

Recover at Work Program

General Information

Skillset Limited has developed a specific Recover at Work Program, which will form an integral part of the Company's overall Risk Management system. The objectives of the program is to enable workers with a significant injury or illness, caused through a work related condition, to return to work in a quick and safe manner.

Injury Management is a coordinated and managed program which involves medical treatment, rehabilitation, compensation claims management and employment practices, all of which are designed to restoring injured workers to productive work promptly and safely.

An important functioning component of Injury Management is Occupational Rehabilitation which can be described as a managed process reliant upon early intervention and an objective assessment of the needs of the worker and the treatment necessary to promote an early return to duty.

In compliance with the Workers` Compensation Act 1987 and Workplace Injury Management and Workers Compensation Act of 1998 No 86, Skillset Limited has established and implemented a Workplace Return to Work Program which will form the foundation of compliance with Legislative Requirements.

The Recover at Work Program defines individual and collective responsibilities within the objective of a positively structured return to work solution. Effective Injury Management will substantially improve worker recovery times with corresponding cost benefits and is seen by senior management as an essential component of legal compliance and efficient management.

Skillset Limited will ensure all programs, policies and procedures are reviewed by the Health & Safety Committee in accordance with Skillset Limited's document review procedure. Information on Skillset Limited's programs, policies and procedures will be provided to workers through site and work area inductions, the health and safety committee, safety alerts and tool box talks.

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Information will be available at each Skillset Limited site.

Confidentiality

All return to work information concerning an injured worker is confidential. Staff with access to such information are to be made aware that it is confidential and should not be discussed with or shown to or read by anyone who is not directly involved in the worker's return to work.

Section 243 of the 1998 Act, the Federal Privacy Act 1988, the National Privacy Principles and the NSW Health Records and Information Privacy Act 2002 apply to the information collected and used for the purposes of handling a worker's claim. In relation to workers compensation claims, medical advice must be kept confidential and information released to other parties only on a 'need to know' basis e.g. medical information would only be released by an insurer to an employer if it was relevant to an injured worker's return to work.

Injured workers will be required to complete an "Information Consent Form" to enable Skillset Limited return to work coordinator obtain relevant information about the workers injury.

All return to work and medical information will be maintained in the injured workers rehabilitation file. These files are maintained in a lockable filing cabinet in a secure office of the RTW Manager.

These files are compiled of the following information:

- file notes, letters, faxes and return to work plans completed by the return to work coordinator
- signed information consent form
- 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 provider 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.

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Injury Management and Return to Work Policy

Skillset Limited is firmly committed to providing a safe and healthy workplace in accordance with the requirements of the NSW Work Health and Safety Act 2011. Skillset Limited confirms its commitment to ensuring the workers equity and welfare by ensuring there is consultation throughout the duration of the Return to Work Program.

In compliance with relevant legislation the organisation will implement a Return to Work Program aimed at returning the worker to useful and productive work as soon as is practicable following the worker sustaining a workplace injury or illness.

The organisation is committed to ensuring that the rights and confidentiality of all workers who participate in a Recover at Work Program are safeguarded at all times.

Normal expectations are that injured workers will actively participate in Injury Management and achieve an early resumption of their return to normal duties.

In the event that this expectation cannot be realised then options such as redeployment or retraining will be considered.

Program Delivery

The Return to Work (RTW) Manager will work in close consultation with Operational Managers who have delegation, such managers being responsible for the return to work of injured workers by:-

- Ensuring the provision of prompt, appropriate care and first aid for injured workers
- Notifying the Insurer of a significant injury within 48 hours
- Providing timely implementation of individual Return To Work Plans for workers with significant injuries
- Complying with Injury Management procedures
- Ensuring that all workplaces have access to trained staff responsible for implementing Return to Work Plans
- Consulting with workers and unions regarding the effective operation of the Return to Work Program
- Communicating the Return to Work Program to all workers within their area of responsibility
- Providing suitable duties where practicable, for fixed periods to injured workers who can't return to their normal work

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- Consulting the worker's, through the RTW Manager and/or Provider about return to work options
- Supporting and managing in conjunction with the RTW Manager/Provider, a worker's Return to Work Plan
- Ensuring that participation in a Return to Work Plan is without prejudice to the injured worker
- Implementing dispute settlement procedures promptly and effectively

Role of Insurer (Allianz)

Skillset Limited's Insurer has the responsibility for management of the Claim in accordance with the provisions of the Workers Compensation Act 1987 and Workplace Injury Management and Workers Compensation Act of 1998 No. 86 and shall:-

- Effectively manage the claim and pay expenses to injured workers
- When a significant injury occurs provide an Return to Work Plan for individual workers in consultation with the treating doctor, Rehabilitation Coordinator and/or Provider
- Pay reasonable expenses incurred under the Provisional Liability requirements
- Determine liability for the claim as soon as possible from receipt of the claim from the employer
- Pay weekly benefits for lost time through the existing payroll system
- Pay any other reasonable costs related to the claim
- Regularly review and update the Return to Work Plan as required
- Liaise with stakeholders in the effective management of the claim, on a regular and ongoing basis

Approved Rehabilitation Provider (Interact Injury Management)

Skillset Limited's Approved Workplace Rehabilitation Provider has the responsibility for management of an injury that is of a serious nature or involves a prolonged absence from work. The Provider shall:-

- Provide expert, objective advice to assist the timely, safe and durable return to work of an injured worker
- Provide a prompt response to referrals and other requests
- Engage the injured worker, treating doctor and supervisor in the development and implementation of a tailored return to work plan
- Actively monitor the return to work plan and communicate regularly with all parties to ensure the goals are achieved
- Ensure compliance with Skillset Limited's criteria and standards for an Accredited Rehabilitation Provider

Return to Work Manager

The Return to Work Manager is responsible for:-

- Ensuring that the Insurer is notified within 48 hours of a significant injury being sustained so that Injury Management expenditure will be approved

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- Monitoring Return to Work Plans and Return to Work performance
- Management of all cases
- Providing reports to the iCare as required
- Providing regular reports to senior management on Injury Management
- Providing quality assurance of external Injury Management and Providers
- Ensure that the Return to Work Plan is initiated within 3 days of being advised of a significant injury (ie. Where an worker is unable to perform ordinary duties for a period of seven or more days)
- Guide and monitor the progress of Return To Work Plans
- Ensure that complex cases or those that have failed to progress satisfactorily are discussed and determined with various options in consultation with the insurer and the treating doctor
- Send duly completed workers compensation claims to the Insurer within 7 days of receipt of the claim (ie. Claim form and Medical Certificate)
- Scrutinise the form and ensure correctness before dispatch to the Insurer
- Establishing early contact with injured workers and developing relationships for effective Injury Management
- Coordinating with staff members who are responsible for Skillset Limited's Return to Work Program
- Liaising with the Human Resources Manager and Safety Manager regarding cases that have not been finalised within 6 months of the date of injury
- Collecting completed Personal Injury Forms from the Operational Managers
- Completing an investigation for all personal injuries and incident notifications
- Entering personal injury information into the "Vault"
- Conducting and reviewing risk assessments
- Determining suitable duties plans
- Providing feedback about injured workers on RTW programs

Injury Management and Return to Work Responsibilities

The overall responsibility for effective Injury Management is a shared responsibility between management and workers.

Management

Operational Managers must:-

- Ensure the health, safety and welfare at work of all workers as required under the provisions of the Work Health and Safety Act of 2011
- Ensure completion and correctness of accident reports and investigations
- Ensure the provision of prompt, appropriate care, attention and First Aid for injured workers
- Consult with workers and where appropriate, unions regarding the operation of the Return to Work Program
- Ensure that all workplaces have access to trained staff responsible for implementing Return to Work Plans

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- Display or notify Skillset Limited’s Return to Work Program prominently at all workplaces and assist workers to understand its operation
- Provide suitable duties in the workplace consistent with medical and rehabilitation advice for a fixed period

Failure to comply with the above requirements may lead to legal sanctions against Skillset Limited.

Workers Responsibilities

Workers must:-

- Take reasonable care in the performance of their duties and comply with Skillset Limited’s health and safety programs and procedures to prevent work related injuries to themselves and others in the workplace
- Notify their operation manager/supervisor of an injury or illness as soon as possible and obtain appropriate assistance
- Complete Personal Injury form and Insurer Claim form as soon as possible after the injury and keep their manager/supervisor informed of progress
- Nominate a treating doctor of their choice who will attend to the requirements of the workplace injury
- Authorise the to provide relevant information for their Return to Work Plan
- Participate and cooperate in the development of their Return to Work Plan
- Cooperate with work changes designed as part of an workers Return to Work Plan
- Make all possible efforts to resume and upgrade work as soon as possible, consistent with medical and rehabilitation advice
- Comply with the requirements of their Return to Work Plan restrictions, while at work and at home

Failure to comply may lead to the suspension of the worker’s right to workers compensation benefits.

Injury Management and Return to Work Guidelines

Initiating Injury Management

In the event of a worker incurring an injury or illness at work, the supervisor provides initial care and help and notifies the relevant operational manager. The operational manager will ensure the provision of first aid and transport to medical facility as required.

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The supervisor ensures that the injured worker completes the necessary forms i.e. Personal Injury Form or the Incident Report Form and Workers Compensation Claim Form and arranges for the use of an interpreter where appropriate.

The site safety officer and supervisor complete an Investigation Report Form and takes remedial action to ensure no repetition can occur.

In the event of a significant injury the operational manager advises the site safety officer. Note: A significant injury is one where a worker is unable to perform their ordinary duties for 7 calendar days or more. This should be done as soon as possible because early intervention will promote the effectiveness of Occupational Rehabilitation.

Skillset Limited's Recovery at Work Program is explained to the injured worker and details of the are obtained.

In circumstances where the worker fails to nominate a treating Doctor, the Manager, Human Resources & Safety will refer the worker to Skillset Limited's preferred.

The Doctor's Treatment Action Plan is determined from the WorkCover Certificate of Capacity and the Doctor is contacted to assist in preparation of the Return to Work Plan for the injured worker.

The insurer will develop an individual Injury Management Plan for the injured worker in the case of a significant injury. A copy of this document will be sent to all parties.

The Occupational Therapist / Rehabilitation Coordinator through consultation with the, Injured Worker and Supervisor; develops an individual Return to Work Plan. The Form must be endorsed with the signatures of the worker, Union (if requested by the worker) and the Manager, Human Resources & Safety. The Return to Work Plan is then circulated to staff members having a role within the Plan.

A confidential individual Return to Work/Rehabilitation case file is then established and updated to include details of consultations with interested parties. The file remains in the custody of the Manager, Human Resources & Safety at all times.

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Engaging a Nominated Treating Doctor (NTD)

The role of the NTD is significant in the return to work process. The NTD is the doctor who agrees to actively participate and provide medical advice to assist in returning an injured worker to employment.

In event of a significant injury, the injured worker must nominate a treating Doctor. The NTD develops a Treatment Action Plan aimed towards a quick, safe and durable return to work for the injured worker.

The injured worker has the right to choose their own NTD, however, if the injured worker is unable to, Skillset Limited will assist in a referral to a preferred NTD.

Engaging an Approved Workplace Rehabilitation Provider

If the worker's injury is of a serious nature or involves a prolonged absence from work, an Approved Workplace Rehabilitation Provider is often required. The Provider delivers a professional occupational rehabilitation service to injured workers and must be engaged should the worker be absent for an extended period. Should the injury be of a serious or long-term nature the Provider can be appointed at an earlier date. The injured worker has the right to nominate a Provider of their choice. iCare approves and maintains a register of Providers.

The Provider will assess the worker's capabilities and the demands of his/her work through consultation with the worker, Manager, Union and RTW Manager to develop and cost a Rehabilitation plan. The Rehabilitation Plan must not be implemented until it has been approved within financial delegation.

Note: In some circumstances a Provider may submit a rehabilitation case closure report before resolution. This indicates the end of their participation in the rehabilitation process but does not signify the end of the Skillset Limited responsibilities to their worker.

Engaging an Interpreter

An interpreter will be engaged in situations where a Non-English speaking worker has difficulty communicating in English.

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If there is an appropriate interpreter available in the workplace, they will be called immediately. If an interpreter is not available at the workplace, Skillset Limited will endeavour to engage an interpreter by telephone.

Tips for face-to-face interpreting:

- Provide a quiet area where you can talk in private
- Brief the interpreter first
- Maintain control throughout the interview
- Speak with the interpreter and injured worker simultaneously
- Speak in the first person and address the client directly
- Use short sentences, plain English and appropriate tone
- Pause often to allow the interpreter to speak (e.g. after two or three sentences)
- Avoid jargon, jokes and figurative language
- Speak naturally, but modify the speed at which you speak

Tips for telephone interpreting:

- Be aware that the interpreter has no body language cues to assist
- If the conversation is going to be long (e.g. more than an hour), make sure you stop for a few minutes break every half hour
- Ensure you can comfortably take notes
- Ask whether the client's needs have been met at the end of the session. Summarise the outcome/ solutions. Ask the injured worker if they have any questions
- Clearly indicate the end of the session to all parties

Providing Suitable Duties

The Recover at Work Program may involve altered or new duties for the injured worker. The RTW Manager, in consultation with the Operational Manager, identifies suitable duties in the first instance by seeking to redesign the tasks or hours of the usual job or secondly by redesigning a new job in the workplace or thirdly by seeking a placement elsewhere in Skillset Limited. Suitable duties will provide meaningful work and are of a temporary and therapeutic nature. Guided by medical advice, suitable duties are introduced and progressively upgraded in line with the worker's recovery.

In straightforward cases, the RTW Manager develops a Return to Work Plan in consultation with the Worker, Treating doctor, Manager and union (if involved). The doctor's involvement may be documented by way of signature or a record of discussion. The Workplace Rehabilitation Provider

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(if involved) develops a Return to Work Plan in consultation with the Worker, Treating doctor and Manager. Such Plan is then lodged with the Insurer for approval and implementation.

If any changes are required to the available suitable duties or overall return plan goals, a workplace meeting/review will be conducted with all appropriate parties and a new Return to Work Plan developed.

If there are disputes about the suitability of duties and/or the RTW plan, Skillset Limited will follow through with the internal dispute resolution process, in consultation with the injured worker, management personnel and union (if appropriate) to try and resolve the disagreements. If the disputes cannot be resolved internally, Skillset Limited may engage a Rehabilitation Provider, the Treating doctor or an Injury Management Consultant (IMC) to assist in resolution. Assistance may also be sought from the Workers Compensation insurer. The Workers Compensation Commission has powers to resolve disputes about the suitability of duties offered.

No injured worker will be dismissed because of their injury/illness within 6 months of becoming unfit for employment.

Options for Retraining and Redeployment using a Work Trial and Job Placement Program

When suitable duties cannot be identified or continue to be offered at the workplace, assistance is to be provided to the worker to obtain new employment as early as possible. The *Work Trial Program* enables an injured worker to acquire skills within an alternate vocational area, and increase the opportunities to gain employment within a new industry.

A work trial placement will provide a suitable work environment to either increase the injured worker's:

- Capacity to return to their pre-injury job, or
- Transferable skills to gain a different job with either the pre-injury employer or a new employer

The work trial must be made with the agreement of:

1. the work trial host, and
2. the work trial trainee, and
3. the workplace rehabilitation provider, and
4. Work Cover NSW

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The *JobCover Placement Program* provides financial support to eligible organisations that employ workers who cannot return to their pre-injury employer. The program offers 3 benefits:

1. Incentive payments to the new employer for up to 12 months (total of \$27,400).
2. Exemption of the injured worker's wages from the employer's workers compensation premium calculation for up to 2 years.
3. Protection against further costs associated with the existing injury for up to 2 years.

Monitoring and Case Management

The RTW Manager is responsible for monitoring each case and ongoing consultation with the Worker, Nominated Treating Doctor, Operational Manager/Supervisor, Union and Rehabilitation Provider (if involved and when necessary). The RTW Manager has the responsibility to set regular review dates where the Return to Work Plan will be reviewed and updated to meet the particular needs of each case's development. Relevant information is entered into the worker's confidential case file.

In the event of an injured worker failing to reasonably participate or cooperate with their Return to Work Plan the Insurer and RTW Manager are to be notified immediately of the case circumstances.

Final Review

The RTW Manager is responsible for reviewing complex cases where the worker has not returned to pre-injury duties within 6 months of date of injury.

The relevant operational manager obtains advice from the key participants in the Injury Management and Return to Work process to determine the worker's capacity to perform pre-injury duties.

The RTW Manager reviews the case with the Operational Manager, Provider (when necessary) and Worker to seek an equitable resolution. The worker may choose to be accompanied by a union representative, family member or friend. If the worker is unable to perform their pre-injury duties, the options of further rehabilitation, retraining, redeployment or termination of employment on medical advice is to be considered. The RTW Manager must clearly explain the reasons for considering these options and ensure the worker is given the opportunity to respond. A record of issues and strategies discussed in the meeting must be taken and copies retained by the RTW Manager.

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Finalising Injury Management

A case will be finalised when the injured worker successfully resumes their ordinary duties (including ordinary duties with a degree of modification), or is successfully redeployed into an established position, or the worker is retrained and placed with another employer

The Rehabilitation Provider will complete a Case Closure report to be included in the confidential case file which, is secured in the Employer's custody.

Dispute Resolution

Dispute resolution is rarely necessary because participation in the program is based on consultation at each stage. Should an injured worker have concerns regarding their Return to Work Plan, there are a number of options available to them including:

a) RTW Manager

It is expected that workers will raise any concerns with the RTW Manager so that an appropriate early resolution may be found.

b) Operational Manager

It is expected that workers will raise any concerns with their operational manager/supervisor who will endeavour to negotiate a solution.

c) Union (if applicable)

Workers may choose to discuss the issues with their relevant union. In cases involving a policy issue, the union may raise the matter with the RTW Manager.

d) iCare

If there is an unresolved dispute with a worker or operation manager of Skillset Limited any of the parties concerned may contact the iCare Claims Assistance Services (CAS) for assistance ON 13 10 50.

The Issue Resolution Flowchart is also available as a guide for all workers.

Further Information

There are a number of laws, which relate to Injury Management:-

- Workplace Injury Management and Workers Compensation Act 1998 NSW
- Workers Compensation Act 1987 NSW

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- Industrial Relations Act 1996 NSW
- Australian Fair Work Act 2009 Cth
- Anti Discrimination Act 1977 NSW
- Disability Discrimination Act 1992 Cth
- Work Health and Safety Act 2011 NSW

iCare NSW administers workers compensation laws:

- For the Customer Care Service at iCare Phone: 13 10 50
- iCare Bookshop has a range of printed information covering all aspects of Workplace Injury Management and Return to Work Programs. Phone: 13 10 50

Variations

Skillset reserves the right to vary, replace or terminate this policy from time to time.

Associated documents

The following documents are associated with this Procedure:

- Return to Work Plan
- Incident Flowchart
- Personal Injury at Work Flowchart
- Issue Resolution Flowchart
- Information Consent Form

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