

Subee Newlake

A.B.N. 87 100 735 395

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Return to Work Program

1. Overview

The objective of the return to work program is to ensure that all staff (including managers) are aware of their rights and obligations when making a claim for workers compensation. Subee Newlake is committed to consulting with all our employees in relation to all aspects of health, safety and welfare at work. This includes the risk identification, assessment and control process, the development of policies and procedures and the evaluation of these.

This Return to Work Program is reviewed and revised every 2 years by the Return to Work Coordinator and Safety Committee.

2. Definitions

Workers Compensation: insurance designed to cover the cost of a staff member's medical treatment and rehabilitation costs, and to assist them to recover and return to work as soon as practicable after a work-related injury. Depending on the type, nature and severity of the injury, a staff member may be eligible to receive one or more of the following benefits:

- weekly benefits
- permanent impairment benefits
- medical, hospital and rehabilitation expenses
- compensation for property damage.

Worker: Under the Workplace Injury Management and Workers Compensation Act 1998 a worker is defined as a person who has entered into or works under a contract of service or a training contract with an employer (whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, and whether the contract is oral or in writing).

RTW Coordinator: A competent person with the relevant skills, knowledge and experience who coordinates with return to work for an injured employee. They act as the link between all parties in the return to work process and in the development, review and monitoring of the return to work plan.

Injury Management Plan: A plan developed by the Insurer for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to work for the worker.

Suitable Duties: Are temporary work tasks designed to assist the recovery of an injured or ill employee. Suitable duties are consistent with medical advice and appropriate for the injured person's physical and psychological condition. They are usually identified by either the Return to Work Coordinator or Rehabilitation Provider.

Suitable duties could include:

- parts of the job the injured staff member was doing before the injury or illness
- the injured staff member's pre-injury job on reduced hours
- training opportunities,
- or different duties altogether.

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Recover at Work Plan: A documented plan developed by the RTW Coordinator or Rehabilitation Provider when an employee is returning to work with partial capacity. It is developed in consultation with all parties including the worker, supervisor and treating doctor and will be reviewed regularly. The plan outlines the duties being performed, medical restrictions, hours worked, supervision arrangements and review dates.

Accredited Rehabilitation Provider: Approved workplace rehabilitation providers are organisation approved by SIRA to offer specialised workplace rehabilitation services to assist injured workers return to work. Accredited Rehabilitation Providers have skilled staff with the appropriate qualifications to provide specialist assistance in the return to work process.

3. Legislative References

Workplace Injury Management & Workers Compensation Act 1998
Guidelines for Workplace Return to Work Programs, May 2017
Workers Compensation Act 1987 and the Workers Compensation Regulation 2016
Work, Health & Safety Act 2011 and the Work, Health & Safety Regulations 2017

4. Developing and Implementing the Return to Work Program

Each employee will be informed of their rights and responsibilities concerning injury management and workers compensation through a variety of channels.

A summary of the Return to Work Program will be posted on the Subee Newlake Staff Portal. A copy of the full version is available for viewing on the Subee Newlake TRACK quality and information management system under Human Resources/Policy

Existing staff will be notified about content of the Return to Work Program and advised how it operates (as well as provided with refresher sessions or to advise of significant changes made to the Program) during Subee Newlakes regular Quarterly Support Worker Meetings

New staff will be notified of the Return to Work Program as part of their induction training.

5. Preventing occupational injuries and illness

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- 6.1 Subee Newlake is committed to implementing a number of Work Health and Safety management systems designed to reduce workplace injuries and disease by systematically eliminating or minimising risk so far as reasonably practicable, risks in relation to all persons affected by Subee Newlake's business activities and services.
- 6.2 Subee Newlake has a number of Workplace Health and Safety Policies in place in order to identify assess and control hazards in the workplace. All of which are readily accessible for viewing either on the Staff Portal and/or TRACK quality and information management system.
- 6.3 Subee Newlake has dedicated WHS Officers to train staff and monitor employees ongoing adherence to the Workplace Health and Safety Policies, as well as consult with employees at regular meetings in regard to discussing any actual or potential safety incidents which have occurred and to obtain feedback on improving Subee Newlake's Work Health and Safety Management Systems

6. Return to Work Coordinator

As per Section 52 of the Workplace Injury Management & Workers Compensation Act 1998, Subee Newlake employs a Return to Work Coordinator (RTWC) with relevant training, skills and experience to facilitate the return to work process.

Contact Details

Name: Bodene Johns

Position: Human Resources Co-ordinator (Designated RTWC)

Location: Subee Newlake Head Office

Phone: 0266 513 153

Email: bjohns@subeewnlake.com.au

The RTWC has the authority (In consultation with the Business Owner), to represent and make decisions for Subee Newlake in relation to the following:

- Preparing, monitoring, and reviewing a Recover at Work Plan for the rehabilitation of injured workers in consultation with key parties
- Referring workers to external rehabilitation providers (where appropriate)
- Helping to redeploy workers both internally and externally into suitable employment (where appropriate)
- Contributing to the improvement of relevant policies and systems
- Educating the workforce and promoting the health benefits of recovery at work.

The RTWC does not make decisions on claims liability or funding for treatment.

7. Who is eligible for Workers Compensation?

Under the Workers Compensation Act 1987 (NSW) an entitlement to workers compensation benefits requires

- That the person is a worker

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- That the person has suffered an injury, which means a personal injury arising out of or in the course of employment and can also include:
 - A disease contracted in the course of employment, to which employment is a contributing factor
 - The acceleration, aggravation, exacerbation, or deterioration, to which employment is a contributing factor
- That employment is a substantial contributing factor to the injury

8. Incident/Injury Management Procedure

Reporting Injuries

Employees should report all work-related injuries (no matter how minor) to their supervisor/manager in line with Subee Newlake Incident Reporting Procedure. All work-related injuries and illnesses must be reported to the immediate team leader or duty manager as soon as practicable, and an Incident Report and an Injury Report form completed. The forms are lodged on the TRACK Quality and Information Management System and N Drive and management by the RTWC/HR Co-ordinator who will then notify iCare and the insurer.

Insurer Details

Subee Newlake will notify iCare within 48 hours of being notified by the employee. Notification of an injury to the insurer may include verbal or written notification

The Workers Compensation Insurer is iCare

The Subee Newlake Workers Compensation Policy number is **105824801**

Subee Newlake can be notified of a claim via email

Email: hr@subeenewlake.com.au

Notifiable Incident

If the injury is of a serious nature it may be considered as a *notifiable* incident.

What is a notifiable incident?

A notifiable incident is a

- death
- serious injury or illness
- dangerous incident

'Notifiable incidents' may relate to any person—whether a worker, contractor or member of the public. For a full definition, please refer to Part 3, Sections 35 to 39 of the Work, Health and Safety Act, 2011.

A 'notifiable incident' must be reported to SafeWork NSW on 13 10 50 immediately after becoming aware it has happened.

Notifiable incidents must be immediately reported to all Directors and the HR Co-ordinator responsible lead for WH&S.

First Aid

When an injury or incident occurs in the workplace, first aid will be provided in line with First Aid Model policy.

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Subee Newlakes aims to ensure that there is a critical mass of Administration staff certified in First Aid at each site to be able to carry out First Aid in the workplace. All Support Staff and Nursing Staff are required to have current First Aid Certificates and a copy on file. The Manager will determine if medical treatment is required and arrange for the injured to be transported to the appropriate medical facility.

Privacy

Workers Compensation records will be maintained by the Return to Work Coordinator in a secure location in accordance with the NSW State Records Act 1998, and the Health Records and Information Privacy Act 2002.

These will be kept separate to an individual's personnel/HR file and will be kept confidential.

Records can include:

- Case notes
- Information consent form
- Suitable Duties Plans
- Medical Certificates
- Reports from treating parties and the Accredited Rehabilitation provider
- Relevant correspondence

9. Supporting Workers

Under NSW Workers Compensation legislation, employers have an obligation to support their worker to recover at and/or return to work. The RTW Coordinator will make early and regular contact with the injured worker following a work-related injury in line with SIRA's key Return to Work principles which are; Connecting; Planning and Working. Contact will occur as soon as possible following the injury/illness, and ongoing during the course of recovery and rehabilitation.

The RTW Coordinator will also make early contact with the nominated treating doctor and other treatment providers for the purpose of identifying any needs for the injured worker, and the development of an early and supportive Recover at Work Plan. This contact will continue for the duration of the worker's recovery.

10. Early commencement of injury rehabilitation and Return to Work Process

Following initial assessment and treatment, an employee will be either fit to resume pre-injury duties, fit for suitable duties or unfit for work. This fitness for work will be stated by the nominated treating doctor on a Work Capacity certificate which must be provided to the Return to Work Coordinator immediately after it is issued. How these various fitness statuses are managed are set out below:

Fit for Light Duties/Suitable Duties

- a) Employees who are ill or injured may be fit for suitable duties:

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- From the time of onset of the illness or injury, or
 - Following a period of unfitness for work when subsequent improvement has occurred to the point where the individual has capacity to return to some form of work
- b) The Return to Work Coordinator, in consultation with the employee and supervisor (and/or Rehabilitation provider where applicable), will define and negotiate suitable duties based upon the review, recommendations and discussion with the treating doctor.
 - c) The employee, their supervisor and the Return to Work Coordinator will meet before the employee returns to work and agree on the type of work and the hours of work to be performed, taking into account the availability of light/alternative duties
 - d) Suitable duties could take different forms, for example the same duties but with reduced hours, or modified and/or alternative duties in the same or different work area. In the majority of cases suitable duties will only need to be provided for a temporary period until the injured worker is fit to resume the full duties of his or her pre-injury position.
 - e) The Recover at Work Plan, which documents the agreed suitable duties and a progressive upgrading program to allow a return to pre-injury duties. This document should be developed in consultation with the employee, their supervisor, the nominated treating doctor. A copy of this plan will be provided to all key parties
 - f) At regular intervals, no greater than two weeks, the Return to Work Coordinator shall review the employees progress, preferably in the workplace
 - g) Where uncertainty exists about the availability of suitable duties and the progress of an employee in the of Return to Work Program is slower than expected, the Return to Work Coordinator may consider the assistance of appropriate additional resources such as a Rehabilitation provider to consider job seeking or work trial opportunities.
 - h) The workload impact on fellow workers of the employee being rehabilitated will be minimised
 - i) When the employee returns to normal duties a return to 'pre-injury duties' medical certificate shall be obtained and filed with the employee's return to work file. The employee should return to performing all pre-injury duties from this time
 - j) Employees must not undertake overtime until the organisation is satisfied that medical opinion clearly states that the employee is fully fit to resume the full requirements of the job for which they were employed

Unfit for Work

- a) Where an employee is certified unfit for work by their Nominated Treating Doctor (NTD), the Return to Work Coordinator will liaise with the nominated treating doctor in order to *Plan* for a return to suitable work
- b) The RTW Coordinator and Supervisor shall maintain regular contact with the employee
- c) The RTW Coordinator shall maintain regular contact with the NTD to ascertain progress to facilitate a plan to return to work
- d) The RTW Coordinator will initiate the use of internal or external resources, as required, to facilitate a return to work, including an Accredited Rehabilitation Provider

Permanent Restricted Capacity

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- a) Where at any point it becomes clear that an employee will be unable to return to their pre-injury job but will be able to return to some gainful employment, consultation will begin with the employee and management. This will be to determine if there is a permanent alternative job which the employee will be able to perform once maximum capability has been reached. This permanent redeployment shall be a recognised and valid position within the organisation. A task description will be provided to the employee's treating doctor and written approval shall be given prior to the relocation of the employee to a new position. Where permanent redeployment is undertaken, a new position description will be 'signed-off' by the employee to acknowledge a permanent change in employment.
- b) Should the provision of suitable alternative employment not be possible, management (after consultation with the Return to Work Coordinator and review of appropriate medical information) may consider action to terminate employment according to organisations procedures, site agreement and legal obligation (see Section 248 Workers Compensation Act, 1987). Management may also decide to continue the employment arrangement whilst the employee is job seeking.

11. Roles and Responsibilities

Employer

Subee Newlake is committed to the return to work of our injured worker and will aim to:

- Notify all work related injuries to the insurer within 48 hours of being notified of the injury
- Prevent injury and illness by providing a safe and healthy working environment
- Participate in the development of Recover At Work Plan and ensure that injury management commences as soon as possible after a worker is injured
- Support the injured worker and ensure that early return to work is a normal expectation
- Provide suitable duties for an injured worker as soon as possible
- Ensure that our injured workers (and anyone representing them) are aware of their rights and responsibilities – including the right to choose their own doctor and approved workplace rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause
- Consult with our workers and, where applicable, unions to ensure that the return to work program operates as smoothly as possible
- Maintain the confidentiality of injured worker records
- Not dismiss a worker as a result of a work-related injury within six months of becoming unfit for employment.

The Worker must:

- cooperate with Subee Newlake Management to prevent work-related injuries to self and others
- cooperate with Subee Newlake Management to meet their return to work obligations
- cooperate in workplace changes designed to assist the return to work of fellow workers if injured:
 - notify Subee Newlake Management of a workplace injury as soon as possible after the injury happens
 - specify one nominated doctor or medical practice who is prepared to participate in the development and implementation of an injury management plan
 - give consent for the nominated treating doctor to provide information for the purposes of an injury management plan and return to work plan
 - participate and cooperate in the establishment of the initial and subsequent injury management plans
 - make all reasonable efforts to return to work with the pre-injury employer as soon as possible
 - comply with the activities detailed in injury management plan(s)
 - advise of any difficulties with return to work as soon as practical to prevent delays in addressing any problems.

Insurer iCare and their Nominated Insurance affiliates

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The insurer must:

- ensure that Subee Newlake are made aware of their legislative obligations in relation to the insurer's injury management program
- within three working days of being notified that a worker has sustained a significant injury, contact the Subee Newlake worker and (if necessary) the nominated treating doctor. Subsequently, the insurer must develop an injury management plan in line with timeframes in the insurer's injury management program
- within seven days of being notified by Subee Newlake (or the worker, or another person) that a worker has sustained a significant injury, begin provisional payments of weekly benefits and medical expenses, or advise the worker and Subee Newlake why they will not make payments
- consult with the injured worker, Subee Newlake and nominated treating doctor in the development of an injury management plan
- provide the injured worker, Subee Newlake and nominated treating doctor with information on the injury management plan initially and as the plan progresses
- inform the worker that their entitlements to weekly benefits can be suspended if they do not reasonably comply with their injury management plan and what they must do to prevent the suspension
- have procedures in place for an injured worker to change their nominated treating doctor and inform the injured worker of these requirements
- consult with the injured worker, Subee Newlake and nominated treating doctor when referring to a workplace rehabilitation provider. Advise the injured worker that they can choose a rehabilitation provider and inform the injured worker of the process to be followed when changing a rehabilitation provider
- ensure vocational retraining and/or assistance to obtain employment with a new employer is arranged for an injured worker as soon as it is identified that a return to pre-injury duties and provision of suitable duties is no longer possible
- ensure accuracy of payment of weekly benefits in accordance with wage as advised by Subee Newlake and legislative requirements
- provide injured worker with information about their weekly benefits and entitlements and how they may change over time.

Workplace rehabilitation provider

In cases where Subee Newlake contracts an external Workplace Rehabilitation Provider, the workplace rehabilitation provider must:

- deliver services to workers, Subee Newlake and insurers in a cost effective, timely and proactive manner to achieve a safe and durable return to work
- promote an early and safe return to work of the worker
- ensure the needs of the worker and Subee Newlake are identified by means of adequate and appropriate assessment
- identify barriers to injured worker's return to work and develop strategies to address these
- identify and design suitable duties for the worker to assist Subee Newlake to meet their obligations in providing suitable employment
- identify and coordinate rehabilitation strategies that ensure the worker is able to safely perform their duties
- consider workplace industrial relations and human resource matters that may affect the worker's return to work
- focus initially on return to work in the worker's pre-injury employment or, if that is not possible, on other employment in line with the hierarchy of return to work
- arrange appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury duties
- communicate with relevant parties throughout service provision to ensure progress towards the return to work goal

Immediate Supervisor

- Comply with the requirements of the Workplace Return to Work Program and actively support its aims and policies

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- Maintain appropriate personal contact and support with the injured employee during absence from work and whilst on alternative duties
- Provide relevant information in relation to both pre-injury duties and suitable duties available to assist in the development of the Recover at Work Plan and Injury Management plan
- Maintain regular contact with the RTW Coordinator to allow for monitoring and review of the return to work program
- Participate in development of the Injury Management Plan with the insurer when the injury is in relation to a Workers Compensation claim

12. Returning to work not to disadvantage worker

Subee Newlake is committed to ensuring that the process of return to work will not disadvantage or discriminate against an injured employee.

Any concerns regarding the Return to Work Program or Recover at Work Plan should be raised directly with the Return to Work Coordinator.

Workers are not to be dismissed within six months of first day unfit as a result of a work-related injury.

13. Weekly benefits

Weekly payments are based on a calculation of a worker's pre-injury average weekly earnings (PIAWE) that includes shift and overtime allowances (*shift and overtime allowances do not apply after 52 weeks of weekly payments). The insurer Claims Manager will decide on provisional liability for weekly (wage) and medical compensation within seven days of receiving the claim. If the Claims Manager approves weekly payments, Subee Newlake will process these through the injured worker's pay, on behalf of the Insurer.

While the liability decision is pending, the injured worker will be paid sick leave. If Sick Leave is not available, the worker may request Annual Leave. If liability is accepted or provisionally accepted, Sick Leave and Annual Leave taken will be reimbursed.

More information on PIAWE can be obtained on request from Human Resources and Payroll. A fact sheet is also available to download on SIRA'S website titled "Calculating pre-injury average weekly earnings".

14. Disputes

The Return to Work Coordinator will facilitate a dispute resolution procedure and will begin this process by private and confidential discussions with the affected worker. If the matter cannot be resolved a third party may be called on to assist this dispute resolution including the Workers Compensation Insurer or Accredited Rehabilitation Provider.

Where parties have not been able to resolve the matter in dispute, the matter may, at the instigation of either party, be referred to the State Insurance and Regulatory Authority SIRA - (ph: 13 10 50)

Further advice can be obtained from the Workers Compensation Independent Review Office WIRO (ph: 139476). WIRO's primary goal is to help resolve complaints by workers quickly, fairly and justly.

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15. Ongoing Consultation with Employees

Subee Newlake will openly communicate with and seek feedback from management and employees in regard to the implementation and continuous improvement of the Return to Work Program

This consultation includes;

- Communication with and seeking employee feedback through regular staff meetings and via the WH&S committee;
- Providing ongoing assistance and support to injured workers in regard to adhering to their Injury Management Plan;
- Acknowledging positive Return to Work outcomes for injured workers

16. Monitoring, Review and Improvement of Return to Work Program

The employer will continually monitor and review and improve its Return to Work Program through a combination of regular ongoing consultation with management, its employees and its return to work coordinator. It will be formally reviewed and updated every 2 years.

CONTACT DETAILS

Return To Work Coordinator (RTWC)

Name: Bodene Johns

Position: Human Resources Co-ordinator

Phone: 0266 513 153

Email: bjohns@subeenewlake.com.au

Workers compensation insurer

Name: iCare sus

Policy No: 105824801

Phone: 13 44 22

Workers Compensation Commission for resolution of disputes

SIRA 13 10 50

www.sira.nsw.gov.au

Rehabilitation Provider

TBA where relevant on a case by case basis

Name:

Phone:

Fax:

Address:

WIRO

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