



GENERAL POLICY

Rehabilitation



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MAPOON ABORIGINAL SHIRE COUNCIL
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1. INTRODUCTION

These procedures have been developed to provide the framework for the provision of workplace rehabilitation for staff members who have sustained an injury or illness.

2. SCOPE

For staff members with work-related injury/illness, these procedures apply to 'workers', as defined by the *Workers' Compensation and Rehabilitation Act 2003*, a person who works under a contract and is a person for whom *pay as you go* (PAYG) tax instalments are required or would be required to be withheld by their employer. For staff members with non-work-related injury or illness, section 7.0 applies to continuing staff and fixed term staff members within the fixed term period.

3. APPLICATION

The following applies for staff members' work-related injury/illness:

3.1 Workplace rehabilitation principles and practices

- Workplace rehabilitation will be provided by a Rehabilitation and Return to Work Coordinator, accredited with Q-COMP;
- Workplace rehabilitation will commence as soon as practicable following staff members' injury/illness;
- Workplace rehabilitation will be developed in consultation with the treating doctor, using a multi-disciplinary team approach, and will consider reasonable workplace adjustment;
- Suitable duties programs will be medically approved by the treating doctor, workplace based and time limited;
- Confidentiality of medical and rehabilitation information will be maintained;
- Rehabilitation will be in accordance with Queensland legislation, including the Standard for Rehabilitation, Workers Compensation and Rehabilitation Regulation, Part 6, Division 3.

3.2 Return to work hierarchy

The primary goal of workplace rehabilitation is to return the staff member to full pre-injury duties of their substantive position, which is achievable in most instances. Where the staff member is unable temporarily to resume substantive duties, where possible a suitable duties program will be developed to facilitate early return to work. Suitable duties are considered in accordance with the following hierarchy:

- Same job, same workplace;
- Modified job, same workplace;
- Different job, same workplace;
- Same job, different workplace;
- Modified job, different workplace;
- Different job, different workplace.

4. RIGHTS OF STAFF MEMBERS IN THE EVENT OF WORK-RELATED INJURY/ILLNESS

Staff members who have sustained a work-related injury/illness have the right to:

- choose their own treating medical practitioner;
- apply for workers' compensation in accordance with the Workers' Compensation Procedures;
- authorise the Rehabilitation and Return to Work Coordinator to contact their treating medical practitioner for the purpose of workplace rehabilitation and return to work;
- confidential, safe keeping of workers' compensation and rehabilitation information;
- be provided with suitable duties, if practicable;
- consultation in the development of workplace rehabilitation or suitable duties programs;

- representation if so desired;
- access to Individual Grievance Resolution Procedure in accordance with Council policy.

5. ROLES ASSOCIATED WITH WORKPLACE REHABILITATION FOR WORK-RELATED INJURY/ILLNESS

5.1 Rehabilitation Team

The rehabilitation team will develop, implement and monitor suitable duties programs and may include all, or some of the following persons:

- injured/ill staff member;
- supervisor/manager of the injured/ill staff member;
- treating medical practitioner;
- Rehabilitation and Return to Work Coordinator;
- WorkCover Queensland Customer Advisor;
- associate/representative of the staff member (if requested);
- Human Resource Adviser, Business Partners;
- rehabilitation service provider (where required).

5.2 Injured/Ill Staff Member

The injured/ill staff member will:

- notify their supervisor of the existence of any work-related injury/illness;
- provide a workers' compensation medical certificate for absences/treatment subject to a workers' compensation claim;
- advise their treating medical practitioner of the availability of workplace rehabilitation;
- maintain relevant communication with the Rehabilitation and Return to Work Coordinator;
- maintain an accurate record of hours worked, signed by the supervisor, to provide to the Rehabilitation and Return to Work Coordinator;
- continue participation in normal performance review processes during workplace rehabilitation.

5.3 Supervisor/Manager

The supervisor will:

- notify the Rehabilitation and Return to Work Coordinator as soon as possible of a staff member's injury/illness;
- support and encourage the injured/ill staff member during workplace rehabilitation;
- assist the Rehabilitation and Return to Work Coordinator to identify and coordinate suitable duties;
- support reasonable adjustment to enable successful implementation of workplace rehabilitation and suitable duties;
- monitor the staff member's progress with regard to suitable duties;
- continue normal performance review processes during workplace rehabilitation.

5.4 Rehabilitation and Return to Work Coordinator

The Rehabilitation and Return to Work Coordinator will:

- ensure an efficient system exists for early notification to the Rehabilitation and Return to Work Coordinator when staff members sustain a work-related injury/illness;
- assist the Council with the duty to report injury within 8 business days to WorkCover Queensland;
- initiate early communication with the injured/ill staff member to clarify the nature and severity of the injury and ensure initial notification processes are completed;
- ensure early intervention through early contact with all key parties;

- develop, coordinate and monitor workplace rehabilitation and suitable duties programs in consultation with the rehabilitation team, ensuring consistency with the current medical certificate/report for the staff member's injury/illness;
- liaise with WorkCover Queensland about the injured/ill staff member's progress and suitable duties programs, including actual hours worked;
- obtain treating doctor approval for all workplace rehabilitation programs;
- maintain accurate, relevant documentation, and confidentiality in accordance with the Standard for Rehabilitation, Workers Compensation and Rehabilitation Regulation, Part 6, Division 3;
- ensure information is provided to all staff members about the Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures, and what to expect when an injury occurs, including this information in new staff induction programs;
- educate supervisors regarding their role and responsibilities for workplace rehabilitation;
- promote an internal culture of acceptance for workplace rehabilitation;
- promote workplace rehabilitation to treating doctors to work cooperatively, and to gain their trust and assistance;
- maintain a file for each staff member with a work-related injury/illness, which includes all documents, correspondence, signed and dated case notes, and accounts;
- ensure confidentiality is maintained for all written and verbal information;
- maintain relevant statistics regarding workers' compensation and workplace rehabilitation;
- ensure Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures are current, and Rehabilitation and Return to Work Coordinator accreditation is maintained;
- provide injured workers with the opportunity to give feedback with regard to workers' compensation and workplace rehabilitation;
- provide reports to the Council on workers' compensation trends and premiums.

5.5 Co-Workers

Co-workers will be encouraged to support injured/ill staff members, and will be informed about their co-worker's workplace rehabilitation only as needed and as it relates to work.

6. WORKPLACE REHABILITATION FOR WORK-RELATED INJURY/ILLNESS

6.1 Rehabilitation and Return to Work Plan

WorkCover Queensland is responsible for developing and maintaining a rehabilitation and return to work plan in consultation with the injured worker, the Council and treating medical practitioner. The plan and any amendments must be consistent with the staff member's needs and the current medical certificate or injury report.

6.2 Suitable Duties Program

The employer must develop and document a suitable duties program where it is medically recommended, in consultation with the injured/ill staff member and rehabilitation team. Suitable duties programs will take into account:

- nature of injury and current medical certificate/report for the staff member's injury/illness;
- pre-injury duties and substantive classification;
- approval from treating medical practitioner;
- the rehabilitation and return to work plan;
- functional capacity and work experience;
- level of supervision and training required;
- suitable hours and time frames;
- reasonable workplace adjustments where required;
- meaningful duties which are documented and relevant to rehabilitation objectives;
- regular reviews upgrading duties consistently with the staff member's recovery.

Suitable duties programs will not affect adversely staff members' future work opportunities. A copy of the plan will be made available to the staff member, supervisor and WorkCover Queensland.

6.3 Funding for Rehabilitation

WorkCover Queensland will pay all reasonable costs of rehabilitation for accepted workers' compensation claims. Other costs which may be considered desirable to assist workplace rehabilitation, such as equipment or training, may be funded by the Element at the discretion of the relevant supervisor.

Suitable duties programs may be fully funded by WorkCover Queensland or partially funded (where a staff member is fit to work restricted hours). In partially funded programs, the Element pays for actual hours worked, and WorkCover Queensland pays for the remainder of hours normally worked. In most cases, the Element will pay the staff member full wages and WorkCover Queensland will reimburse the Council for lost time.

In some cases, it may be desirable for the Council to meet limited medical and rehabilitation costs prior to acceptance of a workers' compensation claim. This will be at the discretion of the relevant Head of Element, with advice from the Rehabilitation and Return to Work Coordinator regarding necessary and reasonable costs.

6.4 Residual Incapacity due to Work-Related Injury/Illness

If the outcome of rehabilitation is that the staff member is unable to fully return to pre-injury/illness duties, the Head of Element will consider reasonable workplace adjustment. If still unable to return fully to pre-injury/illness duties, the Council may seek suitable alternative employment for the staff member over a period of at least 12 months following the work-related injury/illness.

The relevant Manager, in association with the designate Human Resource Management, will take all practicable steps to identify a suitable position within the Council to which the staff member may be given an alternative placement, commencing with his/her own area.

The alternative placement of a staff member within the same school, or area office, rests with the relevant Manager. For placement to an area outside the relevant work area, the authority rests with the CEO. The CEO has the final decision on matters of dispute in the process for alternative placement.

The staff member is required to participate fully in the search for alternative employment, by proactively job searching, being available for consideration for a vacancy, attending interviews and participating in training.

Continuing staff members may be placed in a fixed term position as a temporary measure. In this instance the staff member will remain continuing and retain existing entitlements. During the fixed term appointment the Council may place the staff member in a continuing position. If this does not occur, on completion of the fixed term appointment the Council will continue the search for suitable alternative employment for the remainder of the 12 month period following the work-related injury/illness.

The Rehabilitation and Return to Work Coordinator will notify the Manager if a staff member is unable to return to pre-injury/illness duties following work-related injury/illness. If the staff member cannot be placed in suitable alternative employment within the Council in the 12 month period following the work-related injury/illness, the Council will proceed in accordance with the Managing Ill Health clause of the General and Academic Staff Certified Agreements, which may lead to termination of employment.

7. WORKPLACE REHABILITATION FOR NON WORK-RELATED INJURY/ILLNESS

7.1 Rehabilitation for Non-Work-Related Injury/Illness Workplace rehabilitation for non-work-related injury/illness may be provided in some circumstances at the discretion of the Council. In such cases, the staff member may be referred for an independent medical assessment before and/or during workplace rehabilitation. An employee return to pre-injury/illness duties will normally be completed within 6 weeks. Workplace rehabilitation for non-work-related injury/illness, if provided, will be conducted according to the

Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures, with the Human Resource Adviser/Manager (Business Partners) taking the role of the Rehabilitation and Return to Work Coordinator.

7.2 Payment of Salary following Non-Work-Related Injury/Illness

The Council will pay the injured staff member for actual hours worked. Accrued sick, recreation or long service leave may be used to supplement hours worked, with approval of the supervisor.

7.3 Residual Incapacity due to Non-Work-Related Injury/Illness

The Council is not required to provide employment following non-work-related injury/illness, if a staff member is unable to resume pre-injury/illness duties. In such cases, the Council may seek termination of employment. However, at the discretion of management, other employment options within the Council may be sought.

The Human Resource Adviser/Manager will notify the Manager if a staff member is unable to return to pre-injury/illness duties following non-work-related injury/illness.

8. OTHER MATTERS

8.1 Grievances in Relation to Rehabilitation

In the event that a grievance arises in relation to workplace rehabilitation, the Individual Grievance Resolution Procedure will apply.

8.2 Confidentiality

Information obtained during workplace rehabilitation will be treated with sensitivity and confidentiality. Approval to access or release medical or rehabilitation information, relevant only to workplace rehabilitation and return to work, will be sought from the staff member using the Authorisation to Release Information form. The Rehabilitation and Return to Work Coordinator will release information to key parties only where information is required for workplace rehabilitation and return to work.

8.3 Case Notes and Records

The Rehabilitation and Return to Work Coordinator will keep accurate and objective case notes in a secure location for each staff member undergoing workplace rehabilitation. Case notes must contain details of:

- all communication between the worker, Rehabilitation and Return to Work Coordinator, insurer, supervisor, treating registered persons and key parties;
- actions and decisions;
- reasons for actions and decisions.

At the conclusion of workplace rehabilitation for work-related injury/illness, the workplace rehabilitation file must be sealed in an envelope, marked 'Confidential-Rehabilitation File' with the staff member's name, position number and date of birth and filed. In cases where the file is electronic, it will remain protected and available only to approved staff members.

At the conclusion of rehabilitation for non work-related injury/illness, the Human Resource Adviser should forward rehabilitation information to Payroll to be placed on the staff member's personal file.

8.4 Information and Training

Information and training regarding the Workplace Rehabilitation Policy and related procedures will be available for managers, supervisors and staff members. Information on workplace rehabilitation will be included in induction programs for new staff.

8.5 Review

The *Workers' Compensation and Rehabilitation Act 2003* requires this procedure to be reviewed at least every three years. The next scheduled review date is 2019.

9. DELEGATED AUTHORITIES

The Manager may approve:

- limited medical and rehabilitation costs until WorkCover Queensland accepts a claim;
- other necessary and reasonable costs associated with the rehabilitation and return to work plan, e.g. equipment or training;
- costs associated with providing a rehabilitation program for a staff member's non-work-related injury/illness.

The CEO approves alternative placement when the staff member is transferred to another work area within council

The CEO:

- has the final decision on matters of dispute in the process for alternative placement;
- may approve, after a period of 12 months, termination of employment if the staff member cannot return to pre-injury/illness duties and cannot be placed in suitable alternative employment.

10. GLOSSARY

Independent medical assessment – assessment with a medical practitioner arranged by the Council to assess and employee's capacity for work.

Insurer – see WorkCover Queensland.

Non-work-related injury/illness – an injury or illness that has not arisen out of employment.

Q-COMP - Q-COMP is the Workers' Compensation Regulatory Authority in Queensland. Q-COMP has many functions including the running of the medical assessment tribunals, providing administrative reviews of insurer decisions, educating the scheme about rehabilitation and return to work and connecting injured workers with services that will assist them in re-entering the workplace if they are not able to return to their pre-injury role.

Rehabilitation -

- (1) Rehabilitation, of a worker, is a process designed to—
 - (a) ensure the worker's earliest possible return to work; or
 - (b) maximise the worker's independent functioning.
- (2) Rehabilitation includes—
 - (a) necessary and reasonable—
 - (i) suitable duties programs; or 8 Workplace Rehabilitation Procedures
 - (ii) services provided by a registered person; or
 - (iii) services approved by an insurer; or
 - (b) the provision of necessary and reasonable aids or equipment to the worker.

Rehabilitation and Return to Work Coordinator (RRTWC) - the RRTWC is a person who has completed a workplace rehabilitation course approved by Q-COMP. The RRTWC is the link between an injured/ill worker, their treating doctor, management, supervisors, WorkCover and any other person involved in return to work.

Rehabilitation and return to work plan - a written plan outlining the rehabilitation objectives and the steps required to achieve the objectives.

Rehabilitation service provider – a person engaged to provide rehabilitation services to an injured employee. This may include, but is not limited to a Physiotherapist, Occupational Therapist, Psychologist, Podiatrist, Osteopath or Chiropractor.

Suitable alternative employment – if an employee is unable to return to their usual employment, the Council may be able to assist the employee to locate suitable alternative employment taking into account the injury/illness, the employee's qualifications and experience and business needs of the Council.

Suitable duties – suitable duties are specially selected duties that are matched to a worker's capacity for work. Suitable duties could mean doing their normal role but with restrictions or doing another job entirely.

Suitable duties program – a suitable duties program is the document outlining the agreed suitable duties and hours of work. A suitable duties program involves consultation between all key parties and will be monitored and upgraded as the worker's recovery progresses.

Treating registered person – the registered doctor or other medical professional (such as a Dentist) who provides treatment to an injured employee.

WorkCover Queensland – Griffith Council's workers' compensation insurer is WorkCover Queensland. WorkCover will make decisions on claims regarding the Council's liability and will coordinate the overall rehabilitation plan based on the available medical information. WorkCover works closely with the RRTWC to ensure the safest and best possible return to work outcome for injured/ill workers.

Worker – a worker is a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwth), schedule 1, part 2-5. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.

Workers' compensation claim – a claim made via the injured worker's employer or directly to WorkCover Queensland for a work-related injury or illness. The worker may be entitled to lost wages and/or payment of medical expenses relating to the injury.

Workers' compensation medical certificate – this is a Q-COMP medical certificate required for the lodgement of a workers' compensation claim. Workers' compensation medical certificates are issued by the worker's treating doctor and should be provided by the treating doctor at each review.

Workplace rehabilitation - is a system of rehabilitation accredited by the Authority (Q-COMP) that is initiated or managed by an employer.

Work-related injury/illness – is an injury that has arisen out of or in the course of employment. It may include injury or illness or aggravation of injury/illness.