

Return to Work Policy

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1. Purpose

The purpose of this policy is to document the University's approach to recovery and return to work for staff members who have sustained a work-related injury or illness.

2. Scope

- a. This policy applies to all University staff and staff of relevant University controlled entities who have sustained a work-related injury or illness.
- b. This policy does not apply to:
 - i. students, visitors, volunteers, trainees, persons gaining work experience, consultants, contractors, and sub-contractors¹,
 - ii. non-work-related injuries/illness.

3. Workers Compensation Management

- a. Flinders University is a self-insured employer in South Australia, which means that the University manages its own workers compensation claims, in accordance with the South Australian Return to Work Act 2024 and Return to Work Regulations 2015.
- b. In addition, as a self-insured employer the University has a number of obligations to maintain the self-insurance status that must be met. These are set out under the self-insured code of conduct.
- c. In all other Australian states and territories, the University is a registered employer and workers compensation claims are managed in accordance with the relevant jurisdiction's workers compensation legislation.

¹ consultants, contractors and sub-contractors and their employees and labour hire company employees should refer to their own employers' policy. Labour hire staff should also see section 10 of this policy.

4. Service Standards

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 work-related injury or illness, the University will:

- a. view a staff member's recovery and return to work as the primary goal if a staff member is injured while at work
- b. ensure that early and timely intervention occurs to improve recovery and return to work outcomes including after re-training (if required)
- c. with the active assistance and participation of the staff member and the University, consistent with their obligations under the Return to Work Act, ensure that recovery and return to work processes focus on maintaining the relationship between the staff member and the University
- d. ensure that the University fulfils its recovery and return to work obligations because early and effective workplace-based coordination of a timely and safe return to work benefits an injured staff member's recovery
- e. treat a staff member fairly and with integrity, respect and courtesy, and comply with stated timeframes
- f. be clear about how it can assist a staff member to resolve any issues by providing accurate and complete information that is consistent and easy to understand (including options about any claim, entitlements, obligations and responsibilities)
- g. assist a staff member in making a claim and, if necessary, provide the staff member with information about where they can access advice, advocacy services and support
- h. take all reasonable steps to provide services and information in a staff member's preferred language and format, including through the use of interpreters if required, and to demonstrate respect and sensitivity to a person's cultural beliefs and values
- i. respect and maintain confidentiality and privacy in accordance with any legislative requirements
- j. provide avenues for feedback or for making complaints, and to be clear about what can be expected as a response
- k. recognise a right of a staff member to be supported by another person and to be represented by a union, advocate or lawyer.

5. Fundamental Principles

- a. The University, in line with the Return to Work Act, must:
 - i. adopt a customer service approach that is focused on early intervention in providing recovery and return to work services
 - ii. actively manage the staff member's injury or illness and claim and will provide services consistent with the requirements of the Return to Work Act
 - iii. participate and cooperate in assisting the staff member's recovery and return to work and reasonably support the staff member in receiving any benefit available under the Return to Work Act (for staff based in South Australia).
- b. A staff member may reasonably request the University to review the provision of recovery and return to work services where it appears that the University is not complying with the legislative requirements regarding retention, employment or re-employment of the staff member.
- c. Where the claim is being dealt with in another state or territory then the University will do so in line with the relevant return to work legislation.

- d. The injured staff member is expected to meet the responsibilities and obligations as set out under the relevant recovery and return to work legislation of each state and territory.

6. University duty to find employment

- a. The University has a duty to provide suitable employment for which the staff member is fit and so far as is reasonably practicable, which is the same as or equivalent to the pre-injury employment. This may include modification of pre-injury duties or alternate duties from the original business area or where appropriate other business areas across the University.
- b. The University has no duty to provide suitable employment to a staff member with a work-related injury/illness:
- if it is not reasonably practicable to do so, or
 - if new or other employment options have been agreed between the staff member and the University, or
 - if the worker's employment has been properly terminated on the basis of serious and wilful misconduct.

7. Complaint Process

Where an injured staff member is dissatisfied or has a concern about whether the University has complied with any of the service standards set out in clause 4, they:

- a. in the first instance should discuss the issue with the University Return to Work Coordinator. If the Return to Work Coordinator is not able to resolve the issue then the staff member may raise the issue with
- the Claims Manager or
 - directly with the Associate Director, WHS or
 - the Director, People and Culture.
- b. The complaint will be investigated by the Director of People & Culture and the worker will receive a response to the findings in writing.
- c. If the injured worker is still not satisfied they have the right to lodge a complaint with [Ombudsman SA](#) (or interstate equivalent) or if the staff member feels that the University has not met its obligations as a self-insured employer they may make a submission to Return To Work SA's complaints team complaints@rtwsa.com.

8. Dispute Resolution

- a. The University is committed to making all efforts to resolving any dispute as quickly as possible.
- b. In the event of a dispute over a reviewable decision(s) in an individual recovery/return to work case, the dispute will be handled as follows:
- in the first instance it should be raised by the Claims Manager
 - if the Claims Manager is unable to resolve the issue, they should refer the issue to the Associate Director, Work Health and Safety (WHS) or the Director, People and Culture.
- c. The Director of People and Culture may refer to the Reconsideration Officer for advice and investigation.

- d. If the matter is not resolved satisfactorily in this manner, the staff member may choose to lodge a complaint with the [South Australian Employment Tribunal](#) (or interstate equivalent).

9. Labour Hire

If a labour hire worker is injured whilst undertaking work for Flinders University, it is expected that Flinders University will work with and cooperate with the labour hire provider by communicating about suitable employment options, participating in return to work planning and providing access to the workplace for the injured worker for the performance of their duties.

Note – A Labour Hire Person has the meaning as set out under section 7 of the 35 Labour Hire Licensing Act 2017.

10. Responsibilities

a. Vice-Chancellor	Ensure that the University meets its legislative responsibilities in the recovery and return to work of staff who have a work-related injury or illness.
b. Vice-Presidents and Executive Deans of College and Portfolio Heads	<p>Ensure that:</p> <ul style="list-style-type: none"> i. this policy is implemented in their Portfolio / College ii. staff are aware of their responsibilities in relation to recovery and return to work iii. suitable work is provided for a staff member who has a work-related injury or illness, provided that it is reasonably practical to do so, and iv. there are adequate resources to manage all aspects of recovery and return to work of a staff member who has a work-related injury or illness.
c. College Deans and Portfolio Directors	<p>Ensure that:</p> <ul style="list-style-type: none"> i. be aware of staff with work-related injuries/illnesses and active compensation claims, and take an interest in the welfare of these staff ii. ensure that proper investigation of the incident has occurred, and risk control measures are implemented as far as is reasonably practicable iii. support supervisors and managers and provide assistance as required, and iv. assist with the resolution of any issues that might arise.
d. Supervisors and Managers	<ul style="list-style-type: none"> i. Ensure that: <ul style="list-style-type: none"> • the staff member has reported the injury/illness on the University's online incident system within 24 hours of its occurrence. If the staff member is unable to report the accident/injury, arrange alternative input.

	<ul style="list-style-type: none"> • the injured staff member is not put at risk of further injury or harm by enabling them to follow the advice in the appropriate medical/ work capacity certificate and return to work plan. ii. Support the injured staff member and other staff who may be affected. iii. Keep in contact with the injured staff member when they are off work. iv. Actively participate in the development of the Return to Work Plan, provide modified or alternative work as required and as reasonably practical, and monitor progress. v. Meet regularly with the injured staff member to discuss progress. vi. Provide regular feedback to the Return to Work Coordinator on progress and any problems. vii. Investigate the incident which caused the injury/illness and implement risk control measures as far as is reasonably practicable to prevent future injury/illness. viii. Maintain confidentiality. ix. Be a role model through a positive attitude to the injured staff member and the recovery and return to work process.
e. Return to Work (RTW) Coordinator	<ul style="list-style-type: none"> i. Assist injured staff members, where prudent and practicable, to remain at, or return to, work as soon as possible after the injury/illness occurs. ii. Prepare and implement a recovery/return to work plan, in consultation with relevant parties, for an injured staff member. iii. Ensure confidentiality of information/documentation relating to the claim. iv. Liaise with any persons involved in the provision of medical or other relevant services to an injured staff member. v. Monitor the progress of an injured staff member's capacity to return to work. vi. Take steps to prevent, as far as practicable, the occurrence of an aggravation, acceleration, exacerbation, deterioration or recurrence of an injury when a staff member returns to work. vii. Follow procedures outlined in the Injury Management Manual, including activities associated with payroll information. viii. Attend appropriate training with a RTWSA accredited agent to maintain accreditation as a RTWC.
f. Claims Manager	<ul style="list-style-type: none"> i. Comply with the requirements of return to work legislation. ii. Comply with University policies and procedures. iii. Liaise with the injured staff member, RTW Coordinator and other stakeholders as required.

	<ul style="list-style-type: none"> iv. Provide confidential, effective, fair and equitable management of workers compensation claims. v. Maintain accurate and detailed files on each claim. vi. Determine claims in timelines specified under the legislation. vii. Determine entitlements to income support viii. Ensure the claims management activities comply to the process as identified in the Injury Management Manual ix. Maintain SolvInjury electronic workers compensation database system. x. Liaise with nominated medical and legal providers and the SA Employment Tribunal on any disputed claims.
g. Injured staff members	<p>A staff member who has a work-related injury or illness must:</p> <ul style="list-style-type: none"> i. seek medical treatment from a registered medical practitioner (doctor) of their choice ii. notify the University of the injury/illness within 24 hours of its occurrence but if that is not practicable, as soon as practicable after its occurrence iii. participate in all activities designed to enable the staff member to recover and return to work as soon as is reasonably practicable in line with certified capacity and recovery/return to work plan iv. participate and cooperate in the establishment of a recovery/return to work plan v. attend all medical appointments and abide by all medical restrictions at all times vi. where requested, attend an independent medical examination by a doctor nominated by Flinders University for an assessment vii. communicate regularly as required with Supervisor and RTW Coordinator viii. comply with their obligations under a recovery/return to work plan ix. ensure that the University is provided with all required forms and documentation including current appropriate medical certificates that addresses the capacity for work, claim forms and other relevant information x. Ensure no false or misleading information is provided xi. return to suitable employment when reasonably able to do so.
h. Director, People & Culture	<ul style="list-style-type: none"> i. Ensure: <ul style="list-style-type: none"> • adequate resources are available for the management of work health safety and injury management.

	<ul style="list-style-type: none"> • these procedures are implemented in line with the RTW legislation and the injury management manual. • that at all times, an employee (or employees) authorised to exercise delegated powers and discretions is available <p>ii. Where a staff member has lodged a complaint regarding injury management, consider, and attempt to resolve, the complaint(s).</p>
i. Associate Director, WHS	<p>i. Ensure:</p> <ul style="list-style-type: none"> • an appropriate balance is achieved between claims management and recovery/return to work objectives • contingency plans are in place for key staff whilst on extended periods of absence • information and training about the RTW policy and injury management process is readily available and accessible to staff where relevant • establish and implement appropriate systems and processes to implement, monitor, measure and review the effectiveness of the delegated powers and discretions granted to the University as a self-insured employer • that the implementation and performance of the recovery/return to work system is reviewed, via audits, against the fundamental principles, rights and obligations under the RTW Act, Code of Conduct for Self-Insured Employers including the Injury Management Performance Standard. <p>ii. Present injury management survey results to the University Health and Safety Committee and the Vice-Chancellor via reports to Council.</p> <p>iii. Advise Return to Work SA of any changes to injury management personnel, including maintaining currency of registration of the nominated Return to Work Coordinator for Flinders University.</p> <p>iv. Where a RTWC vacancy occurs, notify RTWSA of the newly appointed RTWC within 3 months.</p> <p>v. That a Reconsideration Officer is nominated and registered with the Registrar of the SA Employment Tribunal as a nominated person to reconsider disputed decisions. The Reconsideration Officer must inform the University's Director, People & Culture and the Associate Director WHS of their reconsideration results.</p>
j. Payroll staff	<p>i. Provide average weekly earnings data to the Return to Work Coordinator in relation to the injured staff member.</p> <p>ii. Ensure the staff member is paid the determined Average Weekly Earnings as advised by the Claims Manager.</p>

	iii. Ensure the maintenance of an accurate record of the interim payment amounts paid to the staff member.
k. Accounts Payable	i. Invoices from external claims provider must be processed within the required timeframes to ensure prompt payment of services provided.

11. Legislative Framework

South Australia

Return to Work Act

Return to Work (Employment and Progressive Injuries) Amendment Act 2024

Northern Territory

Return to Work Act

Return to Work Regulations

Other States/Territory

Please refer to the relevant Act/Regulations for each individual jurisdiction

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