

G.18 Return to Work Policy and Procedure

1.0 INTRODUCTION/BACKGROUND

Mercy Services is committed to the return to work of all employees who are injured at work.

Mercy Services will endeavour to offer the procedures outlined in this program to workers suffering from non-work related illness or injury if resources permit.

A Return to Work (RTW) program is an integral part of the Workers Compensation Act 1987 (NSW) and the Workplace Injury Management and Workers Compensation Act 1998.

Section 52 of the Workplace Injury Management and Workers Compensation Act 1998 states that “An employer must establish a RTW program with respect to policies and procedures for the rehabilitation (and, if necessary, vocational re-education) of any injured workers of the employer. At Mercy Services the RTW Coordinator is also the Work Health & Safety (WHS) Coordinator.

This program has been developed in line with relevant awards pertinent to this organisation, in consultation with Catholic Church Employment Relations (CCER).

Assistance for volunteers injured during voluntary work with Mercy Services is detailed in F.10 Volunteer Policy.

2.0 SCOPE

The purpose of this procedure is to outline the steps to be taken to ensure an early, safe and durable RTW for any paid employee injured or made ill by a workplace related incident. This procedure applies to Mercy Services' employees and contractors whose RTW arrangements need Mercy Services supervision. Where contractors have implemented adequate RTW arrangements these will be supported by Mercy Services.

3.0 POLICY STATEMENT

The Mercy Services RTW program is based on the following commitments, which are supported as a matter of policy by all levels of Mercy Services.

- We will prevent work related injury or illness by providing safe and healthy work practices and working environments on all sites where work takes place.
- We will participate in the development of an Injury Management Plan (IMP) and ensure that injury management activities commence as soon as possible after injury as medical judgement allows.
- We will support the injured worker and ensure that early RTW is a normal expectation.
- We will provide suitable duties where practicable for an injured/ill worker as soon as possible.
- We will ensure that our injured workers (*and anyone representing them*) are aware of their rights and responsibilities – including the right to choose their own

doctor and rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause.

- We will consult with our workers and, where applicable, any union of workers to ensure that the RTW program operates as smoothly as possible.
- We will maintain the confidentiality of injured worker records.
- We will not dismiss a worker as a result of a work related injury within 6 months of becoming unfit for employment.

OBLIGATIONS

The Injured Worker

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

- To notify their Co-ordinator/Manager of an injury/illness as soon as possible including the recording of details of the incident/injury on the Mercy Services Incident Report Form.
- To obtain a WorkCover Certificate of Capacity in support of any absence from work related to the injury/illness.
- To nominate a treating doctor who must agree to be responsible for the medical management of the injury, write certificates and participate and co-operate in the development of the IMP.
- To authorise the treating doctor to provide relevant information to the Insurer or employer for the purposes of an IMP.
- To complete a claim form when required by the insurer.
- To participate and actively co-operate in the design and implementation of his or her IMP (incl. promptly return claim forms & other paperwork, attend all meetings, medical appointments, comply with treatments/rehabilitation, and RTW arrangements). Unreasonable refusal to participate in a plan may compromise entitlement to payment of Workers Compensation benefits.
- To make all reasonable efforts to RTW with pre-injury employer as soon as possible.

The Employer

Mercy Services is obligated to:

- Ensure that the injured worker receives appropriate first aid and/or medical treatment as soon as possible.
- Comply with our insurers' IMP and the requirements of an individual IMP.
- Notify the insurer within 48 hours of becoming aware of a workplace injury suffered by an employee and record the details of the injury in the Register of Injuries.
- Participate in and co-operate in the establishment of an IMP.
- Comply with the IMP.
- Ensure that the injured worker is offered the assistance of an accredited rehabilitation provider if it becomes evident that they are not likely to resume their pre-injury duties, or cannot do so without changes to the workplace or work practices.
- Appoint a RTW Coordinator who will facilitate and coordinate services necessary for an early and safe RTW, by contacting and liaising with the injured

worker, treating doctor, the supervisor and where appropriate the union and the rehabilitation provider.

- Provide suitable duties/employment for an injured worker, consistent with medical advice, if they are reasonably practicable, as an integral part of the RTW program and the injury management process.

The Nominated Treating Doctor

The Nominated Treating Doctor assesses the physical/psychological capabilities of the injured/ill worker, and works in consultation with the worker, the employer and Insurer to determine the appropriate strategy to assist the worker to recover from the injury/illness and RTW as soon as practicable.

The Insurer

Catholic Church Insurances (CCI) is obligated:

- To inform employers of their legal obligations in relation to the insurers IMP.
- To inform workers of significant steps taken or proposed to be taken under the workers IMP.
- To contact the injured employee, the Employer and Nominated Treating Doctor (where necessary) within 3 days of being notified of a significant injury.
- To advise workers of their obligations with respect to the IMP.
- To prepare an IMP in consultation with the employer, the worker and when necessary, the Nominated Treating Doctor, for each injured employee when there is sufficient medical information available after being notified of a significant injury.
- Ensure the IMP is reviewed and updated whenever there is a substantial change to the workers medical condition or circumstances and notify all parties of any changes or updates.

4.0 PROCEDURES

4.01 When an Injury Occurs

It is the workers responsibility to notify their Manager or Co-ordinator of any work-related injury, incident or illness as soon as practicable after the event.

Once an injury/illness is notified, the Manager/Co-ordinator will:

- ensure the worker receives appropriate first aid and or medical treatment as soon as possible.
- ensure an Incident Report Form is completed.
- complete and implement a more thorough risk management process if necessary.

4.02 Follow Up After an Injury

If the doctor finds an injury is work related the worker must secure a WorkCover Certificate of Capacity.

The worker will nominate a treating doctor who must agree to be responsible for the medical management of the injury, write Certificates of Capacity in the required format and participate and co-operate in the development of the IMP.

The Manager/Co-ordinator will ensure the completed Incident Form is completed and passed to the RTW Co-ordinator.

The RTW Co-ordinator will:

- conduct an investigation and keep the Chief Executive Officer informed.
- contact the worker and explain the RTW process and requirements.
- request Payroll calculate the worker’s pre-injury average weekly earnings (PIAWE).
- will obtain consent from the injured worker to obtain, use and disclose injury management information (on CCI Notification Form).
- notify the regulator and/or the insurer (CCI) as per the Incident Investigation Policy (i.e. (1) fatalities/life threatening injuries notified to the regulator immediately and (2) injuries likely to require Workers Compensation notified to CCI within 48 hours).

The WHS and RTW Co-ordinator will complete the necessary forms and send these with the Worker’s Certificate of Capacity to CCI.

The RTW Coordinator will comply with the IMP developed by CCI for the injured worker. The RTW Coordinator, in consultation with the worker, the rehabilitation provider, CCI and the Nominated Treating Doctor will develop and implement the RTW Plan (see Appendix 1) for the injured worker whenever the worker has less than their normal capacity for work.

The RTW Coordinator will monitor the workers progress throughout the IMP and maintain a case file and protect the confidentiality of the information in this file.

4.03 Wages and medical expenses

Mercy Services will make all reasonable efforts to ensure that staff do not have a decrease in income or incur unnecessary expenses when they are injured.

Staff should claim reimbursement of travel to medical appointments and rehabilitation on their timesheet. Other reimbursement claims, such as medication or treatment prescribed by their NTD should also be added to their timesheet.

Mercy Services can only pay staff weekly benefits (wages) at the level prescribed by law:

Period	Level of capacity	Weekly benefits formula
0-13 weeks	No work capacity	(PIAWE x 95%)* - D
	With work capacity	(PIAWE x 95%)* - (D + E)
14-130 weeks	No Work capacity	(PIAWE x 80%)* - D
	Working less than 15 hrs/wk	(PIAWE x 80%)* - (D + E)
	Working 15+hrs/wk	(PIAWE x 95%)* - (D + E)
<i>PIAWE does not include overtime or penalty rates after 52 weeks</i>		
131-260 weeks	No work capacity	(PIAWE x 80%)* - D
	Working less than 15 hrs/wk or earning less than S82B rate	Nil

	Working 15+hrs/wk and earning more than S82B rate and likely to continue to be incapable of further employment that would increase current earnings indefinitely	(PIAWE x 80%)* - (D + E)
After 260 weeks	Permanent impairment has been assessed up to 20% Whole Person Impairment	Nil
	Permanent impairment has been assessed as greater than 20% Whole Person Impairment	(PIAWE x 80%)* - (D + E)

PIAWE = Average of the workers weekly ordinary earnings, overtime and shift allowances
 D = The monetary value of each non-pecuniary benefit that is provided by the employer to the worker
 E = The current weekly earnings or the amount the worker is able to earn in suitable employment, whichever is greater.
 * capped at maximum weekly compensation amount

Staff may use their accrued leave to supplement weekly benefits.

4.04 Identifying Suitable Duties

An individual RTW plan will be developed by the RTW Coordinator when an injured worker has a Certificate of Capacity stating s/he is fit to resume work on either suitable or pre-injury duties. This RTW plan will be developed after consultation with all relevant parties and be specified in writing (see Appendix 1).

The hierarchy of RTW goals should be followed:

- I. same duties / same employer;
- II. different duties / same employer;
- III. same duties / different employer; or
- IV. different duties / different employer.

The RTW Plan will contain “suitable duties” – work that matches the worker’s abilities. RTW Plans and the suitable duties within are time limited and are intended to assist the employee to upgrade in the range of duties and capacity for work. They do not constitute an offer of ongoing employment in a particular position or in a modified role. In determining suitable duties the RTW Co-ordinator will consider issues such as:

- details given in the Certificate of Capacity supplied by the worker’s Nominated Treating Doctor;
- nature of the incapacity and pre-injury employment;
- the workers age, education, skills and work experience;
- the requirements of travel from the worker’s place of residence and the possible worksite;
- that the work is not demeaning or token in nature; and
- that the nature of the tasks have been assessed for both physical and psychological components.

The RTW plan will specify in writing the tasks involved, the duties to be avoided, the hours to be worked, anticipated time frames and review dates.

Assistance will be given to workers from non-English speaking backgrounds by providing access to interpreters and where appropriate, providing access to English language classes.

If Mercy Services is unable to offer suitable duties the RTW Co-ordinator will liaise with CCI and other relevant parties to determine the relevant payments to the worker.

It is the expectation of all parties that a RTW program will ultimately lead to a resumption of pre-injury duties.

If it is not possible for the worker to return to his/her pre-injury duties, retraining, redeployment or termination may be necessary. Appropriate assistance will be given to workers who will be unable to return to their pre-injury duties. Where reasonable and appropriate, retraining should not prevent the injured worker from performing suitable duties or job seeking as per the WorkCover Retraining Guideline.

http://www.workcover.nsw.gov.au/formspublications/publications/Documents/retraining_equipment_workplace_modifications_2807.pdf

4.05 Involving a Rehabilitation Provider

An Accredited Occupational Rehabilitation Provider may be involved in the RTW Plan. These health professionals are specialists in assessing capabilities and designing plans, which allow a staged re-entry of injured workers to the workplace. A referral to a rehabilitation provider may be made in consultation with the RTW Coordinator, the injured/ill worker, nominated treating doctor and CCI and forms part of the IMP.

The rehabilitation provider must be accredited by the regulator. Mercy Services preferred rehabilitation provider is Medibank Health Solutions. Injured workers will, however retain the right to nominate an accredited provider of their own choice.

4.06 Completion of RTW Procedure

A final IMP is sent to the injured worker, employer and Nominated Treating Doctor by CCI once they have received a Certificate of Capacity stating the worker has reached maximum recovery and requires no further treatment.

The RTW Procedure is complete when:

1. the Worker successfully resumes his/her pre-injury duties;
2. Mercy Services finds a vacancy in another position that the worker has the skills/abilities to perform;
3. the worker is retrained and placed in a similar level job with Mercy Services or another employer; or
4. the worker finds another job that matches their new range of abilities.

The RTW Coordinator will ask the worker to complete the evaluation form on their experience of the RTW program (see Appendix 1).

4.07 Consultation

Employees will be informed of their rights and responsibilities and of Mercy Services RTW Policy and Procedure. Such consultation will be effected through Mercy Services WHS Committee and, where relevant, the unions of the employees of this organisation.

The relevant unions are:

1. Australian Workers Union
2. NSW Nurses Association
3. Transport Workers Union
4. Australian Services Union of NSW
5. Health and Research Employees' Association

4.08 Disputes

Mercy Services will work together with the injured worker and their representative to try to resolve any disagreements that arise regarding the RTW program or suitable duties. If we are unable to resolve the dispute, we will involve our insurer, an accredited rehabilitation provider, the treating doctor or an injury management consultant.

The worker may involve a support person or union official at any time. The worker can contact the WorkCover Claims Assistance Service to resolve any problems that may arise during the worker's compensation claim process.

Contacts



Mercy Services, **Return-to-Work Coordinator** is Lawrie Hallinan 4961 2686 or 0419 974 954



Workers Compensation Insurer Catholic Church Insurance, Level 15, 207 Kent Street, Sydney Ph: (02) 9273 2828 www.ccinsurances.com.au



Mercy Services preferred **Rehabilitation Provider** Medibank Health Solutions 13 Darby St, Newcastle Ph: (02) 4915 5400
www.medibankhealth.com.au



State Insurance Regulatory Authority (SIRA) Customer Contact Centre
Ph: 13 10 50

4.09 Compliance

Compliance with this policy is being measured by:

- a) The RTW Coordinator offers a staff member the opportunity to complete a RTW satisfaction survey form once their treating doctor has finalised their RTW process.
- b) The RTW Coordinator develops a RTW Plan for each Certificate of Capacity.

4.10 Evaluation

The performance indicators for the evaluation of this policy are:

- a) Satisfaction with RTW program as rated by staff who have made a claim in the past 12 months.
- b) Lost-time injury frequency rate (LTIFR = the number of lost-time injuries in a financial year relative to the total number of hours worked in the same period. In keeping with industry practice a multiplier of 1 million is used and LTIFRs are reported as the number of lost-time injuries per million hours worked.) This is calculated as follows:

$$\frac{(\text{Number of lost time injuries in accounting period})}{(\text{Total hours worked in accounting period})} \times 1,000,000$$

5.0 REFERENCES

1. Current issues	a) None identified
2. Australian Standards	a) AS/NZS 4804: Occupational health and safety management systems — General guidelines on principles, systems and supporting techniques
3. Legislation	a) NSW Workplace Injury Management & Workers Compensation Act, 1998 (& Workers Compensation Act Legislation Amendment Act 2001) (NSW) b) Work Health and Safety Act 2011 (NSW) c) Work Health and Safety Regulations 2011 (NSW)
4. Professional Guidelines	a) None identified
5. Industry Guidelines	a) Safe Work Australia: Lost time injury frequency rates (LTIFR) http://www.safeworkaustralia.gov.au/sites/swa/statistics/ltifr/pages/lost-time-injury-frequency-rates b) Workcover: Calculating pre-injury average weekly earnings http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0005/15935/PIAW_E-form-3303.pdf
6. Codes of Ethics	a) Australian Association of Social Workers Code of Ethics http://www.aasw.asn.au/document/item/1201 b) Australian Psychological Association Code of Ethics http://www.psychology.org.au/Assets/Files/Code_Ethics_2007.pdf c) The Nursing and Midwifery Board of Australia. Registration Requirements http://www.nursingmidwiferyboard.gov.au/Registration-Standards.aspx d) Integrity in the Service of the Church https://www.catholic.org.au/media-centre/media-releases/cat_view/10-organisations/38-national-committee-for-professional-standards e) Mercy Services Code of Conduct
7. Evidence	a) Catholic Church Insurances Limited Injury Management Program
8. Mercy Services Values	a) Justice, Respect, Care, Unity, Service

6.0 OTHER RELATED POLICIES

- A.01 Mission and Philosophy
- A.06 Pastoral Care
- C.01 Management Roles and Responsibilities
- D.11 Insurance
- D.12 Anti Fraud and Anti Corruption
- E.01 Employment conditions
- E.07 Employee records
- F.10 Volunteer Policy

- G.01 WHS Policy
- G.02 WHS Management System
- G.03 WHS Consultation
- G.04 WHS Training
- G.05 Risk Management
- G.17 Incident Investigation
- G.23 Staff Wellness

7.0 RELATIONSHIP WITH STANDARDS

Aged Care Accreditation Standards	Home Care Standards	Disability Standards	EQulP Standards
1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.8, 1.9, 4.5	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.4, 3.5	1.1, 1.3, 1.4, 1.5, 6.1, 6.2, 6.3, 6.4, 6.6, 6.7	1.1.6, 2.1.2, 2.2.2, 3.1.4, 3.2.1,

8.0 DOCUMENT CHANGES RECORD

Dates of change	Section altered	Natures of changes made
Dec. 2005	First record of document	
Jan. 2007	a) All sections	a) Major revision
05/08/2009	a) Old 3.0 References b) Old 4.0 Definitions c) 5.0 References d) Appendix 1	a) Previous reference transferred to the 5.0 References table b) Moved to newly created Appendix 2 c) Various references added d) Nature of Program – information now listed in a table
28/03/2011	a) 6.0 Other Related Policies b) 7.0 Relationship to Standards	a) Additional Policies referenced b) Section added
20/05/2011	a) 4.2 Follow up after an incident b) 4.4 Involving a Rehabilitation Provider c) 4.8 Evaluation d) 6.0	a) Remove incident reporting requirements as these details are in Incident Investigation Policy b) New section c) Update name of rehabilitation provider d) Added G.17 Incident Investigation
06/02/2012	a) All sections b) 4.5 Compliance c) 4.6 Evaluation d) 5.0 References	a) Updated with how new WHS laws and Codes of Practice apply at Mercy Services b) New section c) Renumbered and reworded d) Updated with new WHS laws and Codes of Practice
27/11/2012	All Sections	Organisation name updated
07/05/2014	a) All sections b) 1.0 Introduction/Background c) Wages and medical expenses d) 4.09 Compliance e) 4.10 Evaluation f) 5.0 References g) 7.0 Relationship to Standards h) Appendix 3	a) Replace term “medical certificate” with “certificate of capacity” b) Remove outdated reference to 2005 CCI program and explain volunteer injuries. Add reference to volunteer injuries. c) New section d) Change measure b) e) Replace previous (a) with (b) LTIFR f) Add Industry Guidelines from Safe Work Australia and Workcover, update Codes of Ethics

		<ul style="list-style-type: none"> g) Change Community Care Common Standards to Home Care Standards. Added Aged Care Accreditation Standards, update Disability Standards, h) Question one reworded
03/02/2016	<ul style="list-style-type: none"> a) All sections b) 3.0 Policy Statement (The Injured Worker) c) 3.0 Policy Statement (The Employer) d) 3.0 Policy Statement (The Insurer) e) 4.02 Follow up after an injury f) 4.04 Identifying Suitable Duties g) 4.08 Disputes 	<ul style="list-style-type: none"> a) Change "Workcover" to "the regulator" (or delete) and General Manager to CEO b) Add that a claim form may be required c) Add that compliance with both general IMP and individual IMP are required d) Make contact with parties "where required" and add requirement to ensure IMP is reviewed and updated e) State that RTW Plan only developed when worker has less than normal capacity f) Add that RTW does not constitute offer of ongoing employment in a modified manner g) Workcover changed to SIRA
Review due 03/02/2019		

Mercy Services RETURN-TO-WORK PLAN

Appendix 1

The following Return-to-Work Plan has been developed for:

Name:

Job title:

Work Location:

Supervisor:

Restrictions specified by Treating Doctor:

Hours/Days of Work:

Commencement Date:

Length of Program:

Nature of Program:

Duties	Ability required					
	Lifting	Sitting	Standing	Walking	Driving	Other

Review Dates:.....

General comments:

.....
.....
.....

The following parties have agreed to the program:

Injured worker: **Date:**

Supervisor: **Date:**

RTW Coordinator: **Date:**

If requested Mercy Services will provide on a separate page information regarding wages, including make-up pay.

M:\Shared\Forms & Letterhead\WHS Forms\RTW Plan

DEFINITIONS

Appendix 2

Injury Management	The process by which a worker, following a workplace injury, is taken from injury through to an early, safe and durable return to work.
Occupational Rehabilitation	The restoration of an injured employee to the fullest physical, psychological, social, vocational and economic usefulness of which they are capable given their pre-injury/illness status.
Injury Management Program	The injury management program is a coordinated approach to managing all aspects of a workplace injury/illness. This includes treatment, rehabilitation, retraining, claims management and employment management practices.
Injury Management Plan	A plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to work for the worker. A plan is for an individual employee and is developed by the insurer.
Return-to-Work Program	A program established by the employer with respect to policies and procedures for the rehabilitation of any injured employee. It must be consistent with the injury management program of the employer's insurer and must comply with Mercy Services Return-To-Work Policy and Procedure
Return-to-Work Plan	A plan written for an injured employee to outline the details of the suitable duties, restrictions of duties, the hours and days of return to work.
Serious Incidents	Includes: <ul style="list-style-type: none"> ▪ an incident where there has been a fatality. ▪ an incident where there has been a serious injury or illness such as when a person: <ul style="list-style-type: none"> - is placed on a life support system; - loses consciousness; - is trapped in machinery or a confined space; and/or - has serious burns. ▪ an incident where there is an immediate threat to life such as a major damage to machinery or buildings. ▪ an incident that resulted in a worker being off work for 7 or more days.
Suitable Duties	Work which the employee is able to do while recovering from their injury and which takes into account factors such as the medical restrictions, the person's pre-injury job and level of education.
Accredited Rehabilitation Provider	An organisation accredited by WorkCover to provide injured employees with occupational rehabilitation services to assist them in their return to work. Rehabilitation providers are staffed with occupational health professionals such as occupational therapists, physiotherapists, rehabilitation counsellors, psychologists and ergonomists.
Nominated Treating Doctor	The treating doctor nominated by an employee for the purpose of an IMP for the employee. The doctor will coordinate all aspects of the employee's treatment and return to work management. The nominating treating doctor must be available to discuss the employee injury management with the employer, insurer or other service provider. If the worker wants to change their Nominated Treating Doctor they must notify Catholic Church Insurance.
Return-to Work Coordinator	An employee of the organisation who coordinates and liaises with all parties to assist the injured employee back to work.

Return to work survey

Mercy Services wants to support and assist any of its staff who make a worker's compensation claim. Your comments, and those of workers who have been through this process, can help us to know where we need to make improvements.



Lawrie Hallinan processes these surveys. You are welcome to contact the Chief Executive Officer if you have comments that you do not want to address with Lawrie.

Please ✓ tick the place on the scale that best matches your experience of the following:

1. Injury treatment and rehabilitation commenced as soon as my doctor allowed:

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

2. Mercy Services assisted with, and explained, the workers compensation paperwork:

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

3. Mercy Services provided the support that I needed to return to work:

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

4. Mercy Services provided suitable duties if I were unable to immediately return to my usual job:

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

5. Mercy Services ensured that I was aware of my rights and responsibilities as a worker recovering from injury:

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

6. Mercy Services provided information and asked for my views throughout my recovery from injury;

0	1	2	3	4	5
Not applicable	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree

Comments:.....

Other comments:

Thank you for taking the time to complete this survey
Please return as soon as possible using the pre-paid envelope ☒