

## **Policy Redesign Project**

*All policies and procedures are being reviewed as part of this project. This document is pending review, but remains in effect until the review is carried out.*

## **Return to Work Policy**

**Establishment:** Vice-Chancellor, 2 November 2015

**Last Amended:**

**Nature of Amendment:**

**Date Last Reviewed:**

**Responsible Officer:** Director, People and Culture

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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.

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## 2. Scope

This policy applies to all University staff and staff of relevant University Controlled Entities who have sustained a work-related injury or illness.

## 3. 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

- 3.1 view a staff member's recovery and return to work as the primary goal if a staff member is injured while at work;
- 3.2 ensure that early and timely intervention occurs to improve recovery and return to work outcomes including after retraining (if required);
- 3.3 with the active assistance and participation of the staff member, ensure that recovery and return to work processes focus on maintaining the relationship between the staff member and the University;
- 3.4 ensure that it 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;
- 3.5 treat a staff member fairly and with integrity, respect and courtesy, and comply with stated timeframes;
- 3.6 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);
- 3.7 assist a staff member in making a claim and, if necessary, provide the staff member with information about where he or she can access advice, advocacy services and support;
- 3.8 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;
- 3.9 respect and maintain confidentiality and privacy in accordance with any legislative requirements;
- 3.10 provide avenues for feedback or for making complaints, and to be clear about what can be expected as a response;
- 3.11 recognise a right of a staff member to be supported by another person and to be represented by a union, advocate or lawyer.

## 4. Rights of injured staff members

A staff member who has a work-related injury or illness is entitled to expect:

- 4.1 early intervention by the University in providing recovery and return to work services;
- 4.2 that the University will 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; and
- 4.3 that the University will 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

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Act (for staff based in South Australia) or the relevant interstate legislation for staff based at interstate University sites.

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.

## **5. Responsibilities of injured staff members**

A staff member who has a work-related injury or illness must

5.1 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;

5.2 participate in all activities designed to enable the staff member to recover and return to work as soon as is reasonably practicable;

5.3 participate and cooperate in the establishment of a recovery/return to work plan;

5.4 comply with their obligations under a recovery/return to work plan;

5.5 ensure that the University is provided with current medical certificates, in the designated form provided by recognised health practitioners, with respect to any incapacity for work for which weekly payments are being made to the staff member so as to provide evidence to support the continuation of those payments;

5.6 return to suitable employment when reasonably able to do so; and

5.7 take reasonable steps to mitigate any possible loss on account of the work-related injury/illness.

## **6. University duty to find work**

6.1 The University has a duty to provide 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.

6.2 The University has no duty to provide work 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.

## **7. Return to Work Coordinator**

The University Return to Work Coordinator is responsible for

7.1 assisting injured staff members, where prudent and practicable, to remain at or return to work as soon as possible after the injury/illness occurs;

7.2 preparing and implementing a recovery/return to work plan for an injured staff member;

7.3 liaising with any persons involved in the provision of medical or other relevant services to an injured staff member;

7.4 monitoring the progress of an injured staff member's capacity to return to work; and

7.5 taking 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.

## 8. Dispute procedure

The University is committed to making all efforts to resolving any dispute as quickly as possible. 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:

8.1 In the first instance the injured staff member should discuss the grievance with the University Claims Manager. If the Claims Manager is unable to resolve the issue, he/she should contact the University Director, People and Culture.

8.2 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.

## 9. Complaints about breaches of service standards

Where an injured staff member has a concern about whether the University has complied with any of the service standards set out in clause 3, they may

- raise the matter directly with the Associate Director, WHS or Director, People and Culture; or
- lodge a complaint with the Ombudsman.

## 10. Responsibilities

Vice-Chancellor	Responsible for ensuring that the University meets its legislative responsibilities in the recovery and return to work of staff who have a work related injury or illness.
Senior Executives (Deputy Vice-Chancellors, Pro Vice-Chancellors, Vice-President, Executive Deans)	Responsible for ensuring that <ul style="list-style-type: none"><li>• this Policy is implemented in their Faculty/Portfolio;</li><li>• staff are aware of their responsibilities in relation to recovery and return to work;</li><li>• 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</li><li>• 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.</li></ul>
Deans of School, Divisional Heads, Directors	Responsible for <ul style="list-style-type: none"><li>• being aware of staff with work-related injuries/illnesses and active compensation claims, and taking an interest in the welfare of these staff;</li><li>• ensuring that proper investigation of the incident has occurred and risk control measures are implemented as far as is reasonably practicable;</li></ul>

	<ul style="list-style-type: none"> <li>• supporting supervisors and managers and providing assistance as required; and</li> <li>• assisting with the resolution of any issues that might arise.</li> </ul>
Supervisors and Managers	<p>Responsible for</p> <ul style="list-style-type: none"> <li>• ensuring that the injured staff member is not put at risk of further injury or harm by enabling them to follow the advice in the Work Capacity Certificate;</li> <li>• supporting the injured staff member and other staff who may be affected;</li> <li>• keeping in contact with the injured staff member when they are off work;</li> <li>• being active in the development of the Return to Work Plan, providing modified or alternative work as required and as reasonably practical, and monitoring progress;</li> <li>• meeting regularly with the injured staff member to discuss progress;</li> <li>• providing regular feedback to the Return to Work Coordinator on progress and any problems;</li> <li>• investigating the incident which caused the injury/illness and implementing risk control measures as far as is reasonably practicable to prevent future injury/illness;</li> <li>• maintaining confidentiality; and</li> <li>• being a role model through a positive attitude to the injured staff member and the recovery and return to work process.</li> </ul>

## 11. Legislative framework

### South Australia

[Return to Work Act 2014](#)

[Return to Work Regulations 2015](#)

### Northern Territory

[Return to Work Act](#)

[Return to Work Regulations](#)

### Victoria

[Accident Compensation Act 1985](#)

[Workers Compensation Act 1958](#)

[Workplace Injury Rehabilitation and Compensation Act 2013](#)

[Workplace Injury Rehabilitation and Compensation Regulations 2014](#)

## 12. Review

This policy will be reviewed regularly in the light of legislative and organisational changes, and in any case, every four years to ensure it remains effective, relevant and appropriate to the University, and reflects current legislative requirements.