## Return to Work Policy

**JANUARY 2008**

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<th>Document Number</th>
<th>P0–DO0002.3</th>
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<tr>
<td>Responsible Officer</td>
<td>Head of Employee Services</td>
</tr>
<tr>
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RETURN TO WORK POLICY

1. RATIONALE

The Catholic Schools Office (CSO) is committed to the process of restoring an employee experiencing workplace injury or illness, to the fullest physical, psychological, social, economic and vocational usefulness of which they are capable.

The CSO is committed to preventing work related injuries and illness to all employees by providing a safe and healthy working environment in schools and other work sites and recognises the importance of preventing accidents and injuries in the workplace.

In accordance with section 52 of the Workplace Injury Management and Workers Compensation Act 1998 the CSO has established a Return-to-Work (RTW) Program with respect to policies and procedures for the rehabilitation of injured/ill employees.

The RTW Program is also available as a guide for employees suffering non work-related injuries/illnesses.

2. AIMS

The CSO aims to provide a program which includes strategies to address:

- prevention of injuries
- prompt introduction of occupational rehabilitation
- promoting the return to work as a normal expectation
- providing suitable employment
- consultation with employees and, where relevant, industrial union representatives
- protecting the injured worker’s opportunities to make sure they are not prejudiced

3. IMPLEMENTATION

The attached RTW Program is a summary of the processes that the CSO must have in place, in readiness for the management of employees who suffer a work related injury or illness. It includes the following:

3.1. Prevention of Occupational Injuries and Illnesses

3.1.1. Obligations under the Occupational Health and Safety Act 2000, to maintain a safe and healthy working environment will be observed.

3.1.2. Training in occupational health and safety issues will be provided to staff.

3.1.3. The CSO adheres to the requirements regarding identification, assessment and management of workplace risks to prevent injury and illness.

3.1.4. The CSO identifies that investigation of accidents in a spirit of “no blame” is an important factor in the development of prevention programs.

3.1.5. Formal consultation procedures between the CSO and employees play an important role in helping to provide a safe and healthy working environment. Consultation with all employees is required in all schools and other worksites.
3.2. **Development of a Return-to-Work Program**

3.2.1. The CSO RTW Program outlines a plan of action common to all employees, from early notification by employees through to return to normal duties or redeployment into appropriate alternative employment if required.

3.2.2. The CSO RTW Program includes the name of a WorkCover accredited rehabilitation provider, however, in particular circumstances, injured employees can choose their own rehabilitation provider, following consultation with the RTW Coordinator and Catholic Church Insurances.

3.2.3. The CSO RTW Program includes procedures that apply to all employees who are returning to work whilst receiving medical treatment.

3.2.4. The CSO RTW program reflects management’s commitment and is endorsed by the Director of Schools.

3.3. **Consultation**

3.3.1. This RTW Program was developed by the CSO in conjunction with employee representatives and the Independent Education Union. Employees are regularly informed of their rights and responsibilities and of CSO policies on RTW through occupational health and safety committees, employee induction programs, training courses, newsletters and noticeboards.

3.4. **Early Commencement of Injury Management and Return-to-Work**

3.4.1. The CSO ensures that the RTW process commences as soon as possible after the injury in a manner consistent with the employee’s medical fitness for work. The CSO is committed to ensuring that the early RTW by an injured/ill employee is a normal practice and expectation.

3.4.2. An Injury Management Pack has been developed and copies of the pack will be available to any employee who is injured at work.

3.4.3. The CSO fosters a workplace culture that promotes early RTW.

3.4.4. Priority is given to an early, safe return to suitable duties following injury or illness, in a manner that takes account of all relevant factors including medical input.

3.4.5. An accurate medical diagnosis (certificate or report) is required and early treatment of the injury or illness in order to facilitate early management of the injury. The hierarchy of RTW goals being:

- same duties/same workplace
- same duties/different workplace
- different duties/same workplace
- same duties/different employer
- different duties/different employer

3.4.6. Injured/ill employees will not be placed in an unsuitable role.

3.4.7. Retraining for another position within the current school or at another site will be considered as soon as possible if the injury prevents an employee from permanently returning to pre-injury duties.
3.4.8. An injured/ill employee will have the opportunity to rejoin the workforce in a staged return to normal duties consistent with medical judgement whenever possible.

3.4.9. Where RTW is not possible the CSO will ensure that the injured/ill employee will be assisted by other agencies in returning to a meaningful and fulfilling role within the community.

3.4.10. The risks of delaying medical and /or RTW treatment and the benefits of early intervention are recognised by the CSO.

3.5. **Provision of Suitable Duties**

3.5.1. The CSO is committed to providing suitable duties to partially incapacitated employees. The officers responsible for arranging suitable duties are the RTW Coordinator and/or Principal/Head of Unit and /or the Rehabilitation provider.

3.5.2. The CSO complies with S 49 of the Workplace Injury Management and Workers Compensation Act 1998 which requires that:

- an employer will provide suitable employment when an injured employee is able to RTW on either a full-time or part-time basis
- the suitable employment provided will be (as far as reasonably practical) the same as or equivalent to the work being performed at the time of the injury

3.5.3. Individual assessments of the worksite, the employee’s medical restrictions and physical capacity will be undertaken to address the choice of suitable duties.

3.5.4. Duties provided will be suitable as defined in S 43A of the 1987 Workers Compensation Act. (See Support Material - Appendix I)

3.5.5. An individual RTW Plan will be developed for an injured/ill employee on suitable duties. The plan will be developed by the trained RTW Coordinator or an Accredited Rehabilitation Provider in consultation with all the relevant parties including the nominated treating doctor. (See Support Material Appendix II)

3.5.6. In the development of a RTW Plan, consideration will be given to the following:

- the special needs of individual employees
- the personal circumstances of injured/ill employees that may impact on suitable duties
- industrial issues at the workplace (employees have a right to consult with their Union representative)
- impact on the workload of other employees
- the employee may require training in the suitable duties tasks prior to the RTW Plan being implemented

3.5.7. Under current legislation there is no obligation to provide suitable duties to employees suffering from non-work related injuries/illness. Whilst the CSO is committed to assisting all employees return to work in a safe and timely manner after injury/illness, the ability to provide suitable duties for non-work related injuries/illness will be assessed on an individual case basis.
3.6. **Injured/Ill Employees Will Not be Disadvantaged**

3.6.1. The CSO is committed to ensuring that participation in RTW will not disadvantage an injured/ill employee. All efforts will be made to ensure the commitment by all parties to the RTW Program.

3.7. **Support Material for Return-to-Work and Information on Workers Compensation**

3.7.1. Additional information on RTW and Injury Management processes can be found in the Support Material Return-to-Work and Injury Management Pack documents that are attached to this policy.

4. **EVALUATION**

4.1.1. The Return-to-Work Program will be reviewed every two years by the CSO Return-to-Work Coordinator in consultation with relevant Unions and employees as appropriate.
RETURN TO WORK PROGRAM

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1 Prevention of Occupational Injuries and Illness

Workplace injury may be prevented in part by the completion and implementation of the following by the School Principal/Workplace Manager/Head of Service and monitored by the OHS committee/OHS representative.

Schools and the CSO have in place procedures for identifying and managing potential hazards as well as managing hazards that have previously contributed to accidents.

2 Obligations of Relevant Parties

The injured/ill employee is the focus of all actions related to the occupational rehabilitation process. Along with the rights enjoyed by the employee under the program there are certain obligations.

The employee is obligated to:

- Notify his/her Principal/Head of Service as soon as possible after the injury/illness occurs and complete the Notification of Injury & Disease Form, or provide details of the incident to the employer’s representative, who will then forward details to the CSO within 24 hours.
- Nominate a treating doctor who must agree to participate in the development and implementation of an Injury Management Plan for the employee where the injury is a "significant injury". This is defined as likely to result in the employee being incapacitated for work for a continuous period of more than 7 days, whether or not those days are work days and whether or not the incapacity is total or partial or a combination of both.
- Obtain a WorkCover medical certificate in support of any absence from work that is related to the injury/illness, inform the CSO Return to Work Coordinator of the details immediately and forward actual documentation to the CSO as soon as possible. Should the employee fail to obtain such a certificate, the absence may be recorded as sick leave.
- Forward any medical expense invoices to the CSO as soon as possible. These will be forwarded to Catholic Church Insurances on the day of receipt.
- Organise any medical appointments or treatments out of normal school hours as per the normal expectation of an injured employee on suitable duties. However, if this is not possible, it is expected the worker make the appointment at a time which would enable them to attend the workplace before and/or after the appointment.
- Participate actively in the design and implementation of his/her RTW Plan and attend all meetings and medical appointments relating to that plan. Unreasonable refusal to participate in a plan may compromise entitlement to payment of Workers Compensation benefits.

The Catholic Schools Office is obligated to:

- Comply with the Insurer’s Injury Management Program, and participate in and cooperate in the establishment of an Injury Management Plan. (See Appendix V)
- Appoint and train a RTW Coordinator who will facilitate and coordinate services necessary for an early and safe return to work, by contacting and liaising with the injured employee, treating doctor, the insurer, the supervisor and, where appropriate, the designated rehabilitation provider.
- Provide reasonably practicable and suitable duties/employment for an injured employee as an integral part of the RTW Program and the injury management process.
The Principal or Head of Service (or delegated person) is responsible for:

- Assisting in the identification of suitable duties (or delegate this to a school co-ordinator in the area where the staff member works)
- Informing the CSO immediately of any absences by the injured employee from suitable duties.
- Providing support to injured employee.

THE NOMINATED TREATING DOCTOR

The nominated treating doctor is obligated to assess the physical capabilities of the injured/ill employee and work in consultation with that employee, the CSO and the Insurer, to determine the appropriate strategy to assist the employee to recover from the injury/illness and return to work as soon as practicable.

THE INSURER

Catholic Church Insurances (CCI) is obligated to inform and educate the CSO of the Injury Management Program. The Insurer and the CSO are responsible for advising employees of their obligations.

(See Support Material - Appendix V)

3 IMPLEMENTING THE RETURN-TO-WORK PROGRAM

3.1 Initial Notification of Injuries and Disease

When an employee sustains an injury at work, the following step need to be taken

3.1.1 An Initial Notification of Injuries and Disease Form needs to be completed by the employee or a nominee (e.g. Principal/Supervisor/Head of Service or witness) and faxed to the RTW Coordinator at the CSO within 24 hours of the accident/illness/injury occurring.

3.1.2 If this form cannot be completed at the time of illness/injury occurring, the employee or a nominee must telephone the RTW Coordinator and provide details of the illness/injury with the 24 hour timeframe.

3.1.3 The CSO must advise CCI of the accident/illness/injury via email, fax or telephone within 48 hours of the notification.

3.1.4 If the accident/illness/incident is serious (involving a fatality or serious injury or illness), the school/CSO or a nominee must notify WorkCover immediately on

3.2 Medical Treatment

The injured/ill employee should consult their nominated treating doctor as soon as possible after the injury/illness and obtain a WorkCover medical certificate. The nominated treating doctor will coordinate all aspects of the employee’s treatment and RTW by providing a medical certification of capacity for work, consulting in the development of the injury management plan, providing medical reports, providing and arranging treatment, and recommending suitable duties in conjunction with the RTW Coordinator/Principal/Head of Service or accredited rehabilitation provider.

3.3 Early Contact with Employee and Treating Health Professionals

The RTW Coordinator will endeavour to make early contact with the injured employee and treating health professionals to determine the needs of the injured employee, establish a common RTW goal, identify, negotiate and offer suitable
duties, design a RTW Plan which outlines duties to be performed, monitor the employee’s progress and upgrade the RTW Plan until the employee has achieved their goal.

### 3.4 Role of the RTW Coordinator

The RTW Coordinator is the key person in the RTW process. The role involves identifying the needs of the injured employees, understanding any constraints on the employer, and facilitating teamwork between the employee, employer, insurer and treating health professionals to develop and implement a RTW Plan.

Functions include:

- Developing and implementing the RTW Program.
- Educating the workforce.
- Keeping injury and return to work statistics and developing policies to improve systems.
- Providing information on the RTW process and associated employee compensation benefits to injured employees.
- Obtaining or sighting the injured/ill employee’s consent before obtaining or releasing rehabilitation information about the employee.
- Working with the insurer as they develop an Injury Management Plan for the injured employee.
- Determining the injured/ill employee’s needs by discussion with the employee, the nominated treating doctor and other treatment practitioners.
- Identifying suitable duties and assisting the injured/ill employee to RTW as soon as possible.
- Preparing a RTW Plan in consultation with key parties that documents suitable duties and work restrictions.
- Referring to professional services, such as rehabilitation providers, as needed.
- Being the focal point for all contact relating to the injured/ill employee.
- Coordinating the monitoring process in treatment, rehabilitation services and RTW Plans.
- Assisting in the redeployment of injured/ill employees into suitable employment when an injured/ill employee cannot return to pre-injury duties.
- Maintaining and managing confidential case records in line with relevant legislation and guidelines.

### 3.5 Role of the Accredited Rehabilitation Provider

Notwithstanding the above, any injured/ill employee will retain the right to nominate an accredited provider of his/her choice.

The CSO and the Principal/Head of Service will facilitate reasonable access to the workplace by any accredited provider who may be involved in rehabilitation at a particular workplace.

The rehabilitation provider should liaise and work closely with the injured/ill employee’s treating doctor and the RTW Coordinator.

### 3.6 Provision of Suitable Duties

Duties will be selected in consultation with all parties, with medical certification and within the employee’s physical and occupational ability. No duties shall be offered without approval from the nominated treating doctor or, in exceptional cases, other medical advice.

The following will be considered when determining whether a position for a partially incapacitated employee is suitable:

- The nature of the employee’s incapacity and pre-injury employment.
- Details of physical restrictions given in the medical certificate supplied by the treating doctor.
- The employee’s age, education, skills and work experience.
Suitable duties may be provided in many different ways – at the same or different worksite, the same job with different hours and/or modified duties or a different job altogether.

Suitable duties will be time limited, monitored closely and regularly upgraded.

All offers of suitable duties will be in writing and outlined in a RTW Plan clearly listing the duties to be performed, working hours, physical/medical restrictions, dates and times of treatments and review.

All appropriate parties will be consulted in the development of or changes to suitable duties. Consultation on suitable duties will include where applicable:

- the RTW Coordinator
- the employee
- the employee’s supervisor/Principal/Head of Service
- the nominated treating doctor
- the rehabilitation provider
- the relevant union
- the insurer

Referrals to accredited rehabilitation providers will be considered when the RTW Plan is complex and beyond the ability of the RTW Coordinator to develop. These referrals will be made as early as possible.

### 3.7 Arrangements for Dispute Resolution

Any disputes over RTW will be handled as follows:

- In the first instance, attempts to resolve any disputes will be through discussion involving the employee, the RTW Coordinator, and other relevant parties such as the rehabilitation provider, union representative, Assistant Director(s) or Director. Where necessary, the rehabilitation manager from Catholic Church Insurances will be called upon to assist.
- Injury Management Consultants are doctors that have been approved by WorkCover and are able to assist when there is a disagreement over suitable duties.
- If the dispute is not resolved following such advice and assistance, the WorkCover Claims Assistance Service (CAS) is available to assist in mediation. Their emphasis is on problem identification, action and resolution in short time frames.
- Should the parties be unable to reach agreement, the Workers Compensation Commission can be called upon to conciliate and arbitrate by bringing the parties together and/or determining an agreement.
- Members of the Independent Education Union or Australian Liquor, Hospitality and Miscellaneous Workers’ Union may seek assistance with disputed claims (see Appendix IV for contact details)

### 4 CONSULTATION WITH EMPLOYEES

The RTW Program will be made available in all schools and workplaces.

Employees will be regularly informed of their rights and responsibilities and CSO policies on RTW, and will be consulted through the following mechanisms:
• OHS committee meetings
• CSO newsletters to schools
• Meetings with Principals/Heads of Service
• Induction programs
• Noticeboard displays

A mechanism also exists for consultation with specific occupations through the appropriate union and its regular meetings with the CSO.

The CSO has access to the Department of Immigration and Ethnic Affairs translating and interpreting service for employees who speak languages other than English. The service provides 24 hours telephone and face to face interpreting on a fee for service basis.

5 EARLY COMMENCEMENT OF INJURY MANAGEMENT AND EARLY RETURN TO WORK

The CSO has developed a system for early reporting of injuries sustained by employees.

Upon receipt of a notification of injury the RTW Coordinator will promptly contact the employee and/or doctor to discuss return to work.

The RTW Coordinator will assist Catholic Church Insurances to develop an Injury Management Plan, inclusive of suitable duties, as soon as possible after the notification of injury.

Consideration will be given to location of work/treatment, work routines and employee responsibilities whilst at work. Medical treatment should be obtained by employees out of working hours whenever practicable. The times at which the employee will attend for treatment will be included in RTW Plans.

A confidential RTW file on each injured employee will be established and maintained by the RTW Coordinator. Employees have a right of access to their own RTW File.

6 RETURN TO WORK DOES NOT DISADVANTAGE INJURED EMPLOYEES

The CSO permits employees to use their sick leave as per award arrangements. If the medical condition is subsequently accepted as a compensable injury, the employee’s sick leave will be reinstated.

The insurance company (Catholic Church Insurances) will ensure that all monies and entitlements allowed under the workers compensation legislation will be passed on to the employee as soon as practicable.

The CSO may allow an employee who is injured and had been scheduled for higher duties or a training programme, to continue to do so, provided that the tasks of the higher duties or training program are consistent with medical restrictions.

The CSO may allow an employee who is injured and had been scheduled for a performance review, to continue with that review, using suitable duties provided in the RTW Plan, as evidence of that employee’s performance.

Every endeavour will be made to solve any disagreement about the RTW Plan through discussions amongst the key parties. (See procedures for arrangements for dispute resolution.) In addition, if there is a disagreement about suitable
duties or fitness for work, then referral to an Injury Management Consultant can be organised through Catholic Church Insurances.

If a workers compensation claim is made on or after 1 January 2002 and is disputed, the employee may seek resolution through the Workers Compensation Commission. For claims prior to 1 January 2002 resolution is through the Workers Compensation Court.

The CSO will endeavour to advise injured employees of their entitlements and obligations under the Workplace Injury Management and Workers Compensation Act 1998 and the Workers Compensation Act 1987.

The Industrial Relations Act 1996 (NSW) provides that the CSO shall not dismiss an injured employee for six months (and the duration of any accident pay specified in the award or agreement that can be accessed by the injured employee) after the employee becomes unfit for employment as a result of the work-related injury. If an injured employee is dismissed because they are not fit for employment as a result of the injury received, the employee may apply for reinstatement to his or her former position. Applications for reinstatement may be made up to two years from time of dismissal. During this time, the CSO will inform any employee who has been engaged to replace the injured employee that the injured employee may be reinstated to the position.

The Industrial Relations Commission may, on application by the employee, order reinstatement to employment of any kind for which the employee is fit. Such employment should not be more advantageous than the work in which the employee was engaged when they first became unfit due to the injury.

7 OPTIONS FOR PERMANENTLY PARTIALLY INCAPACITATED INJURED EMPLOYEES

A permanent partially incapacitated injured employee is an employee who cannot return to their pre-injury duties because they are not going to recover sufficiently from the injury to regain their full range of function.

Often there may be a series of unsuccessful medical interventions and ‘failed’ attempts at suitable duties before the decision is made that the employee cannot return to pre-injury duties.

Assessments and services include:

- Thorough medical assessment including an independent medical examination.
- Rapid assessment of permanent impairment entitlement by CCI.
- Functional and vocational assessments by a rehabilitation provider.
- Vocational counselling for an employee to accept change of direction and own the new work goal.

7.1 Choices of Strategy

Once the assessments regarding the medical, permanent impairment rating and vocational status of the employee are completed, there are 4 distinct strategies to choose from as outlined below. The choice will depend on the unique circumstances of each case and the employees’ personal ability and readiness to accept the change in direction.

7.1.1 Redeployment

Where the employee is transferred from their pre-injury job to a different job or workplace the rate of pay will be that of the new job. Supernumerary positions will not be created.

7.1.2 Job Seeking Assistance
Where the assessments have established a realistic labour market goal for the injured employee, further assistance may be provided to locate a suitable position with a new employer. This job seeking is a shared responsibility between the rehabilitation provider and the employee and may involve the provider arranging a work trial with a host employer.

7.1.3 Retraining

Retraining refers to short-term courses or skill development, not extensive courses. The goal is to enhance the opportunities for the injured employee to be re-employed by the same or a new employer.

7.1.4 If Redeployment is Not Available

Sometimes it will not be possible for the CSO to redeploy an injured worker and an employment exit strategy may be considered.
APPENDIX I

WORKERS COMPENSATION ACT 1987 – SECT 43a

43A Suitable Employment

1. For the purposes of sections 38, 38A and 40: Suitable employment, in relation to a worker, means employment in work for which the worker is suited, having regard to the following:
   1.1 the nature of the worker’s incapacity and pre-injury employment,
   1.2 the worker’s age, education, skills and work experience,
   1.3 the worker’s place of residence,
   1.4 the details given in the medical certificate supplied by the worker,
   1.5 the provisions of any injury management plan for the worker,
   1.6 any suitable employment for which the worker has received rehabilitation training,
   1.7 the length of time the worker has been seeking suitable employment,
   1.8 any other relevant circumstances.

2. In the case of employment provided by the worker’s employer, suitable employment includes:

   Employment in respect of:

   ▪ the number of hours each day or week that the worker performs work,
   ▪ the range of duties the worker performs, is suitably increased in stages (in accordance with a rehabilitation plan or return-to-work plan or otherwise).

   If the employer does not provide employment involving the performance of work duties, suitable training of a vocationally useful kind provided:

   ▪ by the employer at the workplace or elsewhere, or
   ▪ by any other person or body under arrangements made with the employer, but only if the employer pays an appropriate wage or salary to the worker in respect of the time the worker attends the training concerned.

3. However, in any such case, suitable employment does not include:

   ▪ employment that is merely a token nature and does not involve useful work having regard to the employer’s trade or business, or
   ▪ employment that is demeaning in nature, having regard to subsection 1 (1.1) and (1.2) and to the worker’s other employment prospects.

4. A Worker is to be regarded as suitably employed if:

   ▪ the worker’s employer provides the worker with, or the worker obtains, suitable employment, or
• the worker has been reinstated to the worker’s former employment under Part 7 of Chapter 2 of the
  *Industrial Relations Act 1996.*
APPENDIX II

Return-to-Work Plan No.

1. Name-

2. Return-to-Work Goal:

3. Job Title:

4. Work Location:

5. Principal/Supervisor/Head of Service:

6. Duties/Considerations/Restrictions:

7. Specific Duties to be Avoided:

8. Hours/Days of Work:

9. Treatment Arrangements:

10. Commencement Date Return-to-Work:

11. Length of Return-to-Work Plan:

12. Review Dates Return-to-Work Plan:

13. General Comments:
### Specific Return-to-Work Goals

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Comments:

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The following parties have agreed to the above plan for suitable duties:

**Employee:** ............................................. Date: ............................................

**Principal/Supervisor:** ............................................. Date: ............................................

**Return-to-Work Coordinator:** ............................................. Date: ............................................

**Treating Doctor:** ............................................. Date: ............................................

**Union Representative:** ............................................. Date: ............................................

(If applicable)
### APPENDIX III

## CONTACTS

**Return-to-Work Coordinator for the Catholic Schools Office is:**
Jasmine Mackay (Relieving)
PO Box 714
NEWCASTLE 2300
Phone: (02) 4979 1285
Fax: (02) 49791 369

**The Accredited Rehabilitation Providers for the Catholic Schools Office are:**

<table>
<thead>
<tr>
<th>Provider</th>
<th>Address 1</th>
<th>Address 2</th>
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<tr>
<td>Heath &amp; Safety Solutions</td>
<td>Suite 14 Level 2</td>
<td>WorkFocus Australia</td>
</tr>
<tr>
<td></td>
<td>14 Northcott Drive</td>
<td></td>
</tr>
<tr>
<td></td>
<td>KOTARA NSW 2289</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Phone: (02) 4903 3200</td>
<td>Fax: (02) 4903 3210</td>
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<td>Fax: (02) 4929 3380</td>
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**WorkCover Contacts and Information**
WorkCover Office: Suite C, Level 1 Cowper Street, Carrington NSW 2294 Phone: (02) 4921 2900
WorkCover Assistance Service: Phone: 13 10 50
Workplace Injury Management Branch: Phone: (02) 4321 5319
Publications Hotline: Phone: 1300 799 003
Website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

**Interpreters/Language Services**
Access to communication assistance for employees who speak language other than English is through:

- Community Relations Commission
- Translating and Interpreting
  Phone: 1300 651 500
  and/or
- Department of Immigration and Multicultural Affairs
- Telephone interpreting:
  Phone: 13 14 50
- Onsite interpreting:
  Ph: 1300 655 082

**Workers Compensation Commission**
Level 21, 1 Oxford St
DARLINGHURST 2010
Phone: (02) 9243 8800 or 1300 368 040

**Independent Education Union**
Suite 1, Level 3
406-408 King Street
NEWCASTLE WEST NSW 2302
Phone: (02) 4908 4600  Fax: (02) 4929 7111

**Australian Liquor, Hospitality & Miscellaneous Workers' Union**
Locked Bag 12
Newcastle Office
Haymarket NSW 1240 25 Gibson Street
Catholic Church Insurance Limited
Injury Management Program
(August 2006)

Catholic Church Insurance Limited (CCI) is a supporter of injury management, incorporating fully integrated intervention, involving treatment, rehabilitation, retraining, claim management and employment management practices, from the time a workplace injury is reported.

OBLIGATIONS

Worker:

- To report an injury to the Employer as soon as possible
- To participate and co-operate in the establishment of an Injury Management Plan
- To comply with the Injury Management Plan
- To nominate a Treating Doctor, who will be responsible for the medical management of the injury, write certificates and participate and co-operate in the development of the Injury Management Plan
- To authorise the Nominated Treating Doctor to provide relevant information to the Insurer or Employer for the purposes of an Injury Management Plan
- To make all reasonable efforts to return to work with the pre-injury employer as soon as possible after injury

Employer:

- To comply with the Injury Management Program
- To notify the Insurer within 48 hours of becoming aware of a workplace injury suffered by the Worker
- To provide Suitable Duties if they are reasonably practicable
- To participate in and co-operate in the establishment of an Injury Management Plan
- To comply with the Injury Management Plan

Insurer:

- To inform Employers of their legislative obligations in relation to the insurers Injury Management Program
- To inform Employers of significant steps taken or proposed to be taken under the workers Injury Management Plan
- To provide for the education of Employers
- To contact the injured Worker, the Employer and the Nominated Treating Doctor within 3 working days of being notified of a significant injury
- To advise Workers of their obligations with respect to the Injury Management Plan
- To prepare an Injury Management Plan in consultation with the Employer, the Worker and when necessary, the Nominated Treating Doctor, for each injured employee within twenty (20) days after being notified of a Significant Injury

Nominated Treating Doctor:

- To participate in the development of, and in the arrangements under, the Injury Management Plan
STRUCTURE OF THE CCI WORKERS COMPENSATION DEPARTMENT

The NSW Workers Compensation Claims Department is divided into three teams each team consisting of a team leader, case managers, clerks and an injury management advisor.

**Role of the Team Leader:**
Reporting to the Workers Compensation Manager, each team leader has the responsibility for the operation of their team and their team’s claims portfolio, including any ‘adverse’ or difficult decision-making.

Each team leader in consultation with the Workers Compensation Manager also has the responsibility for ensuring the implementation of the Injury Management Program.

**Role of the Injury Management Advisor:**
The Injury Management Advisers develop and monitor the Injury Management Plan for the injured Worker in consultation with the Employer, Worker and Nominated Treating Doctor.

The Injury Management advisors act as a resource for Employers, Workers and Staff in relation to all aspects of rehabilitation and injury management.

**Role of the Case Manager:**
Case Managers have the responsibility of integrating claim, medical, rehabilitation, retraining, and legal considerations to develop a strategy for resolving the notification of injury/claim to the benefit of both the Worker and the Employer. This is done in consultation with the parties. They manage all aspects of the notification of injury/claim. This provides an integrated and consistent strategic management.

**Role of the Clerk:**
The Clerks provide administrative support to the case managers and are primarily responsible for ensuring all injury notifications are correctly processed.

**Process**
1: Within 48 hours of becoming aware of a workplace injury, the Employer will report the injury to CCI via e-mail, fax or telephone. (In order to enhance the success of Injury Management, when the Employer initially speaks with the Worker about their injury, the Employer should remind the Worker of the provisions of the Injury Management Plan.)

2: Both the Case Manager and Injury Management Adviser receive a copy of the Notification of Injury on date received.

3: The Injury Management Adviser will record the notification, review the information submitted and proceed to make the 3 Point Contact with the Employer, Worker and Nominated Treating Doctor within 3 days of receiving the Notification of Injury. The Injury Management Adviser is then responsible for developing the individual Injury Management Plan within 20 days.

Contact with each party will be made preferably by telephone. Should this not be possible, written advice will be mailed/faxed/EMailed to the relevant party.

The information sought will include:

- information about severity of the injury
- the workers level of incapacity, and anticipated time frame to return to work
- availability of suitable duties
- treatment provided to date
- any issues regarding injury/return to work
4: Where the worker has not resumed pre-injury duties and is under the supervision of the Employer’s Return to Work Co-ordinator, an Injury Management Plan will be completed within 20 days, acknowledging the current status, goals, actions, person responsible, obligations and review date.

Where the Worker has resumed pre-injury duties, but requires ongoing treatment, an Injury Management Plan will be completed within 20 days, acknowledging the type and number of treatments and timeframe for completion.

5: Also the Injury Management Adviser may arrange an independent Injury Management Consultation with an Occupational Physician, Psychologist etc in order to obtain assistance with the Injury Management process.

Agreements may be made between CCI and the Nominated Treating Doctor and/or Rehabilitation Provider to pay for specific medical treatment to assist the Worker to recover from the injury and return to work irrespective of claim liability. In addition to this and in conjunction with the Workers Compensation Legislation Amendment Act 2001, and the WorkCover Provisional Liability and Claims Guidelines effective 1st January 2002, CCI has the ability to approve medical expense payments, without admitting liability, for an amount up to $5000.

6: The Injury Management Adviser, in consultation with the Nominated Treating Doctor when necessary, will prepare a provisional Injury Management Plan, incorporating a Return to Work Plan if appropriate, which is finalised in consultation with the Employer and Worker.

A copy of the Injury Management Plan is then sent to the injured Worker, Employer, Nominated Treating Doctor and if appropriate, the Rehabilitation Provider.

7: A review date for the Plan will be no more than two weeks from the date of the Plan, unless otherwise stipulated on the plan.

**Note:** Where the Employer becomes aware that a Worker has suffered a workplace injury, which is not classified as ‘Significant’, the Employer will e-mail, fax or telephone the Notification of Injury Form to CCI within 48 hours. An Injury Management Plan does not need to be completed in these circumstances.

8: A final Injury Management Plan is sent to the injured Worker, Employer and Nominated Treating Doctor once CCI has received the final certificate indicating that the Worker has reached maximum recovery, requires no further treatment and that further injury management is no longer required.

**Change of Nominated Treating Doctor**

A form outlining the procedure for changing the Nominated Treating Doctor is sent to all injured workers who have suffered a significant injury advising that the Nominated Treating Doctor must not be changed without consultation and agreement of the Insurer, and only in the following circumstances: change of location, non participation by the doctor or any other reasonable excuse. The injured worker is asked to complete the form providing details of new doctor, reason for the change, and to give CCI 7 days notice, so that there will be no interruption to the workers injury management.

**Treatment**

Approval for necessary treatment will be agreed upon pursuant to Section 50 of the Workplace Injury Management and Workers Compensation Act 1998.

**Return to Work**

The employer must establish a Return to Work Program in consultation with workers and any relevant unions, which is consistent with the CCI Injury Management Program and NSW WorkCover guidelines for the establishment of Return to Work Programs.

The Return to Work (RTW) Program must be consistent with the Injury Management Program. Should the RTW Program be inconsistent, then CCI’s Injury Management Program will take precedence. Consultation between both the
Injury Management and Rehabilitation Adviser and the RTW Coordinator will occur to clarify the extent of any inconsistency and solution.

**Provision of Suitable Duties**
CCI supports the intervention of the Employer’s Return to Work Co-ordinator to initiate workplace-based rehabilitation. The RTW coordinator will document RTW plans for all workers certified fit for suitable duties.

Suitable duties are defined in S43A of the Workers Compensation Act 1987 as “employment in work for which the worker is suited, having regard for:

- Nature of the incapacity and pre-injury employment
- The Workers age, education, skills, and work experience
- The Workers place of residence
- The details given in the medical certificate supplied by the Worker
- The provisions of any injury management plan for the Worker
- The length of time the Worker has been seeking suitable employment
- Any other relevant circumstances
- Must not be demeaning in nature
- Must not be token in nature.”

Suitable duties could be provided at the same or different worksite, or the same job with different hours and/or modified duties, or a different job.

Where specific intervention is required, or if the return to work is complex, or has become “stuck”, CCI will, in consultation with the Employer, the Worker and, when appropriate, the Nominated Treating Doctor, appoint an accredited rehabilitation provider or arrange an appointment for the worker to undergo a specialist assessment to assist with the return to work. This includes the option of job placement with another employer.

Assessing physicians are in the main, specialists in occupational medicine, musculoskeletal medicine or other specialties such as psychology. CCI has an agreement with these specialists to assist us in the injury management process, and to play no role in claims management.

The Injury Management Adviser discusses the need for an assessment with the injured Worker, explaining the assessing physician’s role, obtaining agreement to attend, prior to the appointment being arranged. The assessing physician will make contact with the RTW Coordinator and the Nominated Treating Doctor on the day of assessment, and the Injury Management Plan is then developed in accordance with their assessment findings and in consultation with the Nominated Treating Doctor when practicable.

**Retraining**
The WorkCover hierarchy of return to work goals are:

- Same duties – same Employer
- Different duties – same Employer
- Same duties – different Employer
- Different duties – different Employer

Retraining is only considered when all other avenues of return to work have been exhausted

Retraining provides additional skills as an adjunct to the worker’s existing abilities. It should only be considered if the Worker is permanently incapacitated for pre-injury employment or a similar job with a different employer, and is neither qualified nor skilled to undertake other suitable employment, and thus needs to develop additional expertise to enable the Worker to locate employment.
The fundamental principals underlying vocational retraining are:

- The injured Worker cannot return to their pre-injury duties
- The injured Worker has insufficient marketable & transferable skills with which to seek suitable employment
- The vocational goal is realistic and appropriate to the Workers skills, interests, aptitude, work capacity & medical restrictions
- The injured Workers medical condition is relatively stable
- The hierarchy of return to work goals is applied
- It will result in a substantial reduction in weekly benefits
- It assists the injured Worker to return to a position reasonably comparable to pre-injury employment in terms of salary and status
- Employment prospects following retraining are enhanced
- Coupled with subsequent employment options, is the most direct way back Coupled with subsequent employment options, is the most direct way back to work

Where reasonable and appropriate, retraining should not prevent the injured Worker from performing suitable duties or job seeking as per the WorkCover Retraining Guideline.

Formal vocational and functional assessments must be completed prior to consideration of any application for funding a retraining program.

**Claims Management**

The Case Manager is responsible for integrating claim, medical, rehabilitation, retraining, and legal considerations to develop a strategy for resolving the claim to the benefit of both the Worker and the Employer. The primary management tools are injury management/rehabilitation and return to work.

Case Managers are provided with training in legislation, and are kept up-to-date through the following mechanisms:

- Induction
- Regular structured training sessions
- Attendance at Industry seminars
- Attendance at Self Insurers Association training

All decisions relating to a notification of injury/claim for workers compensation are made by the Case Manager.

The Case Manager will discuss all aspects of the individual injured Workers injury management with the Injury Management Adviser. The Case Manager may consult with other health professionals in the consideration of medical management.

The Case Manager must refer any “adverse” or complex decisions to the Team leader for approval.

The Case Manager will provide written advice to the injured worker regarding

- Acceptance for payment of medical expenses for a specified amount without admitting liability as per Division 3 s280 of the Workers Compensation Legislation Amendment Act 2001.
- Provisional Liability weekly benefit entitlements within 7 days of receipt of the Notification of Injury/claim, unless written notice is provided to the injured worker detailing a “reasonable excuse” (eg: insufficient medical information), for not commencing weekly payments.

If the Case Manager determines that a “reasonable excuse” exists under the WorkCover Provisional Liability and Claims Guidelines, or a dispute exists under the Workplace Injury Management and Workers Compensation Act 1998, the Case Manager will provide written advice (pursuant to s267 and s74 respectively) to the injured worker, detailing the basis for the decision. Included in this advice will be information pertaining to the injured workers rights to appeal CCI’s
decision, by contacting CCI’s Workers Compensation Manager, the Claims Assistance Service (CAS) or the Workers Compensation Commission (WCC)

The Claims Assistance Service can be contacted on: 13 10 50

The Workers Compensation Commission can be contacted on: 02 9243 8800 or 1300 368 040

**Claims Dispute Process**

WorkCover’s “Claims Assistance Service” (CAS) is a telephone service, providing injured workers and employers with assistance aimed at avoiding potential disputes by resolving any problems arising during the workers compensation claims process. CCI provides advice regarding this service to both workers and employers.

When a claim/notification of injury is disputed, the worker has an option to refer the dispute to the Workers Compensation Commission (WCC). All parties are informed of the referral. The WCC is an independent and impartial statutory tribunal and will provide an independent, fair, flexible, quick and transparent process that encourages parties to be directly involved in resolving their own disputes.

**Injury Management Dispute Process**

CCI recognises the importance of consultation with all parties in the Injury Management Plan and will attempt in the first instance to negotiate an agreement to the Plan.

If the Worker, or the Treating Doctor, or the Employer (in some cases) remain/s resolute in refusing to agree to the Plan on grounds of physical incapacity, or the suitability of work duties, consideration will be given by the Injury Management Adviser, to arrange a referral to a Rehabilitation Provider to perform an independent Workplace Assessment.

If the Worker, or the Treating Doctor, or the Employer (in some cases) remain/s resolute in refusing to agree to the Plan on grounds of psychological or psychiatric incapacity or the suitability of work duties, consideration will be given by the Injury Management Adviser to arrange specialist intervention such as mediation, a workplace visit, psychological examination, or the like.

A copy of the Workplace Assessment or any other Report obtained must be provided to the Nominated Treating Doctor and approval sought for work resumption.

If, following receipt of the Report, agreement still cannot be reached the matter is to be referred to an Injury Management Consultant (IMC). These are doctors who have been approved by WorkCover to assist Insurers, Employers, and treating Doctors when there is disagreement over suitable duties. They may examine the worker and/or initiate discussions with the nominated treating doctor in order to facilitate a return to work. The criteria for appointment as an IMC includes experience in workplace based rehabilitation and attendance at a specific WorkCover mediation course.

If agreement cannot be reached, and it is determined that the worker has unreasonably failed to comply with the Injury Management Plan, entitlement to weekly compensation may be suspended until such time as the worker complies with the Plan, or if the matter is referred to the Workers Compensation Commission (WCC), until such time as findings/directions are made by them.

The Worker will be notified in writing before weekly compensation benefits are suspended for unreasonable non-compliance. The written notice will contain the reasons for suspension and the action required to lift the suspension. (For the process of dispute resolution refer to section titled Claims Dispute Process)

If the Employer refuses to comply with the Injury Management Plan by refusing to provide Suitable Duties, the Employer is to be asked to provide reasons for refusal to comply. If it is considered that the Employer has refused to
provide Suitable Duties because it is or was not practicable to do so, the Plan must be amended to reflect the unavailability of duties and a new Strategy must be developed.

If it is considered that the Employer has unreasonably refused to provide Suitable Duties, they may be subject to the penalties in accordance with legislative requirements.

If the Nominated Treating Doctor continues to disagree with the Injury Management Plan despite available medical evidence, the Worker must be advised that the doctor is impeding the Injury Management Plan. Options to resolve the impasse will be discussed, including options such as a willingness to change the Nominated Treating Doctor. CCI may refer the matter to the WCC for arbitration.

**Risk Management (OHS)**
CCI encourages Employers to provide safe workplaces. Risk Management Reports are available for Employers, breaking down injuries by type and workplace location, enabling Employers to identify problem areas.

Recognising the high incidence and cost of claims in the health care sector, CCI sponsors an Occupational Health & Safety Forum for Aged Care facilities. Its intent is to support the sharing of ideas and experiences, as well as organising experts to address the group from time to time.

CCI has a qualified Risk Manager on staff, who continually reviews the Occupational Health & Safety needs of client organisations in line with our Loss Prevention Program.

**Employer Training**
CCI continues to support and provide Employer education to ensure that its clients are informed about legislative requirements relating to workers compensation, occupational health and safety and rehabilitation.

Workplace based Return to Work Co-ordinators have completed training and developed skills. CCI provides continuing support to enable them to manage their own in-house return to work programs in face to face quarterly claims review meetings, user group forums, subsidised training eg: advanced RTW Coordinator course. Advice is given regarding any amendments to their Return to Work Programs.

CCI has the infrastructure to provide appropriate assistance, support and follow up with the Return to Work Co-ordinator on a daily basis if appropriate, by telephone contact regarding the management of individual notification/claims.

With the Workplace Injury Management and Workers Compensation Act 1998 and the Workers Compensation further Amendment Act 2001 requiring a more formalised approach to injury management, the on site Return to Work Co-ordinators are instrumental in the success of the Injury Management Plan.

The Catholic Commission for Employment Relations has lent its full support to Injury Management Seminars in encouraging all Catholic Employers to attend.

Workers Compensation Information Kits, covering all aspects of claim, return to work, occupational health & safety and injury management, are also provided to employers.

**Worker Education**
Information about Injury Management is sent to the Worker upon receipt of the Injury Notification. The injury management process is also explained to the worker during the 3 point contact. Should the injury be significant, information is sent identifying the Injury Management Adviser who will be responsible for the overall injury management process. Details of the obligations placed on the Worker, the Employer and the Insurer along with the form to change Nominated Treating doctor are also included. The Worker will be invited to telephone the Case Manager or Injury Management Adviser at CCI at any time, to discuss any aspect of his / her injury.
Continuous Improvement

It is important to ensure the success of Injury Management. CCI will monitor both processes and results and amend or change aspects where appropriate in order to achieve the best results.

Notification/claims are checked daily to ensure early contact requirements are met. Diary dates are system generated on all cases to ensure that Injury Management plans are developed and updated appropriately, as well as formal review points at 12 weeks, 22 weeks and 26 weeks, to determine if efforts to ensure recovery and return to pre-injury status have been maximised and remain achievable.

An internal audit of all new claims/notifications is carried out by the Team Leader at the end of each month to ensure compliance with legislative time frames, both for Injury Management and claims management.

This may result in amendments to the Injury Management Program from time to time. These will be advised to Employers as they occur.

Files are again reviewed at the 28 week mark, to identify those where there has been no definitive outcome, assess the quality of the decisions made and new strategies implemented in line with current medical evidence. A sample audit of claims is also carried out by the Workers Compensation Manager quarterly, to ensure the process is consistent and efficient.

Penalties for Non-Compliance

Employer

- Increased costs may be taken into account in calculation of claims experience factor used in the determination of premium
- Premium surcharge

Worker

- No entitlement to weekly compensation for the period of non-compliance

Insurer

- Cancellation or suspension of licence
- 100 penalty units
- Increased supervision by WorkCover
- Letter of censure