

1 PURPOSE

To restore the employability of injured workers by providing them with support and opportunities to rehabilitate themselves back to sustainable employment.

2 SCOPE

This document has application to all employees working for Greater Dandenong City Council (GDCC).

3 DEFINITIONS

The following table lists key terms used in this document and provides a definition to explain their meaning.

Term	Definition
WIRC Act	WIRC means the Workplace Injury Rehabilitation and Compensation Act 2013
RTWC	Return to Work & Injury Management Consultant (Return to Work Coordinator) means the person nominated by the employer to assist the employer to meet the employer's obligations under Section 106, sub-section (1) & (2) of the Act.
Return to work issue	Return to work issue means an issue about a worker's return to work but excludes a complaint about WorkSafe (unless WorkSafe is the employer of the injured worker), the authorised agent, claim liability, payment of a benefit or entitlement, termination or suspension of a claim, reimbursement of an expense, a conciliation application or outcome; and also excludes general matters of policy and practice applying across the workplace and not directly and particularly related to the worker's return to work.
GDCC	Greater Dandenong City Council
RTW	Return to Work
The Agent	Authorised Claims management company appointed by WorkSafe Victoria

4 REQUIREMENTS

GDCC acknowledges and accepts its obligation to assist employees to stay at work or return to work as soon as possible following a work-related injury or illness.

Council will work collaboratively and consult with all parties to support employees in relation to work related injuries, illnesses and return to work. Where practicable, consideration may be extended to employees suffering short-term, non-work-related illness or injury.

Council's commitments to rehabilitation and return to work are as follows:

1. Make return to work information (inclusive of interpreter services) available and consult about how the information is made available

GDCC will make return to work information available to its employees about:

- a) the obligations of **the Agent and WorkSafe Victoria** under the legislation and how the employer is meeting the obligations
- b) the rights and obligations of employee under the legislation and how an employee can obtain further information about their rights and obligations
- c) the name and contact details of the Agent
- d) the name and contact details of the Return to Work Coordinator
- e) the procedure for resolving return to work issues in the workplace - by providing employee with this document after consulting with them about how the information will be provided to them.

2. Injury management

- Access to immediate support and appropriate treatment will be offered following injury or illness
- Injured workers have the right to choose their own medical practitioner(s) or may wish to utilise one of Council's preferred providers as listed on page 9.

3. Provide employment

To the extent that it is reasonable to do so, **GDCC** will provide suitable employment to an injured worker if they have a current work capacity and provide pre-injury employment to them if they no longer have an incapacity for work.

The pre-injury position of injured workers will be held open for 52 weeks following injury unless medical evidence indicates a return to pre-injury employment is not possible.

To the extent that it is reasonable to do so, **GDCC** will provide pre-injury or suitable employment to an injured worker for a period of 52 weeks of the worker's incapacity provided it does not jeopardise the injured workers recovery and where such employment allows progressive increases in the range of duties performed and/or the hours of work.

This will commence from the date a *Certificate of Capacity* or a *Worker's Injury Claim Form* in which weekly payments are claimed is received from the worker or from when the Agent notifies us of receipt of same (whichever is the earliest).

Suitable duties where offered, are short-term in nature and are offered to assist in a return to pre-injury hours and duties; they should not be considered a new employment contract.

A return to the pre-injury position will be the priority where it is practicable and safe to do so.

When evaluations indicate that a full return to work will not be achieved, the plan will be withdrawn and alternatives such as vocational services will be considered.

4. Return to Work Planning

From the time that **GDCC** receives an initial *Certificate of Capacity* or *Worker's Injury Claim Form* in which weekly payments are claimed from the worker or either the Agent notifies council of receipt of same (whichever is earlier), **GDCC** will, to the extent that it is reasonable to do so, commence return to work planning for that injured worker.

As part of that planning, **GDCC** will:

- obtain relevant information about the injured worker's capacity for work
- consider reasonable workplace support, aids or modifications to assist the worker's return to work
- assess and propose options for suitable employment or pre-injury employment;
- engage in consultation about the return to work of the worker
- provide the worker with clear, accurate and current details of their return to work arrangements
- monitor the worker's progress as often as is necessary to enable the worker to return to work in employment which is consistent with the worker's capacity for work.

5. Consult about the return to work of a worker

GDCC will, to the extent that it is reasonable to do so, consult with the worker, the worker's treating health practitioner (with the consent of the worker) and occupational rehabilitation provider (if one is involved) in relation to the injured worker's return to work.

GDCC will consult with the parties listed above by:

- sharing information about the worker's return to work
- providing a reasonable opportunity for them to consider and express their views about the worker's return to work and taking those views into account.

GDCC will consult directly with the worker about their return to work, but the worker may be assisted by a representative during any consultation (except for a legal practitioner). The worker may be represented, assisted and supported during the return to work process, the support person may include a family member, work colleague, HSR, Union Official or Union Delegate.

6. Nominate and appoint a Return to Work Coordinator

GDCC has nominated and appointed a Return to Work Coordinator who has an appropriate level of seniority and is competent to assist **GDCC** meet its obligations under Victorian Workers' Compensation legislation.

7. Cooperate with labour hire employers

If **GDCC** hires labour hire employee and the worker suffers an incapacity for work resulting from or materially contributed to by an injury arising out of working with us, council will, to the extent that it is reasonable to do so, cooperate with the labour hire employer in respect of action taken

by the labour hire employer to provide employment, plan a worker's return to work and consult about the return to work of a worker to facilitate the worker's return to work.

8. Resolution of return to work issues

GDCC will attempt to resolve return to work issues in accordance with:

The relevant procedure specified in the Return to Work Direction (Ministerial Direction 6 June 2016) Issue Resolution Process. Refer Appendix 1

- Actions to assist the worker to stay at or resume employment will commence immediately even if a return to work is not immediately possible
- Return to work, consistent with medical advice, will commence as soon as possible after the injury
- A written return to work plan and offer of suitable duties will be prepared, in consultation with treating practitioners, all other relevant parties, and made available to the injured worker
- Injured workers and their treating doctor are encouraged to participate in the development of a return to work plan and in the evaluation of rehabilitation progress
- Confidentiality of injured workers medical information will be maintained
- Staff must actively participate, co-operate and assist in the implementation of any return to work or rehabilitation program. Failure to do so may affect an employee's entitlements under the WIRC Act
- An injured worker will be consulted throughout this process and will always retain the right to attend a doctor of their choice, to lodge a Claim for Workers Compensation and to be represented, assisted and supported by a family member, work colleague, HSR, Union Official or Union Delegate during any meetings or discussion held in relation to their injury or illness.

5 RESPONSIBILITIES

Worker's return to work rights and obligations

Employees must report all injuries and near-misses, immediately to their Supervisor or Team Leader. Injured workers must maintain regular contact with their supervisor during all phases of the RTW process.

Injured worker rights are:

- ◆ To be represented, assisted and supported (except by a legal practitioner) by a family member, work colleague, HSR, Union Official or Union Delegate during any stage of the return to work process, including in the consultation process
- ◆ To select rehabilitation services from a list of approved providers of those services by the Agent or the employer
- ◆ To be provided with return to work information and be consulted about how that information is to be made available
- ◆ To be consulted by Council about planning their return to work
- ◆ To be provided with clear, accurate and current details of their return to work arrangements as part of planning for their return to work
- ◆ To the extent that it is reasonable for Council to do so, to be consulted and be provided with information about their return to work. The injured worker must be given a reasonable opportunity to consider and express their views about their return to work and have those views taken into account.

Injured worker's obligations are:

- ◆ In co-operation with **GDCC** and the Agent, to make reasonable efforts to actively participate and cooperate in planning for their return to work
- ◆ In co-operation with **GDCC** and the Agent, to make reasonable efforts to return to work in suitable or pre-injury employment at their place of employment or at another place of employment
- ◆ To actively use an occupational rehabilitation service where provided and cooperate with the provider of that service
- ◆ To actively participate and cooperate in assessments of their capacity for work, rehabilitation progress and/or future employment prospects at the request of **GDCC** and the Agent
- ◆ To actively participate and cooperate with the representative of **GDCC** and the Agent in an interview to enhance their opportunities to return to work, as required. If an issue about their return to work arises, to attempt to resolve the issue in accordance with the procedure for resolving return to work issues (see above).

If the injured worker does not comply with one or more of the above obligations, their weekly payments may be suspended, terminated or ceased and determined in accordance with the legislation by the Agent.

Additional details regarding the rights and obligations of an injured worker are available in WorkSafe's *Return to Work Obligations – Information for workers* fact sheet available from **worksafe.vic.gov.au** or via the WorkSafe Advisory Service ph: (free-call) 1800 136 089 or (03) 9641 1444.

Supervisor / Team Leader:

- ◆ Ensure immediate support and appropriate treatment is organised for the management of the injury, which will include an offer of a referral to Sonic Health, Mulgrave Private Hospital, Council's Onsite Physio, Think Physio or the injured workers nominated treating health professional
- ◆ Arrange transport to medical services if required
- ◆ Where possible, with the consent of the injured worker, attend the medical centre and consult with the treating practitioner regarding availability of suitable duties (if requested by the treating practitioner).
- ◆ Inform the RTWC of injuries requiring medical treatment and /or referral details (above)
- ◆ Inform the RTWC of available suitable duties within the worker's restrictions
- ◆ Initiate and maintain regular contact with injured worker during all phases of the RTW process
- ◆ Where necessary, identify suitable duties in the RTW process.
- ◆ Where necessary, inform the injured worker of their rights to representation and support by a family member, work colleague, HSR, Union Official or Union Delegate

Health & Safety Team:

- ◆ Liaise with the RTWC to determine the needs of the worker and co-ordinate actions to ensure these needs are met
- ◆ Assist the RTWC

Return to Work & Injury Management Consultant (RTWC):

Council's RTWC has the responsibility for ensuring the activities associated with the return to work of injured workers, are implemented in accordance with the guidelines contained in this document. This entails:

- ◆ Providing information to the injured worker in regards to Employee Assistance Program (EAP) and the provisions under the Enterprise Agreement (EA).
- ◆ Assist the manager / supervisor to develop a Return to Work or Care Plan for all injured workers as soon as practicable
- ◆ Liaise with the treating doctor and / or rehabilitation provider or return to work specialist to determine the needs of the worker and co-ordinate actions to ensure these needs are met
- ◆ Liaise with Health & Safety Team, where applicable, to determine the needs of the worker and co-ordinate actions to ensure these needs are met
- ◆ Refer the worker to Council's list of preferred rehabilitation providers or return to work specialist if appropriate
- ◆ Communicate any restrictions or arrangements to the injured workers' supervisor
- ◆ Monitor and evaluate progress and compliance with any precautionary restrictions. Creating and maintaining an appropriate filing system, to contain all relevant documentation relating to a claim for compensation in a secure location.
- ◆ Maintaining confidentiality of all claimants' details.

This officer may delegate responsibility for day to day monitoring of individual return to work programs to appropriate managers, team leaders or supervisors.

Preferred Providers to assist in Return to Work and Rehabilitation

The following providers are amongst those available to assist injured workers return to employment and rehabilitation:

Providers Name	Address	Telephone Number	Contact Person
Sonic Health	161-163 Princes Hwy, Dandenong	9213 2800	No specific contact
Mulgrave Private Hospital	Emergency Department Corner Police & Gladstone Rd Mulgrave	9790 4250	No specific contact
Providers Name	Address	Telephone Number	Contact Person
Onsite Physio – Biosymm P/L	Various sites	Online bookings	Bronwyn Duffus 8571 5149
Think Physio - Mulgrave Private Hospital	Suite 6 & 7, 529 Police Road, Mulgrave (Corner Police & Gladstone Rd Mulgrave)	9790 4266	Ralph Bergman Physiotherapist
Gallagher Workplace Risk (P2 Group) RTW Specialist	Level 4, 289 Wellington Parade South, East Melbourne	9818 8914	Bronwyn Duffus 8571 5149
Converge International Employee Assistance Program	Level 5, 255 Bourke St Melbourne 3000	1300 687 327	No specific contact
IPAR (Occupational Rehabilitation Provider)	Level 3, North Tower, 485A La Trobe Street, Melbourne (Local office in Dandenong)	8648 0900	No specific contact
AMS Consulting Group (Occupational Rehabilitation Provider)	333 Queen Street, Melbourne (Local office in Dandenong)	9620 4212	No specific contact
Rehab Management (Occupational Rehabilitation Provider)	Level 2, 311 Lonsdale Street, Dandenong	1300 762 989	No specific contact

Where to get help

Our Return to Work Coordinator**Name:** Bronwyn Duffus **Phone:** 8571 5149**Email:** Bronwyn.duffus@cgd.vic.gov.au **Postal Address:** PO Box 200, Dandenong, 3175**Our Authorised Agent**RTW Team Manager **Phone:** 9947 6272 **Web:** <https://www.dxc.com/au/en/cp/xchanging-workers-compensation> **Postal Address:** GPO Box 4937, Melbourne 3001**WorkSafe****Phone:** free call 1800 136 089 or (03) 9641 1555 **Web:** <https://www.worksafe.vic.gov.au>**Email:** info@worksafe.vic.gov.au **Postal Address:** WorkSafe, 1 Malop Street, Geelong 3220

Appendix 1 Return to Work Issue Resolution Procedure

1. Purpose

The purpose is to set out the procedure to facilitate the resolution of issues that may arise at a workplace between an employer and a worker concerning the worker's return to work.

2. Persons who can raise return to work issues

A return to work issue may be raised for resolution at the workplace by parties listed below:

- (a) the worker
- (b) a representative of the worker i.e. a family member, work colleague, HSR, Union Official or Union Delegate
- (c) the worker's manager or supervisor
- (d) the return to work co-ordinator
- (e) the provider of occupational rehabilitation services to the worker
- (f) the worker's treating health practitioner.

3. Procedure for reporting issues

A worker who wishes to raise an issue for resolution in accordance with the procedure may do so by reporting the issue to the employer, the worker's manager, supervisor or the return to work co-ordinator and follow the issue resolution procedure.

A worker's representative, treating health practitioner, return to work co-ordinator, manager, supervisor or provider of occupational rehabilitation services may raise an issue on behalf of the worker by reporting the issue to the employer.

4. Procedure for resolving issues

As soon as possible but no longer than 20 days after a return to work issue has been reported the following persons must meet and try to resolve the issue –

- (a) the employer
- (b) the return to work coordinator
- (c) the worker and their representative if applicable

The issues resolution procedure must be conducted in a manner and in a language that is agreed by the parties to be appropriate.

5. Participation in the Issue Resolution Process

If a person referred to in clause 2 raises a return to work issue, the employer must also invite that person to participate in the issue resolution process.

6. Employer to liaise with Worker

For the purpose of resolving the return to work issue, the parties referred to in clause 4, must liaise directly with the worker, however a worker may be represented, assisted and supported during the return to work issue resolution process, including at all meetings referred to in clause 2.

7. Issue Resolution

For the purpose of resolving the return to work issue as quickly and effectively as possible, the persons referred to in clause 2 who are participating in the issue resolution process must have regard to –

- (a) return to work planning for the worker
- (b) the worker's progress in recovering from the injury
- (c) the employer's return to work obligations as set out in the Act
- (d) the worker's return to work obligations as set out in the Act.

8. Employer to provide written details

If a person referred to in clause 2 requests the employer to set out in writing details of the return to work issue, matters relating to its progress, resolution or outcome, the employer must do so, within 14 days of the request. Communication must be in a manner and a language that is agreed by the parties to be appropriate. A copy of the document must be provided to each of the parties who have raised the return to work issue or any part of it.

9. Failure to agree on corrective action

If, after genuine effort to resolve the disputed corrective action has failed, or at any stage during the application of this procedure, any party involved may seek assistance or advice.

10. Assistance or clarification required

Assistance or advice may be sought from the Agent or WorkSafe to facilitate a resolution to issues unresolved by the affected parties involved.

Appendix 2 Injury Management Flowchart



6 REFERENCES

Title
Internal References
GDCC Enterprise Agreement
GDCC OHS Policy
GDCC EEO Policies
GDCC Reasonable Adjustment Guidelines
GDCC Consultation & Communication Operational Procedure
GDCC OHS Issue Resolution Operational Procedure
External References
Victorian Occupational Health & Safety Act 2004
Accident Compensation Act 1985 – Ministerial Direction – Return to Work Direction No.1 of 2010
Workplace Injury Rehabilitation and Compensation Act 2013
Privacy and Data Protection Act 2014
Health Records Act
http://www.worksafe.vic.gov.au/forms-and-publications/forms-and-publications/return-to-work-information-template
http://www1.worksafe.vic.gov.au/vwa/claimsmanual/default.htm

7 DOCUMENT CONTROL

Version Number	Issue Date	Description of Change
0.1		1 st Draft from MAV/JLT
0.2	17.01.2017	Accepted by OHS Policy Sub-Committee
1.0	Feb 2018	Approved by OHS Oversight Team
1.1	19.06.2020	Inclusion of MAV WorkCare Policy objectives and principles
1.2	09.07.2020	Accepted by OHS Policy Sub-Committee
1.3	17.08.2020	14 Day Employee Consultation
2.0	Oct 2020	Approved by OHS Oversight Team
2.1	22.06.2021	OHS Sub-Committee draft – removal of MAV WorkCare
2.2	April 2023	2 nd Draft from OHS Team
2.3	April 2023	Accepted by OHS Policy Sub-Committee
2.4	May 2023	14 Day Employee Consultation completed
3.0	October 2023	Approved by OHS Committee