


The Paraplegic and Quadriplegic Association of SA Inc



Return to Work Management System Policy and Procedures

STATEMENT

The Paraplegic and Quadriplegic Association of SA Inc (PQSA) is committed to providing a safe and healthy workplace for all workers and that our Return to Work Management System is equitable, effective and supportive whilst ensuring a safe return to work for all injured workers.

Approved by: 	Date: February 2019
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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 Lifestyle Support and HomeCare+.

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SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Average Weekly Earnings – the worker's average weekly earnings during the 12 months or part thereof preceding their workplace injury.

Claims Agent – contracted by the Corporation to provide workers' rehabilitation and compensation services to injured workers.

Corporation - Return to Work SA Corporation of South Australia (formerly known as WorkCover SA) which administers the Return to Work Scheme.

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

Injury – any physical or psychological damage, including the loss, deterioration or impairment of a limb, organ or part of the body, or the disease or disfigurement of a physical, mental or sensory faculty/health.

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

Rehabilitation and Return to Work Coordinator (RRTWC) - a nominated member of the PQSA Human Resources division. This role is to coordinate and focus on rehabilitation and success in return to work efforts in the work place.

Return to Work Management System – system of managing Return to Work claims to ensure an understanding by both management and worker of their rights and responsibilities.

Return to Work (Scheme) – administered by the Corporation, a statutory insurance program that provides South Australian employers and their workers with personalised, face to face services and support to achieve their best possible recovery and employment outcomes in the event of a work injury.

Return to Work Specialist – 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 worker's recovery and return to work.

Return to Work Plan (RTWP) - records and communicates the agreed goals and activities required to achieve return to work objectives within relevant timeframes.

SafeWork SA - A state regulator who is responsible for providing work health and safety, public safety and state-based industrial relations services across South Australia including administering state industrial relations laws.

Seriously Injured Worker – worker assessed as having equal to or greater than 30% whole person impairment once they have reached maximum medical improvement. They will receive legislated support (including medical expenses and weekly payments) under the Return to Work Scheme.

Suitable employment – appropriate work for a worker, taking into consideration the nature of the worker's incapacity, their previous employment; age, education, skills and work experience. Other considerations include their place of residence, medical history in relation to their injury or illness and any rehabilitation programs provided.

Worker – 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 – payment and redress an injured worker may claim under PQSA's Workers' Compensation Insurance policy. This can be weekly payments 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.

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 adherence to Federal and State Legislative requirements
- ensuring this policy is reviewed on a periodic base and updated as required
- ensuring 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
- ensuring that SafeWork SA is immediately notified of any fatalities, serious injuries or illnesses, and dangerous incidents that arise out of the conduct of PQSA's business.

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 alternative duties for an injured worker
- complying with the workers RTWP (if applicable).

Workers are responsible for:

- reporting workplace injuries to their Manager/ Supervisor within twenty-four (24) hours of it occurring and seeking treatment for their injury
- being actively involved in their treatment and rehabilitation and undertaking work which they are medically certified fit to do
- complying with the requirements of their RTWP (if applicable)
- attending an examination by a doctor or workplace rehabilitation provider nominated by their Return to Work Specialist
- advising their Return to Work Specialist. 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
- assisting in the Return to Work process of any other workers when practicable and without prejudice
- ensuring any workplace incidents or injuries which they witness are reported to the RRTWC or Manager, Human Resources within twenty-four (24) hours.

The RRTWC is responsible for:

- the coordination of rehabilitation and return to work strategies for PQSA workers
- ensuring that the worker's qualifications are current
- ensuring they have a knowledge and understanding of current South Australian Return to Work legislation
- helping injured workers to claim for worker's compensation
- assisting in the Return to Work process of all injured workers and without prejudice
- reporting claims to the Claims Agent within twenty-four (24) hours or as soon as practicable
- submitting claim documents to the Claims Agent within five (5) days
- developing suitable duties in accordance with the injured worker's medical capacity
- liaising with the treating medical practitioner, with authority from the injured worker, to gain guidelines for a RTWP to develop suitable employment schedules
- monitoring the rehabilitation process to ensure all parties are committed to a successful Return to Work outcome
- maintaining accurate documentation and ensure confidentiality of claims received.

WHS&E Committee is responsible for:

- maintaining a safe and healthy workplace and systems
- assisting in the development, review and distribution of WHS policies, procedures and safe work practices
- promoting safe work practices
- contributing to the resolution of health, safety and environmental issues in the workplace
- conducting workplace safety inspections and correcting any identified hazards.

The Corporation is responsible for providing work injury insurance and regulating the South Australian Return to Work scheme. The Corporation has overall responsibility for the scheme. The Corporation's services and those delivered by their appointed Claims Agents are designed to aid the worker's recovery and timely return to work.

Claims Agent is responsible for the day to day management of the claim; this includes:

- contacting the injured worker to confirm details of their injury and medical treatment
- meeting with the injured worker within seven (7) days of receiving their claim where appropriate
- assisting in the Return to Work process of all 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 worker's rehabilitation and return to work
- providing advice to employers on health and safety in the workplace.

POLICY

If a worker sustains a work-related injury or work-related illness, PQSA will provide an effective system of rehabilitation and support to enable the worker to remain at work or to facilitate an early return to work once they are certified medically fit. All workers are entitled to lodge a claim for compensation if an injury or illness is work-related.

PQSA ensures all workers are aware of their rights and responsibilities should they suffer a work-related injury or illness. Workers are provided with information in relation to the Return to Work process during their induction and through ongoing training. PQSA operates a "no-blame, no-shame" system and all workers will be dealt with in a fair and equitable manner.

Weekly payments

Weekly payments are the payments made to compensate for the loss of income for an injured worker. The amount of these weekly payments is based on the worker's 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 worker's 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. After that time 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 legislated support for seriously injured workers.

When calculating a worker's AWE, their ordinary rate of pay per week is considered. In some cases, regular shift penalties, overtime, allowances and prescribed non-cash benefits (such as private use of a work motor vehicle) are taken into consideration.

If a worker is partially incapacitated for work and therefore able to work part time, they will receive payment for the hours worked supplemented by compensation payments up to the AWE. Worker's 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, which may delay the payment process. Once a determination letter is received by PQSA, payment will be made in the next payroll run.

Interim Benefits

The Claims Agent undertakes an investigation prior to a formal acceptance of the Return to Work claim. Where the investigation takes more than ten (10) days, the Claims Agent may apply interim benefits. The Corporation may authorise 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 confirm that they wish to receive interim benefits and acknowledge that they are responsible for the reimbursement of 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 immediately notify SafeWork SA of any fatalities, serious injuries and illnesses, and dangerous incidents that arise out of the conduct of PQSA's business.

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

- a work-related death
- an injury that:
 - requires admission 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 the result of 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 aerosol substance.

The notification to SafeWork SA must be by the fastest available means and can be made by phone or in writing. 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 twenty-four (24) hour Emergency Telephone number is 1800 777 209.

PROCEDURES

When a worker notifies PQSA that they have sustained 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, transport will be arranged for the worker. The worker is required to complete an Incident/Concern Report Form and provide a Work Capacity Certificate (WCC) 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 aims to return injured workers to their pre-injury role as soon as possible; however, the worker must be certified medically fit to do so. During recovery, their medical practitioner may certify them fit to undertake restricted duties that are different to pre-injury duties; in this circumstance, PQSA will look to place the worker in suitable alternative duties.

At times, it may be deemed appropriate to create a RTWP for an injured worker. This allows for the monitoring and review of goals and activities; this plan will be created by a Return to Work Specialist, RRTWC, a Return to Work service provider or an early intervention Return to Work Consultant.

RELATED LEGISLATION

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

SUPPORTING PQSA DOCUMENTATION

- ◆ Capacity for Work Form
- ◆ Confidentiality Policy
- ◆ Implementing Suitable Modified Duties Standard Operating Procedures
- ◆ Incident/Concern Report Form
- ◆ Lodging a Return to Work Claim Standard Operating Procedures
- ◆ Reporting Work Related Injury Standard Operating Procedures
- ◆ Return to Work Induction Checklist
- ◆ Unable to Return to Pre-Injury Duties Standard Operating Procedures
- ◆ Work, Health and Safety Management System 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.