


The Paraplegic and Quadriplegic Association of SA Inc



Return to Work Management System Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to an early return to work and to promoting effective rehabilitation for all workers who have sustained work related injuries or illnesses.

Approved by: 	Date: November 2015
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

This policy covers all divisions of PQSA and applies to all workers, employed on a full time, part time or casual basis as per the definition of worker outlined below.

DEFINITIONS

Average Weekly Earnings – The workers average weekly earnings during the 12 months or part there of preceding their workplace injury.

Claims Agent – Are contracted by Return to Work SA to provide workers rehabilitation and compensation services to injured workers.

Corporation - Is the Return to Work SA Corporation of South Australia formerly known as WorkCover SA.

Illness – Includes any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development.

Injury – Any physical or mental injury including; loss, deterioration or impairment of a limb, organ or part of the body, or of a physical, mental or sensory faculty or disease or disfigurement.

Manager/Supervisor - Any person who has the authority to influence or to direct the actions of a worker.

Rehabilitation and Return to Work Coordinator (RRTWC) - Is a nominated member of the Human Resource division. Their role is to focus on and coordinate rehabilitation and return to work efforts in the workplace.

Return to Work Specialist – Is employed by the claims agent to manage Return to Work claims by working directly with the injured worker, employer and medical practitioners to facilitate the injured workers recovery and return to work.

Seriously Injured Workers – Are workers who are assessed to have equal to or greater than 30% whole person impairment once they have reached maximum medical improvement. They will receive lifetime support under the Return to Work scheme and there is no cap on their weekly payments or medical expenses.

Suitable employment – Is work for which the worker is currently suited, having regards to the nature of the worker's incapacity and previous employment; their age, education, skills and work experience; their place of residence; medical information in relation to their injury or illness; any rehabilitation programs being provided to or for the worker.

Worker – For the purpose of this policy is a person who carries out work in any capacity for a person conducting a business or undertaking including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee.

Workers Compensation – Compensation that an injured worker may claim under PQSA's Workers Compensation Insurance policy. This can be weekly payments to compensate against lost earnings, as well as reasonable medical or rehabilitation costs and other expenses.

Work Related Injury or illness – Any illness or injury suffered by the worker where work was a contributing factor. For psychological injuries, work must be identified as the significant contributing cause.

Return to Work Management System – System of managing Return to Work claims to ensure an understanding of both Management and worker rights and responsibilities; to Standard Operating Procedures.

Work Capacity Certificate (WCC) – Specific medical certificate for a work related injury or illness.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this Policy to all workers on a regular basis.

Manager, Human Resources is responsible for:

- Ensuring that Federal and State Legislative requirements are adhered to.
- Ensuring that this policy is reviewed and updated on a periodic base as required.
- Ensuring that all workers are informed and trained in the application of this policy and its procedures.
- Ensuring PQSA procedures are followed to protect the health and safety of all workers.
- Assisting in the Return to Work process of all injured workers when practicable and without prejudice.
- SafeWork SA is notified of any fatalities, serious injuries and illnesses, and dangerous incidents that arise out of the conduct of the business or undertaking, as soon as they become aware of the incident.

Managers/Supervisors are responsible for:

- Ensuring all their workers are informed, understand and apply the principles of this policy.
- Providing a safe and healthy working environment.
- Ensuring all workplace incident or injuries are reported to the RRTWC or Manager, Human Resources within twenty-four (24) hours.
- Assisting in the Return to Work process of all injured workers and without prejudice.
- Assisting with identifying alternate duties for an injured worker.
- Complying with the workers Return to Work Plan (if applicable).

Injured workers are responsible for:

- Reporting any workplace injuries within twenty-four (24) hours of it occurring and seeking treatment for their injury.
- Being actively involved in their treatment and rehabilitation and undertaking tasks which they are medically certified fit to do.
- Complying with the requirements of their Return to Work Plan (if applicable).
- Attending an examination by a doctor or workplace rehabilitation provider nominated by their case manager.
- Advising their case manager of any earnings they receive while they are in receipt of weekly payments
- Attending any appointments with an Independent Medical Examiner organised by their Return to Work Specialist.

Workers are responsible for:

- Assisting in the Return to Work process of all injured workers when practicable and without prejudice.
- Ensuring any workplace incident or injuries which they witness are reported to the RRTWC or Manager, Human Resources within twenty-four (24) hours.

Rehabilitation and Return to Work Coordinator (RRTWC) is responsible for:

- The coordination, rehabilitation and return to work efforts for PQSA workers.
- Ensuring that their qualifications are current and they maintain their knowledge and understanding of current RTW legislation as it applies in South Australia.
- Ensuring workers are educated about the Return to Work Management System Policy and Procedure during their induction and as required.
- Providing assistance to injured workers to complete required paperwork to claim workers benefits.
- Assisting in the Return to Work process of all injured workers and without prejudice.
- Submitting claim documents to the Claims Agent within five (5) days of receiving the claim- this is to ensure PQSA is not liable to pay the first two (2) weeks of income maintenance.
- Liaising with relevant parties in order to develop individual suitable duties in accordance with the injured worker's medical capacity.
- With authority from the injured worker, liaising with the treating medical practitioner to gain guidelines for a RTW Plan to develop suitable employment schedules.
- Monitoring the ongoing rehabilitation process to ensure the injured worker, Managers/Supervisors and all other workers involved are committed to a successful RTW outcome.
- Maintaining accurate documentation regarding workers claims and ensuring confidentiality of the information received.

WHS&E Committee are responsible for ensuring that they:

- Discuss and implement ways of maintaining a safe and healthy workplace.
- Assist in the development, review and distribution of WHS policies, procedures and safe work practices which may affect health, safety and the environment.
- Promote safe work practices and encourage a safety culture amongst workers.
- Assist in resolving health, safety and environmental issues that arise at the workplace.
- Conducting workplace safety inspections and taking action to correct any identified hazards.
- Assist in the RTW of workers who have suffered from work-related injuries when practicable and without prejudice.

Return to Work SA (RTWSA)

RTWSA is responsible for providing work injury insurance and regulating the South Australian Return to Work scheme. They have overall responsibility for the Scheme's performance and ensure appropriate claims management and related services are provided.

RTWSA services and those delivered by their claims agents are designed to provide early intervention support to workers and employers following a work injury to ensure the worker can recover and return to work as quickly as possible.

Claims Agent

The claims agents are responsible for most of the decisions relating to the claim, and the day to day claims management. This includes:

- In some cases, meeting with the injured worker within seven (7) days of receiving their claim.
- Assisting in the Return to Work process of all injured workers and without prejudice.
- Determining if a claim is eligible for compensation.
- Managing the claim for compensation.
- Providing advice to workers and employers on rehabilitation and compensation.
- Managing and coordinating the workers rehabilitation and return to work
- Providing advice to employers on health and safety in the workplace.

POLICY

PQSA is committed to providing a safe and healthy workplace for all workers and to ensuring that our Return to Work Management System is equitable, effective and supportive to ensure a safe return to work for all injured workers. In the event that a worker suffers a workplace injury or work related illness PQSA will provide an effective system of rehabilitation and support the worker to remain at work or to facilitate an early return to work once they are certified medically fit to do so. All workers are entitled to lodge a claim for compensation if their injury or illness is work-related.

PQSA ensures that all workers are aware of their rights and responsibilities should they incur an injury or illness at work. Workers are provided with information in relation to the Return to Work process during their induction and through ongoing training. PQSA is proud to operate a “no-blame, no-shame” system and all workers will be dealt with in a fair and equitable manner when they suffer a workplace injury or illness.

Weekly payments

Weekly payments are the compensation payments made when a worker is injured at work to compensate for the loss of income during time off work. The amount of these weekly payments is based on the workers average weekly earnings (AWE).

The AWE figure is calculated by the claims agent based on the earnings information supplied by the worker and the employer. Weekly payments are made at a rate equal to a workers AWE with their pre-injury employer(s) during the twelve (12) months or part thereof before their injury. This average weekly sum is the amount paid under the Return to Work Scheme for up to fifty-two (52) weeks. At fifty-two (52) weeks there is a reduction in payments to 80% of AWE. After one hundred and four (104) weeks there is no further entitlement to weekly payments and payments will cease except in the case of seriously injured workers.

In calculating a workers pre-injury AWE, their ordinary rate of pay per week is taken into account, in some cases, along with regular shift penalties, overtime, allowances and prescribed non-cash benefits (such as private use of a work motor vehicle).

If a worker is partially incapacitated for work, they will receive earnings for the hours worked and workers compensation payments for the remainder of earnings up to the average weekly earnings. When applicable, workers compensation payments will be paid in the fortnightly pay cycle by PQSA. There will be no special payments outside of the pay cycle.

The payment of income maintenance by PQSA will not commence without a written determination issued by the claims agent stating the amount to be paid. PQSA does not take any responsibility for late determinations, delaying the payment process. Once a determination letter is received by PQSA, payment will be made in the next payroll run.

Interim Benefits

The claims agents undertake an investigation prior to a formal acceptance of the Return to Work claim. In situations where the investigation takes more than ten (10) days; the claims agent may apply interim benefits. This is the process where Return to Work authorises payment of income and medical costs while waiting for the claim to be formally determined. PQSA must receive the decision of accepting a claim under Interim Benefits from the claims agent in writing prior to commencing payment of income maintenance. The injured worker must sign an agreement acknowledging that they are responsible for reimbursing these costs if the claim is not accepted.

Notifiable Work Related Injury

In accordance with section 38 of the Work Health and Safety Act 2012 (SA), PQSA must notify SafeWork SA of any fatalities, serious injuries and illnesses, and dangerous incidents that arise out of the conduct of the business or undertaking, as soon as we become aware of the incident.

The following are required to be immediately notified to SafeWork SA:

- A work related death
- A injury that:
 - Requires admittance to hospital as an inpatient or immediate treatment for any condition or a prescribed serious illness listed on the notifiable incident report form
 - Requires medical treatment within forty-eight (48) hours of exposure to a substance
 - Is a dangerous incident

Examples of 'dangerous incidents' include:

- The collapse or failure of an excavation, including shoring
- The collapse, overturning, failure or malfunction of plant that is required to be authorised for use by the regulations
- The collapse or partial collapse of a structure
- An electrical shock
- An uncontrolled implosion, explosion, fire or escape of gas, steam or other pressurised substance

The notification to SafeWork SA must be by the fastest available means and can be made by phone or in writing (such as by fax, email or other electronic means). If the notification is by phone this must be followed up in writing within forty-eight (48) hours.

If you are reporting work-related injuries or incidents to SafeWork SA the 24 hour Emergency Telephone number is 1800 777 209.

PROCEDURES

When a worker notifies PQSA that they have incurred an injury in the workplace they will be advised to seek medical assistance immediately. If the injury is severe or the worker is unable to transport themselves to a medical facility then transport will be arranged for the worker. The worker is required to complete an Incident Form, a claim form and provide a Medical Capacity Certificate (MCC) in order for a claim to be lodged with the claims agent. If the worker is unable to complete the required paperwork, this will be done on their behalf by the Supervisor/Manager or the RRTWC.

PQSA's preferred Medical Practitioners are CHG and workers will be encouraged to attend one of CHG's clinics for medical treatment if they suffer a workplace injury if it is convenient for them to do so. PQSA has developed a wellness program with CHG which enables our workers to avail of one (1) medical consultation and four (4) Physiotherapy treatments, free of charge for any injury and complaint.

PQSA aims to return injured workers to their pre-injury role as soon as possible. In order for this to occur the worker must be certified medically fit to do so. While the worker is recovering their medical practitioner may certify them fit to work but with certain restrictions so not to aggravate their injury. PQSA will work within these restrictions. If the workers restrictions do not allow them to undertake their pre-injury duties then PQSA will look to place the worker in suitable alternate duties which will assist in the earliest possible return to work.

In some circumstances it will be deemed appropriate to create a return to work plan (RTW) for an injured worker. A RTW plan records and communicates the agreed goals and activities that are required to achieve the return to work objective and relevant timeframes. It also allows for monitoring and review of goals and activities to ensure they are still appropriate to the return to work objective. This plan can be created by the Return to Work Specialist, RRTWC, a return to work service provider or an early intervention RTW consultant.

- ◆ Reporting Work Related Injury – Refer SOP
- ◆ Make a Claim for Workers Compensation – Refer SOP
- ◆ Implementing Suitable Modified Duties – Refer SOP
- ◆ Unable to Return to Pre-Injury Duties – Refer SOP

RELATED LEGISLATION

- ◆ Work, Health and Safety Act 2012
- ◆ Work, Health and Safety Regulations 2012
- ◆ Return to Work Act 2014
- ◆ Privacy Act 1988

SUPPORTING PQSA DOCUMENTATION

- ◆ Incident Report form
- ◆ Return to Work Induction Checklist
- ◆ Suitable Employment Schedule
- ◆ Capacity for Work form
- ◆ Return to Work Information Pack
- ◆ Reporting Work Related Injury Standard Operating Procedures

- ◆ Make a Claim for Worker Compensation Standard Operating Procedures
- ◆ Implementing Suitable Modified Duties Standard Operating Procedures
- ◆ Unable to Return to Pre-Injury Duties Standard Operating Procedures
- ◆ Work, Health and Safety Management System Policy
- ◆ Confidentiality Policy

BREACHES OF THIS POLICY

A breach of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or Government Policy determines.