RETURN TO WORK PROGRAM

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1. Introduction
The University of Wollongong is committed to the prevention of injury and illness to its employees by providing a safe and healthy work environment. On those the occasions when an injury occurs to an employee in the workplace the University is equally committed to assisting in the process of providing a safe, timely and durable return to work of injured workers.

The purpose of the Return to Work Program is to facilitate the timely and safe return to work for employees who have sustained a work related injury or illness. This Return to Work Program forms a component of, and supports the University of Wollongong’s Injury Management Program.

2. Purpose
As a licensed self-insurer under Section 211 of the Worker’s Compensation Act 1987, the University of Wollongong has developed the following Return to Work Program in consultation with employees via the central OH&S Committee. The University of Wollongong will comply with the obligations imposed on it by or under the program.

This Return to Work Program should be read in conjunction with the relevant workplace Injury Management Program.

3. Scope
The Return to Work Program applies to all UOW employees. The Return to Work Program should be read in conjunction with the University’s Injury Management Program.

4. Preventing Occupational Injury and Illness
The University of Wollongong is committed to the prevention of injury and illness to its employees by providing a safe and healthy work environment for staff, students and visitors. To achieve a safe workplace, the University has in place a comprehensive OHS management system with the aim to identify, assess and control the risk of hazards. Further information about the UOW OHS management system can be found via the following link:


Additionally, the University has a comprehensive OHS consultation arrangement in place to consult with workers on OHS matters. This includes a Central OHS Committee and supporting committees in faculties and divisions according to the UOW OHS Consultation Statement. Further information can be found via the following link:


The University has an OHS training schedule which aims to provide employees, students and visitors with information and skills with regards to workers compensation, return to work and various OHS procedures and topics. Further information can be found at the following link:


The University monitors its OHS performance to identify links between injury management data and the review of OHS procedures at regular intervals. This process is outlined by the following procedure [OHS Performance Measurement and Reporting Guidelines](http://staff.uow.edu.au/ohs/training/index.html).

5. As a licensed self-insurer under Section 211 of the Worker's Compensation Act 1987, the University of Wollongong has developed the following Return to Work Program in consultation with the university employees via the central OH&S Committee. The University of Wollongong will comply with the obligations imposed on it by or under the program. This Return to Work Program should be read in conjunction with the relevant workplace Injury Management Program.

6. Responsibilities

1. University

The University’s responsibilities as both the employer and insurer include:

- ensure the health, safety and welfare at work of all workers;
- maintain its self insurance license in accordance with legislative and WorkCover NSW requirements;
- develop, implement and review the return to work program in consultation with workers and relevant unions at least every two years and;
- produce the program in printed form and display a summary of the program prominently in workplaces;

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Hardcopies of this document are considered uncontrolled please refer to UOW website or intranet for latest version
display, at a minimum, a summary of the Workers Compensation legislation about giving notice of an injury and the making of a claim;

- appoint an appropriately trained return to work coordinator to negotiate, develop and implement return to work policies and procedures;

- select and nominate approved workplace rehabilitation providers in consultation with workers and relevant unions;

- maintain a register of injuries in which workers record details of work-related injuries;

- keep a record of wages paid for at least the previous five years;

- notify WorkCover immediately of serious incidents by phoning 13 10 50;

- not dismiss an injured worker because of the injury within six months of the worker first becoming unfit for employment;

- provide workers with adequate information about workers compensation and return to work procedures, including their choice of doctor and rehabilitation provider and how to change providers, if required;

- advise the worker’s nominated treating doctor and insurer of the requirements of the worker’s usual job and availability of suitable duties;

- make suitable duties available to injured workers who are certified fit for suitable duties (partially incapacitated) if reasonably practicable to do so;

- comply with medical restrictions resulting from the work injury as obtained from the treating doctor;

- provide a worker with a workers compensation claim form if requested;

- participate and cooperate in the establishment of an injury management plan for an injured worker and give effect to that plan at the workplace;

- comply with obligations imposed on the employer in the injury management plan;

- cooperate with engaging assistance from a workplace rehabilitation provider if the worker faces barriers in returning to work;

- cooperate with providing retraining or different job opportunities to an injured worker who is unable to return to their pre-injury job;

- respect the privacy and confidentiality of medical examinations by arranging a separate discussion between the worker, doctor and employer.

2. Workers

Workers must:

- Cooperate with the employer to prevent work-related injuries to self and others;

- Cooperate with the employer to enable the employer to meet their return to work obligations;

- Cooperate in workplace changes designed to assist the return to work of fellow workers if injured:
  - notify the employer of a workplace injury as soon as possible after the injury happens;
- specify one nominated doctor or medical practice who is prepared to participate in the development and implementation of an injury management plan;
- give consent for the nominated treating doctor to provide information for the purposes of an injury management plan and return to work plan;
- participate and cooperate in the establishment of the initial and subsequent injury management plans;
- make all reasonable efforts to return to work with the pre-injury employer as soon as possible;
- comply with the activities detailed in injury management plan(s);
- advise of any difficulties with return to work as soon as practical to prevent delays in addressing any problems.

Workers will be informed of their obligations and rights by being given a copy of the return to work program and the ‘Information for Injured Workers’ WorkCover brochure upon submitting a claim for workers compensation.

3. OHS Unit

As the insurer, the OHS Unit must:

- ensure that University is kept aware of its legislative obligations in relation to the injury management program;
- within three working days of being notified that a worker has sustained a significant injury, contact the workers supervisor, worker and (if necessary) the nominated treating doctor. Subsequently, an injury management plan must be developed in line with timeframes in the University’s injury management program;
- within seven days of being notified that a worker has sustained a significant injury, begin provisional payments of weekly benefits and medical expenses, or advise the worker why payments will not be made;
- consult with the injured worker, supervisor and nominated treating doctor in the development of an injury management plan;
- provide the injured worker, supervisor and nominated treating doctor with information on the injury management plan initially and as the plan progresses;
- inform the worker that their entitlements to weekly benefits can be suspended if they do not reasonably comply with their injury management plan and what they must do to prevent the suspension;
- have procedures in place for an injured worker to change their nominated treating doctor and inform the injured worker of these requirements;
- consult with the injured worker, supervisor and nominated treating doctor when referring to a workplace rehabilitation provider. Advise the injured worker that they can choose a rehabilitation provider and inform the injured worker of the process to be followed when changing a rehabilitation provider;
- ensure vocational retraining and/or assistance to obtain employment with a new employer is arranged for an injured worker as soon as it is identified that a return to pre-injury duties and provision of suitable duties is no longer possible;
ensure accuracy of payment of weekly benefits in accordance with wage as advised by the University and legislative requirements

provide injured worker with information about their weekly benefits and entitlements and how they may change over time.

4. **Return To Work Coordinator**

The University employs a full time dedicated person in the role of Injury Management Coordinator. The role encompasses the duties of a return to work coordinator. These duties include:

- developing and implementing the return to work program, educating the workforce, keeping injury and return to work statistics and developing policies to improve systems
- providing information on the return to work process and associated workers compensation benefits to injured workers
- obtaining or sighting the injured worker’s consent before obtaining or releasing information about the worker’s return to work
- determining the injured worker’s needs by discussion with the worker, the nominated treating doctor and other treatment practitioners
- working with the insurer as they develop an injury management plan for the injured worker
- identifying suitable duties and assisting the injured worker to return to work as soon as possible
- preparing a return to work plan (see template at Appendix E of these Guidelines) in consultation with key parties that documents suitable duties and work restrictions
- referring to an approved workplace rehabilitation provider as needed
- being the focal point for all contact relating to the injured worker. Most contact will be with the worker, their supervisor, nominated treating doctor, insurer, rehabilitation provider and union
- coordinating and monitoring progress in treatment, rehabilitation provider services and return to work plans
- assisting in the redeployment of injured workers (either internally or externally) into suitable employment when an injured worker cannot return to pre-injury duties
- collecting information on locally based resources in the community, including bilingual resources, and making this information available to injured workers where necessary
- maintaining and managing confidential case notes and records in line with relevant legislation and guidelines (refer to Guidelines for confidentiality of injury management information at Appendix C).

The role does not include decision making about claim liability or approval of treatment as this is the Claim Coordinator’s responsibility.

The University's Injury Management Coordinator is Cathie Andrew, ph 4221 5907.

5. **Nominated Treating Doctor**

The nominated treating doctor must:
complete WorkCover medical certificates;
arrange and monitor appropriate treatment;
specify medical restrictions and advise on the suitability of duties offered by the employer;
provide information to the insurer and employer in relation to injury management and return to work plans for the injured worker;
certify time off only if it is medically necessary;
 promote an early and safe return to work of the worker;
review the progress of recovery of the injured worker and revise the worker’s medical management as needed;
arrange referral to an approved workplace rehabilitation provider, if required, and if not initiated by the employer or insurer;
advise employer/insurer on availability for discussion about injury management and return to work.

6. Workplace Rehabilitation Provider

The workplace rehabilitation provider must:
• deliver services to workers, employers and insurers in a cost effective, timely and proactive manner to achieve a safe and durable return to work;
• promote an early and safe return to work of the worker;
• ensure the needs of the worker and employer are identified by means of adequate and appropriate assessment;
• identify barriers to injured worker’s return to work and develop strategies to address these;
• identify and design suitable duties for the worker to assist the employer to meet their obligations in providing suitable employment;
• identify and coordinate rehabilitation strategies that ensure the worker is able to safely perform their duties;
• consider workplace industrial relations and human resource matters that may affect the worker’s return to work;
• 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 to work;
• arrange appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties;
• communicate with relevant parties throughout service provision to ensure progress towards the return to work goal.

7. Program Principles
1. Early Commencement of Injury Management and Return to Work

- Workers are required to report injuries as soon as possible to their supervisor or the OHS Unit. Injuries are required to be formally reported via the University’s online hazard and incident reporting system SafetyNet. Further information on how to use SafetyNet is available via the following link:
- Supervisors are required to notify the OHS Unit on 4221 3931 of any workplace injury immediately upon notification and no longer than 48 hours.
- The Injury Management Coordinator is required to gain written consent from the injured worker to obtain, use and disclose injury management information. This is obtained using the Authority to Obtain/Release Information Form.
- The Injury Management Coordinator is to make contact with the nominated treating doctor and injured worker to assist in the development of the injury management plan and return to work plan.
- Further information is available in the following OHS Unit internal procedures:
  - Internal Notification of Injury and Early Contact
  - Development of Return to Work Plans
  - Development of Injury Management Plans

2. Consultation

Consultation will occur at regular intervals as per the NSW Workplace Injury Management and Worker’s compensation Act 1998, or earlier if agreed to, between the employee and employee representative. This will cover rights and obligations, arrangements for return of an injured employee on suitable duties and general conduct of rehabilitation activities, policy and procedures.

Consultation will occur between the injured worker, supervisor and Injury Management Coordinator after each treatment review with the Nominated Treating Doctor to prepare a return to work plan.

3. Provision of Suitable Duties

- The University will make every effort to, where reasonably possible, provide suitable duties.
- Suitable duties as defined in Section 43A of the Worker’s compensation act 1987 means employment in work for which the worker is suited, having regard to the following:
  (a) the nature of the worker’s incapacity and pre-injury employment,
  (b) the worker’s age, education, skills and work experience,
  (c) the worker’s place of residence,
  (d) the details given in the medical certificate supplied by the worker,
  (e) the provisions of any injury management plan for the worker,
  (f) any suitable employment for which the worker has received rehabilitation training,
  (g) the length of time the worker has been seeking suitable employment,
  (h) any other relevant circumstances.
- When the injured employee is fit to return to work on suitable duties, the Injury Management Coordinator will consult with the nominated treating doctor and/or workplace rehabilitation provider to discuss whether suitable duties could reasonably be found at the workplace, and if not, the other options available.
- The University will ensure that suitable duties will be:
  - consistent with the injured worker’s capacity and medical restrictions,
  - meaningful and productive,
  - agreed with all relevant parties and written in an individual return to work plan,
  - time limited and include review dates, representing a graded return to pre-injury hours/duties,
  - consulted with all parties if changes are initiated,
- Where suitable duties cannot be identified at the substantive workplace, other areas of the University may be investigated or alternatively WorkCover’s Work Trial Program can be used to provide suitable duties with another host employer.

4. No Disadvantage Requirements

The University is committed to ensuring that participation in a return to work plan will not, of itself, disadvantage an injured worker. All efforts will be made to resolve disagreements about the return to work program, or its components, through discussion and in a spirit of cooperation.

This includes the following key principles:
- the University may permit workers access to their sick leave as per award arrangements if they provide a medical certificate. If the medical condition is subsequently accepted as a compensable injury, the worker’s sick leave entitlements will be adjusted;
- injured workers are able to access certain leave entitlements in addition to workers compensation;
- all monies that the worker is entitled to under the workers compensation legislation will be passed on to that worker as soon as practicable by the University after being notified;
- if the worker was scheduled for higher duties or a training program will continue to do so, provided that the higher tasks or training program are consistent with medical restrictions;
- The University may allow a worker who is injured and who is scheduled for a performance appraisal, to continue with that appraisal;
- workers may not be dismissed within six months of becoming unfit for employment as a result of a workplace injury.

Where an employee feels that they are being disadvantaged by participating in the Return to Work Program they are to follow the dispute resolution process, Section 6.4

5. Dispute Resolution Process

The University of Wollongong will attempt to resolve any dispute by discussions with all stakeholders. Where a dispute regarding suitable duties and/or fitness for work is unresolved, the University of
Wollongong will refer the matter to an Injury Management Consultant for liaison with all parties to resolve the issue. If any dispute cannot be resolved, it may be referred to the NSW Worker’s Compensation Commission.

The University of Wollongong will attempt to resolve any dispute with all stakeholders upon notification. Employees who have an issue or a dispute with regards to the suitable duties are to raise this with either the Injury Management Coordinator or Manager OHS Unit in the first instance.

Every endeavour will be made to resolve any disagreement about the return to work program through discussions amongst the key parties. These may include the injury management coordinator, the injured worker, the treating doctor, the claims coordinator and the supervisor/manager.

An approved workplace rehabilitation provider, if not already involved, can be utilised to assist in resolving disagreements.

If there is disagreement about suitable duties or fitness for work, referral to an injury management consultant can be organised through by the OHS Unit.

Disputes regarding the treatment provided, including the need for ongoing treatment, can be referred for a second opinion. Independent consultants assess, for example physiotherapy, osteopathy, chiropractic, psychological and remedial massage treatment and independent doctors can assess medical treatment being offered or provided.

If the parties are unable to reach agreement, advice can be sought from the WorkCover Assistance Service on 13 10 50.

If a worker’s compensation claim is disputed, the worker or employer may seek resolution through the Workers Compensation Commission. This includes disputes relating to an injury management plan, a return to work plan and suitable duties

8. Rehabilitation Providers

Referrals to approved workplace rehabilitation providers should be considered when the return to work plan is complex or there is a conflict of interest. These referrals should be discussed with the claims coordinator and worker and made as early as possible.

The preferred rehabilitation providers to assist with return to work plans are:

- Injury and Occupational Health, 32 Swan St Wollongong, ☏ ph: 4229 6111
- Rehab Co, 104 Church Street Wollongong, ☏ ph: 4229 8688
Other rehabilitation providers may be selected by the injured worker in consultation with the Injury Management Coordinator and Workers Compensation Claims Coordinator worker and the OHS Unit.

9. Interpreters

Interpreters may be utilised when the need is identified by utilising the Translating and Interpreting Service (TIS) ph: 131 450 or other identified means.

10. Confidentiality

All injury management information obtained from the employees during their return to work, or while undertaking workplace rehabilitation services, is confidential. Injury management information includes:

- file notes, letters, faxes and return to work places completed by the Injury Management Coordinator;
- treating doctor assessment and reports;
- specialist doctor assessment and reports if the injured worker was referred to the specialist by the treating doctor
- approved workplace rehabilitation providers documents such as:
  - referral/approval for workplace rehabilitation service
  - approved rehabilitation provider plans
  - approved rehabilitation provider progress reports
  - invoices for workplace rehabilitation services return to work plans
  - injury management consultant reports

Injury management information does not include:

- section 40 assessments
- copies of independent medical examiner reports initiated by the insurer
- print outs of claims estimates and premium costs
- common law and legal proceedings.

The obtaining of information by the Injury Management Coordinator will be discussed at the commencement of rehabilitation and consent will be sought from the worker before speaking with a treatment provider via signing the Authority to Release Information Form. The worker’s consent may be withdrawn at any time. However, this may result in return to work not proceeding and affecting the worker’s entitlements to workers compensation benefits.

Injury management information will be maintained within a case file and access will be confined to relevant documents on the case file and limited to:

- those who have a direct responsibility for coordinating, monitoring or providing return to works services for the injured worker; and
- those involved in providing clerical and administrative support to these personnel.

Examples of people with a legitimate need to know may include:
- return to work coordinator;
- workers immediate supervisor;
- supervisor of the area in which suitable duties have been identified;
- occupational physician, workplace medical officer;
- Workers compensation case manager or personal office handling workers compensation claims.

The OHS Unit shall maintain and protect open and closed case files, including electronically stored information, from unauthorised access, interference, misuse, loss and theft. Hardcopy files will be held in locked filing cabinets and electronic files will be kept on password protected IT system.

11. Training and Awareness Strategies

Information on the Return to Work Program will be included in the following training programs:

- University Induction
- General Staff Supervisors Orientation

12. Review

This Return to Work Program will be reviewed in consultation with employee representatives via the OHS Committee on a biennial basis.

13. Version Control History

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