



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 14.9.2

POLICY FOR INJURY MANAGEMENT AND RETURN TO WORK (REHABILITATION)

Adopted: 17 August 2017

POLICY FOR INJURY MANAGEMENT AND RETURN TO WORK (NO.14.9.2)

1. **Title:** Policy for Injury Management and Return to Work (Rehabilitation)
 2. **Number:** Policy Number 14.9.2
 3. **Purpose:**
The purpose of this policy is to outline the system to manage workers who suffer a work related injury.
 4. **Application**
The policy applies to all Council employees.
 5. **Associated Legislation and Other References**
Workplace Injury Management and Workers Compensation Act 1998
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Council's WHS Management Plan
 6. **Definitions**
Injury or Work related injury:
 - (a) means a personal injury arising out of or in the course of employment, and
 - (b) includes:
 - (i) a disease contracted by a worker in the course of employment, where the employment was a contributing factor to the disease, or
 - (ii) the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was a contributing factor to the aggravation, acceleration, exacerbation or deterioration, but
 - (c) does not include (except in the case of a worker employed in or about a mine):
 - (i) a dust disease, or
 - (ii) the aggravation, acceleration, exacerbation or deterioration of a dust disease.
 7. **Policy**
This policy and the Work Health & Safety policies are required by legislation to be displayed openly throughout the workplace. This policy is intended to show Council's commitment to the safety and welfare of its employees while at work.
- 7.1 Undertakings**
Council gives the following undertakings within this policy;
- i) To prevent work related injury through providing a safe and healthy working environment and providing for the welfare of employees.
 - ii) To develop a return to work program for the management of workers who are injured at work through consultation with workers representatives. This program forms part of the operating procedures of the organisation, is consistent with the insurer's injury management program and will be reviewed every two years.
 - iii) To inform workers regularly of their rights and responsibilities and of company policy on return to work through notice-boards. Workers will be consulted through a range of mechanisms such as formal consultation with unions/workers, work health and safety committee and staff meetings.
 - iv) To ensure that the return to work process is commenced as soon as possible after an injury in a manner consistent with the worker's medical fitness for work.

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- v) To ensure that early return to work by an injured worker is a normal practice and expectation
- vi) To provide suitable duties to partially incapacitated workers.
- vii) To ensure that participation in a return to work plan will not, of itself, disadvantage an injured worker. All efforts will be made to resolve disagreements about Council's return to work program, or its components, through discussions and in a spirit of cooperation.

7.2 Suitable Duties

Should a worker be unable to return to his/her previous duties either temporarily or permanently, prior consultation on suitable alternative duties/employment will be made with the injured worker and the designated rehabilitation co-ordinator.

Consultation, where applicable, may include the:-

- a) Nominated Treating Doctor
- b) Worker's Supervisor
- c) Workplace Rehabilitation Provider
- d) Work Health and Safety Committee
- e) Industrial union representing that worker.

Alternative duties/employment will constitute tasks which are useful for the workers rehabilitation.

No duties shall be offered without approval from the nominated treating doctor or, in exceptional cases, other medical advice. The rehabilitation coordinator will develop a system for communication with the worker's nominated treating doctor to confirm medical restrictions and the suitability of duties.

7.3 Termination

Where an injured worker is unable to provide an indication of a likely return to work in any relevant capacity, or where there is medical evidence indicating a return to work is not likely, Council will need to review its position in terms of holding open the worker's position. But no action should be taken within the first 6 months of incapacity. Any consideration of cessation of employment will only be considered as a last resort and after all other return to work options have been explored.

The process involved in cessation of employment is generally as follows;

1. Council becomes aware of medical or other evidence indicating a return to work is unlikely
2. Council sends a letter to injured worker advising this and that Council is considering its options. Worker is also invited to provide further medical evidence indicating when a return is likely.
3. If no further evidence, return to work coordinator will arrange a meeting with the worker to verbally consider options and make Council's position clear. The termination will be considered as there are no other options.
4. Council will send a follow up letter indicating termination is being considered. 28 days will be allowed to respond.
5. Council will formally terminate the employment.

7.4 Dispute Resolution

Where return to work problems arise all parties will work towards resolution and a mutually acceptable outcome using strategies such as

- negotiation between the return to work team including the injured worker, their union representative, return to work coordinator, nominated treating doctor and insurer
- contact with the insurer for advice on other available resources such as injury management consultant, workplace rehabilitation provider, WorkCover vocational programs
- involvement of a person eg injury management consultant, workplace rehabilitation provider, mediator to assist in liaison between the parties and problem solving.

Where resolution cannot be achieved the worker and General Manager or his delegate may seek further assistance by contacting

- WorkCover's Claims Assistance Service telephone 13 10 50
- their union or Unions NSW
- Local Government NSW

8. Non-compliance

Non-compliance with this policy may render an employee liable for disciplinary action, and may place at risk the employee's claim for worker's compensation.

9. Review and Amendment

- This policy shall be reviewed by September 2017 and thereafter at four (4) yearly intervals, to ensure it meets all statutory requirements and the needs of Council.
- This policy may be amended or cancelled by Council at any time without prior notice or obligation.

10. Adoption

- This policy commences as from the date of adoption by Council, being 17 August 2017 and replaces Policy for Rehabilitation of Injured Employees.

11. History

Version	Details
14.1.2	Not Known, (Adopted as Policy for Rehabilitation of Injured Employees approximately in 1988)
14.9.1	18 July 2013 {(Adopted as Policy for Injury Management and Return to Work (Rehabilitation))}
14.9.2	Adopted 17 August 2017