Rehabilitation Procedures

Approving Authority: Vice Chancellor
Establishment Date: 19 June 2009
Date Last Amendment: February 2012
Nature of Amendment: n/a
Date Last Reviewed: Next review due June 2013
Responsible Officer: Director, Human Resources

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1. **Commitment**: The primary aim of the University is to prevent injury or illness through the provision of a safe and healthy work environment. However in the event of a workplace injury or illness, the University will:

   - support the injured staff member and ensure that early return to pre-injury duties is the normal expectation;
   - provide suitable duties for an injured staff member as soon as possible;
   - ensure that injured staff members (and anyone representing them) are aware of their rights and responsibilities;
   - consult with staff to ensure that the return to work process operates as smoothly as possible;
   - maintain the confidentiality and security of injured staff member records; and
   - provide such facilities and assistance as are reasonably necessary to fulfil the University’s obligations under relevant legislation.
2. Definitions

For the purpose of these procedures the following definitions apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Rehabilitee</td>
<td>A staff member with an approved workers compensation claim and who is undertaking rehabilitation.</td>
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<tr>
<td>Suitable Duties</td>
<td>Duties for the injured staff member that are guided by the written medical guidelines established by the treating medical practitioner and the competency of the staff member.</td>
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<tr>
<td>WorkCover Medical Certificate (SA) WorkSafe Certificate of Capacity (Vic) Workers Compensation Medical Certificate (NT)</td>
<td>A certificate issued by the treating medical practitioner which outlines the nature of the injury, the treatment prescribed and any constraints regarding hours and duties.</td>
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<tr>
<td>Rehabilitation and Return to Work Plan (R&amp;RTW Plan)</td>
<td>A written and legally binding plan established in consultation with an injured staff member who is receiving compensation by way of income maintenance and is (or is likely to be) incapacitated for work by a compensable disability for more than 13 weeks. The plan states who is doing what and by when to assist the injured staff member recover and return to work.</td>
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<tr>
<td>Rehabilitation Programme</td>
<td>A written plan stating who is doing what and by when; when a claim has not yet been determined; where an injured staff member has total incapacity or where the goal, based on medical guidelines, is not for a return to work.</td>
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<tr>
<td>Medical expert</td>
<td>Legally qualified medical practitioners, and registered dentists, psychologists, opticians, physiotherapists, chiropractors, podiatrists, occupational therapists, speech pathologists</td>
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3. Responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibility</th>
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<tr>
<td>Cost Centre Heads</td>
<td>Responsible for ensuring that:</td>
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<td>• All staff are aware that the primary goal for rehabilitation is a return to pre-injury duties unless otherwise medically determined.</td>
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<td>• Staff are made aware of, and have access to, the University’s Rehabilitation procedures;</td>
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<td>• Alternative safe and suitable duties are provided</td>
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for any injured staff, as required by legislation; and
- there are adequate resources for quality rehabilitation of any injured staff in their Cost Centre.

**Supervisors/Line Managers**

Responsible for supporting the quick and safe return to work of injured staff through:

- working to the primary goal of returning injured staff members to their pre-injury duties unless medically determined that, that is not possible
- promptly identifying injured staff who are expected to be off work or unable to safely perform the full range of usual duties and referring them to the University’s Rehabilitation and Return to Work Coordinator to undertake (where appropriate) a rehabilitation program;
- participating proactively in the development and implementation of return to work plans for rehabilitees;
- providing rehabilitees with suitable duties, retraining and/or re-deployment where appropriate or necessary, in consultation with the rehabilitee, Rehabilitation and Return to Work Coordinator and University management;
- undertaking training to ensure competency in managing workers compensation and rehabilitation;
- monitoring and supporting the rehabilitee to ensure the ongoing suitability of duties provided; and
- serving as a positive role model to staff through a positive attitude towards rehabilitee’s and the return to work process.

**Injured staff/Rehabilitates**

Responsible for:

- notifying their supervisor of any work-related injury or illness as soon as possible after the injury/illness happens, and of their ongoing medical and rehabilitation status;
- presenting any documentation relevant to their workers compensation and/or return to work process (e.g. WorkCover Medical Certificates, completed leave forms) to the Rehabilitation and Return to Work Coordinator as soon as possible;
- undertaking medical treatment as recommended by their medical expert;
- making all reasonable efforts to return to work as soon as possible, having regard to medical advice and the nature of the injury;
- actively participating in planning and undertaking their return to work plan;
- accepting alternative duties where these form part of the return to work plan;
- attending scheduled appointments;
- providing medical specialists with accurate information about normal duties and abide by medical constraints, both at work and outside of work; and
- attend any examination by a recognised medical expert nominated by the University Claims Manager if requested to do so.

### Staff Responsibility

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<thead>
<tr>
<th>Staff</th>
<th>Responsible for:</th>
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<td></td>
<td>• supporting the return to work of their colleague(s);</td>
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<td>• cooperating with reasonable workplace changes designed to assist the injury management of fellow staff;</td>
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<td>• being respectful of the privacy of rehabilitees; and</td>
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<td>• avoiding any action that stigmatises a rehabilitee or potentially compromises the return to work process.</td>
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### Manager, OHS Responsibility

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<tr>
<th>Manager, OHS</th>
<th>Responsible for:</th>
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<tr>
<td></td>
<td>• ensuring that:</td>
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<td>- rehabilitation is integrated with other University practices such as OHS, human resource management and training;</td>
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<td>- the Rehabilitation and Return to Work Coordinator acts in accordance with professional ethics;</td>
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<td></td>
<td>- managers and supervisors receive regular training in order to be best equipped to support rehabilitation and compensation processes;</td>
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<td></td>
<td>• monitoring and evaluating the effectiveness of rehabilitation practice.</td>
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<td>• reporting to senior management on the performance of the Injury Management system</td>
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### Rehabilitation and Return to Work Coordinator (R&RTW Coordinator) Responsibility

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<thead>
<tr>
<th>Rehabilitation and Return to Work Coordinator (R&amp;RTW Coordinator)</th>
<th>Responsible for:</th>
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<td></td>
<td>• acting as the link and coordinator between all parties involved in the injured staff member’s rehabilitation and return to work programmes, and providing advice to facilitate the staff member’s return to work as soon as is practically and safely possible consistent with medical information</td>
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</table>
• initiating contact with an injured staff member within 3 days of being advised that the staff member has suffered an injury, to initiate rehabilitation;
• providing information regarding rehabilitation and return to work processes and associated workers compensation information, including the staff member’s rights and responsibilities;
• providing information to staff regarding the workers compensation claims procedures and their entitlements under the workers compensation legislation
• developing, coordinating and implementing a rehabilitation programme and/or rehabilitation and return to work plan in consultation with the injured staff member, their supervisor and other relevant parties, including medical expert(s);
• ensuring that rehabilitation and return to work plans take into account the staff member’s individual needs including recognition of cultural or linguistic background;
• monitoring rehabilitee progress regularly and providing reports to Management through weekly reviews with the Manager, OHS and the Claims Manager;
• maintaining detailed confidential rehabilitation case notes and,
• ensuring their practice complies with the legislative requirements for each State or territory in which Flinders University staff work.

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<th>Claims Manager</th>
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<td>determining the claims for worker’s compensation as required by the legislation;</td>
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<td>communicating, verbally and in writing, with the injured staff member on all decision relating to the management of the Claim;</td>
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<td>maintaining accurate written records of the management of the claim;</td>
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<td>advising the Rehabilitation and Return to Work Coordinator of claims management decisions;</td>
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<td></td>
<td>providing the Rehabilitation and Return to Work Coordinator with any relevant reports that will assist in the return to work process; and</td>
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<td></td>
<td>reviewing the open claims on a weekly basis in conjunction with the Rehabilitation and Return to Work Coordinator</td>
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4. Development of a Rehabilitation Programme/Return to Work Plan

4.1 Once notified that a staff member has suffered a work related injury or illness, the R&RTW Coordinator will liaise with the injured staff member to determine the expected capacity for work and current treatment.

4.2 The R&RTW Coordinator will develop an individual rehabilitation programme and/or R&RTW Plan based on the medical guidelines and in consultation with the injured staff member, their supervisor and other relevant parties, including medical expert(s).

4.3 The Rehabilitation Programme/R&RTW Plan will identify goals, duties, hours and constraints and will comply with any restrictions outlined in WorkCover Medical Certificates. In developing Programmes/Plans the following will be considered:

- The primary goal of returning the injured staff member to their pre-injury duties unless there are contra-indications.
- The special needs of individual staff members e.g. staff of non-English speaking background;
- Modification of any factors that may have contributed to the injury;
- Ways to minimize the workload impact on other staff;
- The range of activities the injured staff member is capable of performing;
- The abilities and expertise of the injured staff member; and
- The availability of meaningful tasks, and the capacity of the workplace to accommodate graded return and alternate duties.

4.4 The R&RTW Coordinator will review and update regularly Rehabilitation Programmes/ R&RTW Plans until the injury and/or workers compensation claim is resolved. The maximum time between reviews will be 6 weeks.

5. Claims Management

These procedures should be read in conjunction with the university's Claims Management Procedures.

6. Suitable Employment

The University will provide suitable employment that is consistent with medical advice, and suitable for the injured staff member's capacity. Suitable employment may be:

- the same job with different hours or modified duties;
- at the same worksite or a different worksite; full-time or part-time, a different job;

7. Interpreters/Translators

The R&RTW Coordinator will arrange for interpreter or translation services should any injured staff member indicate the need for such services. The cost for these services will be incurred against the claim and not the staff member.
8. **Representation**

Where requested by an injured staff member, trade union, Health and Safety Representative or other representatives will be involved in the development of individual Rehabilitation Programmes and/or R&RTW Plans.

9. **Recreation Leave**

A staff member undertaking rehabilitation and wishing to take Recreation Leave must apply for leave in the usual manner. Such leave would be considered for approval except where the taking of leave interferes with the staff member’s recovery and/or rehabilitation. The decision to approve or not approve the leave will be made in consultation between the staff member’s supervisor and R&RTW Coordinator.

9A **Conference Attendance**

A staff member (academic or general staff) wishing to attend a conference whilst having an open workers compensation claim (in receipt of Income Maintenance or on a return to work plan) is required to seek approval for the attendance at the Conference. In the case of the Academic staff the Executive Dean and in the case of General Staff the Faculty General Manager or Director. Prior to making a decision, the Executive Dean, Faculty General Manager or Director will consult with Rehabilitation and Return to Work Coordinator to ensure the travel and conference attendance will not impede the staff member’s rehabilitation or recovery. The Rehabilitation and Return to Work Coordinator will also consult with the Claims Manager to ensure there are no claims management issues that should be considered.

10. **Work Training/Placements**

Whilst an injured staff member has no automatic entitlement to training, this may at times be the most appropriate option. If training is to take place, this will be documented as part of a Rehabilitation and/or R&RTW Plan and be subject to approval by the R&RTW Coordinator after consultation with the Claims Manager. For training to be approved, the rehabilitee must be able to demonstrate the ability to successfully complete the training, and for there to be a skills enhancement for their current position or significant job prospects upon completion, where a return to their pre-injury duty is not the stated goal.

Where required, training and/or placement will be determined in consultation with the appropriate Human Resources client services staff.

A rehabilitee working reduced hours will not be given approval to undertake external placements during work time as this activity may place the rehabilitee at risk.

11. **Rights and Responsibilities**

The R&RTW Coordinator will provide a copy of the rights and responsibilities of injured staff members to all injured staff.

12. **Failure to Comply with Rehabilitation Programmes/R&RTW Plans**

Where an injured staff member fails or refuses to participate meaningfully in their rehabilitation or to submit to proper treatment for their condition, the
following process will occur:

- The R&RTW Coordinator will write to the staff member outlining the consequences of continued non-participation, or behaviour that frustrates the rehabilitation process.

- If non-participation or behaviour that is frustrating to the rehabilitation process continues or recurs, the R&RTW Coordinator will convene a Case Conference involving the staff member, and relevant others such as the treating medical expert(s), the staff member’s supervisor and the Claims Manager to discuss the non-participation. Where there is failure to submit to proper treatment, the Claims Manager will seek an independent medical opinion before taking any further action.

- If non-participation or behaviour that frustrates rehabilitation still continues or recurs, the R&RTW Coordinator will ask the staff member to submit either personally or in writing the reasons for non-participation. This information shall be submitted to the Claims Manager who will determine whether or not weekly payments will be discontinued.

The Claims Manager will write to the staff member outlining the decision and reasons for it, giving 21 days notice prior to the implementation of the decision. The Claims Manager will also advise the R&RTW Coordinator and the University Payroll Officer of the decision.

13. **Grievances**

The University is committed to making all efforts to resolving any dispute as quickly as possible. In the event of a dispute over an individual rehabilitation/return to work case, the dispute will be handled as follows:

13.1 In the first instance the injured staff member should discuss the grievance with his/her supervisor. If the supervisor is unable to resolve the issue, he/she should contact the R&RTW Coordinator or the Manager, OHS.

13.2 The staff member may elect to pursue the grievance directly with the R&RTW Coordinator or Manager, OHS at any time.

13.3 The R&RTW Coordinator will attempt to resolve the dispute informally by coordinating discussions with, as appropriate, the injured staff member, the medical expert(s) involved in the case, the staff member’s supervisor/manager and where requested, a trade union or other representative and the Manager, OHS.

13.4 If the issue is not resolved satisfactorily in this manner, the staff member may elect to lodge a Notice of Dispute with the Workers Compensation Tribunal.

14. **Closure of Rehabilitation Files**

The R&RTW Coordinator will close rehabilitation case files following consultation with the Claims Manager which confirms any of the following:

- the achievement of the goals set out in individual return to work plans;
• a return to full duties, or where the optimum level of function in the workplace has been achieved. Following file closure in this instance, supervisors will continue, where appropriate, to monitor that the staff member is able to sustain a safe return to work;
• withdrawal from the program by the injured staff member on reasonable grounds, e.g. any separation not related to the rehabilitation process such as long service or maternity leave;
• weekly payments have been discontinued;
• a medical assessment indicating that further rehabilitation is impractical.

15. Confidentiality

Confidentially regarding rehabilitation and return to work will be maintained.

Rehabilitation/Return to Work files will be kept in a secure manner and access to an injured staff member’s file will be restricted to those with a legitimate need to know. Access will be confined to relevant documents on the case file and limited to those:

• who have direct responsibility for coordinating, monitoring or providing return to work services to injured staff members;
• involved in providing clerical and administrative support for injured staff members.

Information will only be shared with work colleagues with the consent of the rehabilitee.

16. Monitoring

The University will monitor rehabilitation through the following processes, and with a goal of continuous improvement:

• regular feedback will be sought from staff members whose rehabilitation has concluded, in the form of a questionnaire. The Manager, OHS will determine any actions required as a result of this feedback;
• questions regarding rehabilitation will be included in staff surveys that are conducted from time to time;
• the R&RTW Coordinator will meet Weekly to review cases and issues with the Manager, OHS.
• The R&RTW Coordinator, Manager, OHS, and Claims Manager will meet once a month with the Director HR to review the Injury Management performance.

The Manager, OHS will maintain an Action Plan outlining targets and measures and areas of responsibility. This Plan will take into account Standards set by the Act and by the WorkCover Performance Standards for Self Insurers.

Rehabilitation files and performance relating to the targets outlined in the Action Plan will be audited at least once every 12 months.

The Manager, OHS will report on rehabilitation statistics to the University OHS Committee and senior executive on a regular basis.
17. Consultation

The University will consult with staff, and where necessary, other relevant stakeholders, to ensure that the rehabilitation procedures work effectively.

18. Contingency Arrangements

In the event of key staff being unavailable, the Manager, OHS or Director Human Resources will make appropriate arrangements to ensure that continued effective rehabilitation is practiced in accordance with these procedures.

19. Legal & Policy Framework

South Australian legislation:

Workers Rehabilitation and Compensation Act 1986
Workers Rehabilitation and Compensation Regulations 2010

Where University staff are based in University premises in other States, the following legislation applies:

Victoria:

Accident Compensation Act 1985
Accident Compensation (WorkCover Insurance) Act 1993

Northern Territory:

Workers Rehabilitation and Compensation Act 2008
Workers Rehabilitation and Compensation Regulations 2008

Flinders University policies and procedures (which apply at all University premises regardless of location):

Occupational Health, Safety and Welfare Policy
Claims Management Procedures

20. Review

These procedures will be reviewed regularly in the light of legislative and organisational changes, and in any case, every four years.