Return to Work Issue Resolution Procedure

Policy Code: HR1607

Table of Contents

Purpose ......................................................................................................................................................... 1
Scope ............................................................................................................................................................ 1
Definitions ...................................................................................................................................................... 1
Actions ........................................................................................................................................................... 3
Procedure for Reporting Issues ............................................................................................................... 3
Procedure for Resolving Issues ............................................................................................................... 3
Other Dispute Resolution Mechanisms ..................................................................................................... 5
Responsibilities .............................................................................................................................................. 5
Policy Base .................................................................................................................................................... 5
Associated Documents ................................................................................................................................... 5
Forms/Record Keeping ................................................................................................................................... 5
Implementation ............................................................................................................................................... 6

Purpose

To acknowledge the University's commitment to resolving issues that may arise in relation to return to work processes for staff members with an accepted workers compensation claim, in a timely and constructive manner and in a way that will assist the injured Staff Member to return to their Pre-Injury Employment or Suitable Duties.

This procedure will only be invoked if informal resolution cannot be achieved between the parties.

Scope

Return to work issues may be raised by any of the following parties:

• The injured Staff Member;
• An appointed Occupational Rehabilitation Provider;
• The Return to Work Coordinator, acting in the capacity as the University's designated Return to Work Coordinator;
• The injured Staff Members Supervisor; or
• The injured Staff Members Treating Health Practitioner(s).

Definitions

Warning - Uncontrolled when printed! The current version of this document is kept on the FedUni website.

Authorised by: Vice-Chancellor | Document Owner: Director, Human Resources | Original Issue: 17/02/2011 | Current Version: 17/02/2011 | Review Date: 04/03/2016 | Policy Code: HR1607
CRICOS Provider Number: 00103D
<table>
<thead>
<tr>
<th>Current work capacity/ Capacity to work:</th>
<th>In relation to a staff member, means a present inability arising from a work-related injury such that the staff member is not able to return to their pre-injury employment but is able to return to work in suitable employment.</th>
</tr>
</thead>
</table>
| Insurer:                                | The Insurer is an agent appointed by WorkSafe Victoria.  
The Insurer is authorised by WorkSafe Victoria to:  
• pay benefits to injured workers;  
• collect premiums;  
• manage compensation claims; and  
• provide return to work and risk management advice;  
in accordance with the Accident Compensation Act 1985 and associated legislation. |
| Pre-Injury Duties:                       | Duties undertaken by a staff member, in accordance with their position description, prior to a work-related injury occurring. |
| Occupational Rehabilitation Provider:    | An external organisation approved by WorkSafe Victoria that provides independent support to injured workers and their employer by facilitating the injury management and return to work processes. |
| Return to Work Issue:                    | An issue about a Staff Member's return to work that may include but is not limited to:  
• inadequate planning of a Staff Member's Return to Work;  
• the Staff Member disagreeing with the proposed suitable employment or return to work, or  
• the Staff Member not making reasonable efforts to Return to Work in Suitable or Pre-injury Employment;  
• the Staff Member not making a reasonable effort to actively participate and co-operate in planning for Return to Work;  
• inadequate consultation being undertaken;  
• no or inadequate Return to Work documentation provided to the Staff Member; or  
• an unreasonable delay or refusal by the University to plan a return to work for an affected Staff Member; but excludes the following complaints:  
• about WorkSafe;  
• the authorised agent;  
• claim liability;  
• payment of a benefit or entitlement;  
• termination or suspension of a claim;  
• reimbursement of an expense;  
• a conciliation outcome; or  
• other general matters of policy or procedure that apply across the University and that are not directly related to the Staff Member’s return to work.  
These excluded issues may be resolved by using other University Policies or Procedures required under the Accident Compensation Act 1985. |
| Staff Members:                          | Any person who holds a current contract of employment with the University. |
| Suitable Employment:                    | Suitable employment is work that is suited to the Staff Members medical condition, capacity for work, skills and experience.  
It is work the injured staff member can do without the risk of further injury. The aim is to return the member so they can remain at or return to work while they recover from their injury and return to their pre-injury duties when possible. |
Current work capacity/ Capacity to work: In relation to a staff member, means a present inability arising from a work-related injury such that the staff member is not able to return to their pre-injury employment but is able to return to work in suitable employment.

Supervisor: A staff member who has the responsibility for the management of staff.

Treating Health Practitioner: A properly registered health care provider who holds WorkSafe Approved Provider status and is currently providing treatment to the Injured Staff Member for the work-related injury or illness.

Work-related Injury: Any injury, illness or disease where employment is a significant contributing factor, as defined by the Accident Compensation Act 1985.

WorkSafe Victoria: Statutory authority set up by the Victorian Government to oversee workplace safety and to provide insurance protection for employers and workers.

### Actions

**Procedure for Reporting Issues**

<table>
<thead>
<tr>
<th>STEPS</th>
<th>WHO IS RESPONSIBLE?</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An injured Staff Member wishes to raise an issue about their return to work within the Return to Work Issue definition.</td>
<td>Injured Staff Member</td>
<td>Issue is to be reported to their Supervisor, or the Return to Work Coordinator or Human Resources within 10 working days of the incident occurring.</td>
</tr>
<tr>
<td>2. The injured Staff Members, Treating Health Practitioner, the Staff Members Supervisor, Occupational Rehabilitation Provider (if appointed) or the Return to Work Coordinator may raise an issue about the Staff Member's Return to Work.</td>
<td>Staff Member's Treating Health Practitioner, or Supervisor, or Occupational Rehabilitation Provider, or Return to Work Coordinator.</td>
<td>A Staff Member's Treating Health Practitioner, the Staff Members Supervisor, or Occupational Rehabilitation Provider (if appointed) should report the issue to the Return to Work Coordinator or Human Resources within 10 working days of the incident occurring. The Return to Work Coordinator may report the issue to the Staff Members Supervisor, the Insurer, the Occupational Rehabilitation Provider (if appointed) or to the Director, Human Resources within 10 working days of the incident occurring.</td>
</tr>
<tr>
<td>3. The Return to Work Issue is reported in writing.</td>
<td>Staff Member, or Treating Health Practitioner, or Supervisor, or Occupational Rehabilitation Provider (if appointed), or Return to Work Coordinator.</td>
<td>Written notification of the issue and a proposed resolution is submitted to the appropriate person within ten (10) days of the Return to Work Issue arising. If the written notification is received by the Supervisor, the Supervisor is required to forward the form to the Return to Work Coordinator within three (3) working days of receipt. If a Return to Work Issue is raised by anyone other than the injured Staff Member, a copy of the written notification and proposed resolution must be provided to the Staff Member within five (5) working days of receipt along with a copy of this procedure.</td>
</tr>
</tbody>
</table>

**Procedure for Resolving Issues**
<table>
<thead>
<tr>
<th>STEPS</th>
<th>WHO IS RESPONSIBLE?</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. As soon as possible but no longer than twenty (20) days after a Return to Work Issue is reported a meeting will be arranged between the parties to the Return to Work Issue to discuss the issues and seek a resolution.</td>
<td>The Return to Work Coordinator is responsible for arranging the meeting. The Injured Staff Member, their Supervisor and the Return to Work Coordinator are required to attend the meeting.</td>
<td>If the issue has been raised by a party other than the injured Staff Member, their Supervisor or the Return to Work Coordinator, this person will be invited to attend the meeting. All reasonable steps will be taken in arranging the meeting to enable all parties to attend. The issue resolution process will be conducted in a language that is agreed by all parties to be appropriate. The Staff Member may be represented, assisted and supported during the issue resolution process by including attendance at meetings.</td>
</tr>
<tr>
<td>2. In order to resolve the Return to Work Issue quickly and effectively, the parties who are participating in the issue resolution process must have regard to: • return to work planning for the Staff Member; • the Staff Member’s progress in recovering from the injury or illness; • the University’s Return to Work obligations and Employment Obligation Period as set out in the Accident Compensation Act 1985; and • the Staff Member’s Return to Work Obligations.</td>
<td>All parties attending the Issue Resolution Meeting</td>
<td>The Issue Resolution meeting seeks to ensure that: • all parties clearly understand the issue(s) raised in the meeting and resolutions being sought; • all discussions are conducted in a reasonable and respectful manner by all parties; • only issues relevant to the issue resolution meeting are to be considered; • all suggestions for resolution to the issue(s) are discussed and fully considered by all parties; and • all parties to the issue resolution meeting have sufficient delegated authority to make decisions or commitments that will allow resolution of the issue to occur, where possible.</td>
</tr>
<tr>
<td>4. Corrective actions are agreed to by all parties.</td>
<td>All parties to the issue resolution meeting.</td>
<td>The issue resolution meeting aims to have all parties agree to a resolution. In some circumstances it may be necessary for the parties to re-convene the meeting at a later date <em>(to be mutually agreed)</em> to allow for private discussion or further advice to be sought from the Insurer, Treating Health Practitioners etc. If no corrective actions can be agreed to, assistance to resolve the matter can be sought from the Insurer or the WorkSafe Advisory Service.</td>
</tr>
<tr>
<td>5. A written summary of the Return to Work Issue and the outcome</td>
<td>Return to Work Coordinator</td>
<td>The Return to Work Coordinator will provide all parties with a written summary of the Return to Work Issue and outcomes following the conclusion</td>
</tr>
<tr>
<td>STEPS</td>
<td>WHO IS RESPONSIBLE?</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>of the Issue Resolution Meeting to be provided to all parties</td>
<td></td>
<td>of the meeting(s). This information will be provided to all parties within ten (10) working days of the final meeting taking place.</td>
</tr>
</tbody>
</table>
| 6. At any stage during this process the Return to Work Issue Resolution Process can be suspended to allow for the appointment of an Occupational Rehabilitation Provider. | Staff Member, or Return to Work Coordinator | Parties can agree to suspend the Return to Work Issue Resolution Process and request that the Insurer appoint an Occupational Rehabilitation Provider to facilitate the return to work process.  
The Staff Member will be given a choice of three (3) approved Occupational Rehabilitation Providers by the Insurer or they may chose a provider from the WorkSafe approved list.  
If parties cannot reach agreement assistance to resolve the matter can be sought from the Insurer or the WorkSafe Advisory Service. |

**Other Dispute Resolution Mechanisms**

Nothing in this procedure limits the rights of the Injured Staff Member or the University under the Accident Compensation Act 1985 to pursue other dispute resolution mechanisms.

**Responsibilities**

- The Return to Work Coordinator is responsible for managing, monitoring and reviewing the [Return to Work Issue Resolution Procedure](#) to ensure it complies with the requirements of the Accident Compensation Act.
- Supervisors have a responsibility to participate in the Return to Work Issue Resolution process in accordance with this procedure.
- Staff Members have a responsibility to participate in Return to Work Issue Resolution process in accordance with this procedure.
- All participants in this procedure have a responsibility to ensure they conduct themselves in a respectful and ethical manner.

**Policy Base**

- Injury Management Policy

**Associated Documents**

- the University [Injury Management Procedure](#)
- the University [Health and Safety Management Procedure](#)
- Accident Compensation Amendment Act 2010.

**Forms/Record Keeping**
### Implementation

The Return to Work Issue Resolution Procedure will be implemented throughout the University via:

1. an Announcement Notice under 'FedNews' on the 'FedUni' website and through the University Policy - ‘Recently Approved Documents’ webpage to alert the University-wide community of the approved Procedure;
2. Inclusion on the University's online Policy Library; and/or
3. Distribution of Procedure to Head of School / Head of Department / University staff.