.1.4 In developing a RAW/RTW Plan, consideration should be given to:

- a) The special needs of individual workers, for example, the communication needs of workers who speak languages other than English;
- b) The personal circumstances of injured workers that may impact on suitable duties, for example, child care arrangements;
- c) Industrial issues in the worksite;
- d) Impact on the workload of other workers; and
- e) Training required to undertake the suitable duties.

- 4.12.1.5 The RAW/RTW Plan is developed in consultation with all parties and sent to the NTD for approval.
- 4.12.1.6 The RTW Officer must ensure that all parties are clear about the commitment, objectives and outcomes prior to agreement on the plan.
- 4.12.1.7 A copy of the RAW/RTW Plan should be forwarded to the NTD, the employee, the Supervisor and a copy kept on the Rehabilitation file.
- 4.12.1.8 If the RTW Officer, the Insurance and Injury Management Team or the NTD has determined that the involvement of an Approved Workplace Rehabilitation Provider is required, the rehabilitation provider will then establish and monitor the RAW/RTW Plan.

4.13 MONITOR AND REVIEW

- 4.13.1 The RTW Officer must maintain regular contact with the employee and Supervisor. The review dates set in the RAW/RTW Plan should be adhered to, allowing for any problems to be addressed in the early stages before they adversely affect the RAW/RTW outcome.
- 4.13.2 In circumstances where a RAW/RTW Plan needs to be revised this must be documented, agreed and the revised Plan distributed accordingly and copy kept on the Rehabilitation file.

4.14 FAILURE TO COMPLY WITH THE RAW/RTW PLAN

- 4.14.1 All Council employees when undertaking a RAW/RTW Plan must also comply with the obligations of an Injury Management Plan, otherwise the Insurance and Injury Management Team may suspend the weekly benefits if employee fails to comply with the RAW/RTW or IM plan.
- 4.14.2 Council's Insurance and Injury Management Team will provide written notification outlining the reasons for any suspension and what needs to be done in order for benefits to be reinstated.
- 4.14.3 Payments will only be reinstated from the date Council Insurance and Injury Management Team has been notified that the necessary steps for reinstatement have been undertaken as outlined in the written notification. Weekly benefits are not paid for the period of suspension.

4.15 REHABILITATION FILES

- 4.15.1 Rehabilitation Case Files:
 - 4.15.1.1 The RTW Officer will establish a rehabilitation file for all injured employees. The rehabilitation file must be separate to the Workers Compensation file and retained according to state legislation. The Rehabilitation file shall contain a section for:

- a) File notes
- b) Medical certificates
- c) Return-to-Work Plans
- d) Medical Reports
- e) Correspondence

4.16 CONFIDENTIALITY OF REHABILITATION INFORMATION

4.16.1 All rehabilitation information concerning an injured worker is confidential. Staff with access to such information will be made aware that it is confidential and should not be discussed with or shown to or read by anyone who is not directly involved in the worker's Recover at Work / Return to Work.

4.17 WHAT IS REHABILITATION INFORMATION?

4.17.1 Rehabilitation information includes:

- 4.17.1.1 Rehabilitation case notes
- 4.17.1.2 Rehabilitation assessment and reports
- 4.17.1.3 Referral/Approval for Occupational Rehabilitation Service
- 4.17.1.4 RAW/RTW Plans
- 4.17.1.5 Injury Management Plans
- 4.17.1.6 Progress Reports
- 4.17.1.7 Invoices for occupational rehabilitation services
- 4.17.1.8 Documents prepared by RTW Officers that relate to a worker's rehabilitation.
- 4.17.1.9 Any other correspondence relevant to the respective injury management claim.

4.17.2 Rehabilitation information does not include:

- 4.17.2.1 Section 40 Assessments
- 4.17.2.2 Copies of medico-legal reports provided by the insurer.
- 4.17.2.3 Common Law or legal proceedings.

4.18 ACCESS TO THE REHABILITATION FILE

4.18.1 Access to an injured worker's rehabilitation case file is restricted to those with a legitimate need to obtain the information contained within it.

4.18.2 Access should be confined to relevant documents on the case file and limited to:

- 4.18.2.1 Those that have a direct responsibility in coordinating, monitoring or providing rehabilitation services to the injured worker.
- 4.18.2.2 Those involved in providing clerical and administrative support in relation to these persons.

- 4.18.2.3 Those that may be required to audit the files from time to time.
- 4.18.3 Examples of people with a legitimate need to know may therefore include:
 - 4.18.3.1 The RTW Officer.
 - 4.18.3.2 The worker’s immediate Supervisor.
 - 4.18.3.3 The Supervisor of the area in which suitable duties have been identified.
 - 4.18.3.4 The Occupational Physician / Workplace Medical Officer
 - 4.18.3.5 The Workers Compensation Claims Coordinator or Personnel Officer handling workers compensation claims.
- 4.18.4 Access to selected documents on the case file by people who need to know is limited to information that is relevant to their area of responsibility for the worker. For example, the worker’s immediate Supervisor may need information relating to the worker’s RAW/RTW Plan but would not need to view the whole rehabilitation file.
- 4.18.5 The employee should be given access to the rehabilitation case file and a copy of any rehabilitation information on request with the RTW Officer present or Council’s Public Officer.

4.19 CASE CLOSURE

- 4.19.1 A rehabilitation file will be finalised when one of the following occur:
 - 4.19.1.1 Return to pre-injury duties accompanied as indicated on the Certificate of Capacity
 - 4.19.1.2 Redeployment within Council
 - 4.19.1.3 New employment to a position external to Council
 - 4.19.1.4 Employee resigns from Council
 - 4.19.1.5 Medical Termination Occurs

4.20 MANAGEMENT OF RECORDS

- 4.20.1 Council must protect rehabilitation case files, including electronically stored information, from unauthorised access, interference, misuse, loss, and theft.

4.21 STORAGE OF CLOSED RECORDS

- 4.21.1 The confidentiality of information in closed rehabilitation case files should also be protected. It is recommended that these records be properly stored, secured, and retained for a minimum period of seven years.

4.22 TRANSMISSION OF INFORMATION

- 4.22.1 Where information is transmitted electronically (e.g. by fax) care should be taken to protect the confidentiality of the information. For example, prior to faxing information, telephone the recipient to arrange for its collection immediately after transmission (Example - the P26.F01 RAW/RTW Plan).

4.23 OBTAINING OR RELEASING REHABILITATION INFORMATION

- 4.23.1 Council does not require the employee’s consent to release information to the Insurance and Injury Management Team, solicitors acting on behalf of Council, or to the Regulator.
- 4.23.2 Council must ensure that rehabilitation information concerning an injured employee is obtained from and released to any person outside their organisation only where the informed, written consent of the worker has been obtained.
- 4.23.3 Certificate of Capacity now include a section for the worker to sign, giving consent to the NTD to release information to the employer, insurer and other service providers.
- 4.23.4 The employee’s consent to Council obtaining or releasing information may be withdrawn at any time. However employees should be advised that if consent is withdrawn rehabilitation will not usually be able to proceed and benefits may be suspended.

4.24 NOMINATION & ROLE OF APPROVED WORKPLACE REHABILITATION PROVIDER

- 4.24.1 An Approved Workplace Rehabilitation Provider is an external health professional, accredited by the NSW Regulator.
- 4.24.2 Referral to an Approved Workplace Rehabilitation provider can be made by the RTW Officer, Workers Compensation Claims Coordinator or NTD/Specialist. Referral of an injured worker to an Approved Workplace Rehabilitation provider may be deemed reasonably necessary if any of the following apply:
 - 4.24.2.1 Where the injured worker is not confident of their ability to undertake the tasks outlined in a RAW/RTW Plan, particularly if they are different from their normal duties.
 - 4.24.2.2 Where duties need to be identified to match the worker’s current capacity and to accommodate restrictions stipulated by the treating doctor.
 - 4.24.2.3 Where the NTD certifies that the involvement of a provider will assist the safe and durable return to work of their patient.
 - 4.24.2.4 Where there are interpersonal conflicts in the workgroup, particularly in relation to the return to work of the worker, which have not been resolved by the local management. This should be done in consultation with the worker & their Union.
 - 4.24.2.5 A worker who has sustained recurrent injuries.

- 4.24.2.6 Where a worker and/or their Supervisor have previously experienced difficulty in returning a worker safely to the workplace.
- 4.24.2.7 When a worker is unable to return to their pre-injury job and needs assistance to identify and gain suitable alternative employment.
- 4.24.2.8 When a worker is certified as having a work capacity and the employer is unable to provide such duties.
- 4.24.3 The Approved Workplace Rehabilitation provider will assess the workplace, review the worker, liaise with all relevant parties, and assist in the identification of suitable duties.
- 4.24.4 For each work site, the employer will nominate an Approved Workplace Rehabilitation Provider. These details are available on Attachment E Extracts from the RAW/RTW Program.
- 4.24.5 Injured workers however have the right to select their own Approved Workplace Rehabilitation provider, and/or request a change of rehabilitation provider. Should an injured worker wish to change their Approved Workplace Rehabilitation provider, this request should be made in writing, advising the reason for the request, and be addressed to the Workers Compensation Claims Coordinator for consideration. The Workers Compensation Claims Coordinator will respond to the injured workers request in writing within five working days of receipt of the request.

4.25 DISPUTE RESOLUTION

- 4.25.1 Council will take all reasonable steps to resolve RAW/RTW disputes through discussion with the NTD, the employee’s Manager/Supervisor and the RTW Officer. In the case of medical disputes, the Council’s Workers’ Compensation Claims Coordinator will ensure all attempts will be made to refer the matter to an appropriate facilitator.
- 4.25.2 Disputes will be managed in accordance with Council’s dispute prevention & resolution process outlined in the Injury Management Program.
- 4.25.3 Should a dispute arise, employees are to be referred to:
 - 4.25.3.1 The Award Supply Service (Local Government State Award of NSW 2010) as well as the Employee Assistance Program.
 - 4.25.3.2 Regulator’s Customer Service Centre on 13 10 50.

4.26 CONSULTATION

- 4.26.1 When developing, monitoring & reviewing the RAW/RTW Program, consultation will be undertaken with the workers’, the WHS Committee and Union.
- 4.26.2 Workers will be informed of their rights and responsibilities regarding return to work, workers compensation & the RAW/RTW Program via

- induction programs, internal publications, ongoing training courses and communication during team briefings.
- 4.26.3 Needs for non-English speaking people are identified & managed in accordance with Council RAW/RTW and Injury Management Programs.
 - 4.26.4 The major role of the WHS Committee in returning a person to work is in the initial development, agreement and periodic review of the Program. (The day to day operation of the RAW/RTW Program does not directly involve the WHS Committee).
 - 4.26.5 This consultation process will be undertaken through the WHS Committee. The RTW Officer will present the RAW/RTW Program to the WHS Committee for discussion. Once agreement of the RAW/RTW Program has been reached, all relevant parties will sign the RAW/RTW Program Agreement.
 - 4.26.6 Employer Signatories;
 - 4.26.6.1 Manager/Supervisor.
 - 4.26.6.2 RAW/RTW Officer.
 - 4.26.6.3 WHS Risk Unit Manager
 - 4.26.6.4 Workers Compensation Claims Coordinator.
 - 4.26.6.5 HR, Governance & Customer Service Manager.
 - 4.26.7 Employee Signatories;
 - 4.26.7.1 Persons to sign on behalf of employees will be determined by the site WHS Committee but shall be at least the WHS Committee chairperson.
 - 4.26.8 Other options may include:
 - 4.26.8.1 All employee members of the WHS Committee and/or;
 - 4.26.8.2 Site Union delegates and/or;
 - 4.26.8.3 Local Union organisers.

4.27 ENGLISH LITERACY PROBLEMS

- 4.27.1 This RAW/RTW Program is designed to be accessible to all injured employees. Employees who will require the services of an interpreter or translator may include those who:
 - 4.27.1.1 Are not competent in the English language;
 - 4.27.1.2 Are profoundly deaf; or
 - 4.27.1.3 Are visually impaired.
- 4.27.2 Consideration must also be made for employees who have literacy and/or numeracy deficiencies.
- 4.27.3 The WHS Unit Standard Operating Procedure for changing WHS documents to an alternative language may be applied if required.
- 4.27.4 Translating and Interpreting Service (TIS) National 13 14 50

4.28 QUALITY ASSURANCE

- 4.28.1 The contents of this RAW/RTW Program will be reviewed at least biyearly, from the date of issue. The review will be performed by the RTW Officer & Workers Compensation Claims Coordinator.
- 4.28.2 A review of this RAW/RTW Program can be requested prior to this date following discussion and agreement with the Return To Work Officer & Human Resources Manager.

5.0 REFERENCES AND RELATED DOCUMENTS

- 5.1 Workplace Injury Management & Worker Compensation Act 1998 (“the Act”)
- 5.2 Worker Compensation Act 1987
- 5.3 Work Health Safety Act 2011
- 5.4 Work Health and Safety Regulation 2011
- 5.5 WHS Consultation Policy
- 5.6 Safety Management Plan
- 5.7 Injury Management Program
- 5.8 WHS Rehabilitation Policy
- 5.9 Employee Induction Program
- 5.10 Monthly WHS Report
- 5.11 Incident Report Form
- 5.12 Hazard and Injury Note – No Injury
- 5.13 Workplace Inspection Checklist
- 5.14 Employee Assistance Programme Procedure
- 5.15 NSW Local Government (State) Award 2010
- 5.16 Standard Operating Procedure for claims Management for WHS Risk Unit staff
- 5.17 Workers Compensation Claims Lodgement Procedure
- 5.18 P26.F01 Return to Work/Recover at Work Plan (RTW/RAW Plan)

APPENDIX 1

DEFINITIONS

Injured Employee	An employee who has received a workplace injury.
Injury Management	The process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable for the employee.
Injury Management Program	A coordinated and managed program that integrates all aspects of injury management (including treatment, rehabilitation, retraining, claim management and employee management practices) for the purpose of achieving optimum results in terms of a timely, safe and durable Return to Work for injured employees.
P27.F01 Injury Management Plan (IMP)	Is a plan for coordinating and managing those aspects of Injury Management that concern the treatment, rehabilitation and retraining of an injured worker for the purpose of achieving a safe, timely and durable return to the workplace? The Insurer will complete the Plan in accordance with the Injury Management and Return to Work /Recover at Work Programs, RAW/ RTW Policies and Procedures of Shoalhaven City Council.
Insurer	A licensed insurer or self-insurer.
Nominated Treating Doctor (NTD)	The treating doctor nominated by an employee for the purposes of an injury management plan. Nominated Treating Doctors (NTD) are responsible for coordinating all aspects of treatment and RAW/RTW management.
Recover at Work/ Return-to-Work Program	A system that manages workers who have sustained a workplace injury or illness to assist in their return to pre-injury duties in the workplace.
Recover at Work/ Return to Work Plan	A RAW/RTW Plan is a written plan outlining the provision of suitable duties.
Regulator	Formerly the WorkCover Authority of NSW. From 2015 will be the State Insurance Regulatory Authority (SIRA), ICARE and SafeWork NSW.
Significant Injury	A workplace injury that is likely to result in the employee being incapacitated for a continuous period of more than 7 days, whether or not any of those days are workdays and whether or not the incapacity is total or partial or a combination of both.
Workplace Injury	An injury to an employee in respect of which compensation is or may be payable under the Act.
Rehabilitation Policy	The Occupational Rehabilitation Policy is a summary of an agreed system that an employer must have in place, in readiness for the management of employees who suffer an injury or illness. It is made up of a series of policies and procedures.