

Guidelines for standard for rehabilitation

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Introduction

These guidelines are for employers who are required under section 228 of the Workers' Compensation and Rehabilitation Act 2003 (the Act), to assist or provide a worker who has sustained a work-related injury with rehabilitation for the period for which the worker is entitled to workers' compensation.

The guidelines aim to help employers understand the important role they play in assisting an injured worker in the recovery from injury and return to work. These guidelines are also designed to establish a suitable standard by which employers can take reasonable steps to assist the insurer provide effective claims management and to satisfy their obligations under the legislation.

Workplace rehabilitation is an important element in recovering from a work-related injury. Research supports recovery from injury at work as having important short and long term health and wellbeing benefits. An early return to meaningful work supported by a planned rehabilitation approach can have positive outcomes for both the employer and the injured worker.

The approach taken in this standard supports positive workplace rehabilitation outcomes and refers to seven principles to assist employers in meeting their obligations under the Act. By adopting these principles employers can work towards achieving successful rehabilitation outcomes and reduce the time a worker is absent from the workplace following an injury. The standard will also enable employers to be prepared in the event a worker is injured and requires rehabilitation assistance.

It is important that employers maintain contact with insurers, who play a key role in the rehabilitation and return to work process and who have specific legislative requirements detailed in the Act.

Overview

While the ongoing management of workers' compensation rehabilitation is usually facilitated by the insurer, employers will benefit by playing an active role in assisting a worker's recovery. Early intervention programs where assistance and treatment is offered to an injured worker is an opportunity to reduce long term workplace absences. Support and early intervention by the employer in the development and implementation of a suitable duties program is key to a successful outcome. The following seven principles detail key steps an employer can take to assist in a worker's successful rehabilitation and return to work.

Principle 1: Employer commitment

Employers should ensure that adequate resources are allocated at the workplace to support workplace rehabilitation activities. Management showing support and having strong knowledge of rehabilitation practices are beneficial as workers will feel confident that in the event of a workplace injury they will be supported. Having clear, current policies and procedures developed with input from workers establishes that rehabilitation is a high priority for the employer. Senior management can demonstrate employer commitment by:

- discussing rehabilitation activities with managers, supervisors and staff
- ensuring early contact for injured workers and discussing return to work options
- lead specific workshops, toolbox talks or seminars
- enabling fairness in the delivery of all workplace rehabilitation policies

Principle 2: Providing workers with opportunities to recover at work

The second principle in achieving successful return to work is the employer providing opportunities for workers to recover at work. There is strong evidence that unnecessary delays in returning to work impact on the injured worker's recovery.

Providing safe and meaningful work will assist an injured worker. An employer offering the opportunity to recover at work allows the injured worker to remain active, prevent de-conditioning and allows them to

maintain social interaction. The processes associated with providing modified work opportunities should be recorded in a rehabilitation and return to work plan or a suitable duties program.

Employer information should be clear, precise and relevant as these documents are important aspects in the rehabilitation process. (Please note additional information concerning a rehabilitation and return to work plan and suitable duties program are detailed later in the standard.)

Principle 3: Actions detailed in rehabilitation and return to work plans

The insurer's responsibility is to take the steps it considers practicable to coordinate the development and maintenance of a rehabilitation and return to work plan in consultation with the injured worker, the worker's employer and treating registered persons.

Actions taken in accordance with a rehabilitation and return to work plan must be reviewed and evaluated at regular intervals as the worker's rehabilitation progresses. If an employer has concerns with implementing a proposed action these concerns should be resolved as a priority and not cause delay.

The employer has a vital co-ordinating role in managing workplace issues such as informing managers, supervisors and co-workers of the existence of a rehabilitation and return to work plan. It is important for a successful rehabilitation and return to work plan that individual roles at the workplace are clearly defined so suitable duties programs are implemented effectively.

Returning injured workers to the workforce can be a challenging role for an employer and requires co-ordination and problem solving skills as each worker's path to recovery is different. Each worker will approach rehabilitation from a different perspective and will require various levels of support from the employer.

Every worker who is participating in a rehabilitation and return to work plan needs to be treated with respect and equity. It is also important that the injured worker's supervisor and co-workers are informed of arrangements so that all parties involved at the workplace are engaged in assisting the workers' safe return to work. If co-workers or others are disadvantaged or are ill informed it can lead to resentment towards the returning worker.

Principle 4: Role of the supervisor

The supervisor is crucial to a successful rehabilitation and return to work outcome being achieved at the workplace. By offering organisational support to the supervisor the employer will maximise opportunities to achieve a positive rehabilitation and return to work outcome. A person returning to the workplace following an injury needs to be supported. Having someone within the workplace who understands possible difficulties and who can assist in a smooth transition back into the workplace is crucial. Having a trained supervisor who can confidentially handle concerns raised and keep the rehabilitation process on track is a key to achieving a successful outcome.

Principle 5: Early employer contact with injured worker

Early contact by an employer representative with an injured worker is the next key principle for successful rehabilitation and return to work. Optimal results for rehabilitation are achieved when a worker is contacted as quickly as possible following an incident resulting in injury or notification of a workers' compensation claim being lodged.

The role of the employer is to establish contact with the injured worker as soon as possible, and put in place strategies that informs the worker that the employer will assist in their recovery. The clear intent of these strategies is to facilitate an early and safe return to work following an injury and support the worker to recover at work.

Early and ongoing meaningful contact by key personnel ensures the worker feels valued. Workers who do not receive this ongoing contact may develop related secondary injuries that may extend their workplace absence.

Principle 6: Appointment of a Rehabilitation and Return to Work Coordinator (the Coordinator)

This principle concerns the appointment of the Coordinator to manage workplace rehabilitation for injured workers. The Act places obligations on employers to facilitate and support rehabilitation and return to work. An employer is required to appoint a Coordinator and have workplace rehabilitation policies and procedures if certain wages thresholds are met. The criteria for this requirement is detailed at s 115 of the Workers' Compensation and Rehabilitation Regulation 2014

The Coordinator plays an important role in facilitating actions detailed in a rehabilitation and return to work plan and establishing a suitable duties program at the workplace. The Coordinator liaises with the insurer, the injured worker's treating practitioner (where required), manager and the injured worker to assist them to identify suitable duties and strategies to successfully overcome any challenges when returning to the workplace.

The Coordinator role includes:

- initiating early communication with workers as soon as possible following an injury to assess rehabilitation needs and to notify relevant parties
- coordinating the worker's return to work
- advising senior management on rehabilitation and return to work issues
- developing the suitable duties program in consultation with the worker, insurer, employer, doctor and other appropriate providers
- ensuring the suitable duties program is consistent with the current workers' compensation medical certificate or injury report and is regularly monitored and updated
- liaising with all parties including the insurer throughout the rehabilitation and return to work process
- consulting with the worker, maintaining records and keeping all rehabilitation file information confidential

The role of the employer is to take all reasonable steps to assist or provide the worker with rehabilitation and support the return work. The employer's support for the Coordinator in coordinating the rehabilitation and return to work process in the workplace can lead to better outcomes. Ensuring the Coordinator is appropriately qualified and trained to perform the role will assist an employer maintain a high standard of workplace assistance when suitable duties programs are required to support workers recover at work.

The Coordinator should keep accurate, concise and objective case notes for each worker undertaking rehabilitation. All communication undertaken by the Coordinator should be noted. These notes should include actions taken, decisions made and any relevant background information in support of these actions and decisions. Case notes should contain sufficient information to ensure there is minimal disruption should the Coordinator not be able to continue or change.

Principle 7: Communication with the worker's treating doctor

This principle concerns building a relationship and obtaining information from the worker's treating doctor. This is important to the success of a rehabilitation and return to work plan. The treating doctor should be made aware at the earliest opportunity of the employer's support for rehabilitation and return to work.

The role of the employer or Coordinator is to communicate with and inform the treating doctor of the worker's role, the functional requirements of jobs/tasks associated with the worker's role and the availability of suitable duties. This valuable workplace information will enable a treating doctor to issue a medical certificate that is focussed on what duties the worker can do and encourage the worker to recover at work. It is vital that the employer or Coordinator obtain the worker's signed authority prior to

contacting the worker's treating doctor. If this authority is not given then the employer or Coordinator should consult with the insurer who can then undertake the communication with the treating doctor on the employer's behalf. Any contact between the employer or Coordinator and the treating doctor must be limited to information relevant only to the rehabilitation and return to work plan.

A worker who has been assessed with a permanent incapacity may still be able to undertake a meaningful role in the workplace. Contact with the workers' treating doctor will allow an opportunity to understand what work tasks the worker could safely undertake at the workplace.

Rehabilitation and return to work plan

Rehabilitation is a process designed to ensure the earliest possible return to work or maximise the worker's independent functioning. Rehabilitation includes the development of return to work plans and suitable duties programs.

The Act requires an insurer to take the steps it considers practicable to secure the rehabilitation and early return to suitable duties of injured workers, and coordinate the development and maintenance of a rehabilitation and return to work plan in consultation with the worker, employer, treating doctor and appropriate providers.

The employer has the responsibility for:

- taking all reasonable steps to assist with rehabilitation at the workplace including informing managers, supervisors and co-workers of the existence of rehabilitation programs
- ensuring appointed rehabilitation and return to work coordinators perform their functions
- developing specific suitable duties programs for individual workers
- the facilitation and coordination of the suitable duties programs at the workplace

The rehabilitation and return to work plan details the actions to be undertaken, maps the recovery path for the injured worker and considers when appropriate opportunities for an early and safe return to work can be actioned. A plan is led by the insurer through consultation with the insurer, worker, employer, the treating doctor, allied health providers and any party engaged by the insurer or the employer to assist in the worker's rehabilitation and return to work.

Each rehabilitation and return to work plan will be different so it is important that individual plans are created specifically for each worker. Suitable duties programs should be monitored and amended based on updated information from the treating doctor or following consultation with the worker and employer.

A rehabilitation and return to work plan usually includes

- clear and appropriate objectives with considerations of how these objectives will be achieved;
- details of rehabilitation activities required to meet the objectives;
- time frames for expected stages of recovery and return to work opportunities;
- when and by who reviews will be undertaken to assess the injured worker's progress;
- how and when relevant parties will be informed of progress; and
- if a suitable duties program or a return to the previous role is planned, how this will be achieved at the workplace and how the worker and employer will be advised

The employer's role in assisting the implementation of various stages of rehabilitation and return to work plans is vital to achieving a successful outcome. Support from the employer will assist the injured worker understand that their recovery at work is a priority as their contribution to the workplace is valuable. A planned approach demonstrates an employer's ongoing commitment to achieving a successful return to work outcome for the injured worker. Assistance from the employer as a plan progresses may require the allocation of responsibilities to certain individuals at the workplace. This will ensure all elements of a plan are well implemented at the workplace.

The best outcome from workplace rehabilitation is seen to be a return to the same job in the same workplace as prior to the injury. In some cases this may not be immediately possible. Below is a hierarchy of return to work options that may assist when considering individual return to work opportunities:

- same job at the same workplace
- similar job at the same workplace
- new job at the same workplace
- same job at a new workplace
- similar job at a new workplace
- new job at a new workplace

Suitable duties program

The suitable duties program is a subset of the rehabilitation and return to work plan. If a worker cannot immediately undertake their pre-injury work responsibilities, the rehabilitation and return to work plan should consider the development of a suitable duties program. Suitable duties, also known as light or alternative duties, are meaningful job tasks selected from the injured worker's usual job or another role. They are agreed between the worker and the employer, in consultation with the insurer treating doctor and approved providers, and take into account the worker's usual job, age, education and training, work experience and the nature of their injury. Supporting the injured worker and monitoring their progress is vital to the success of the program. A copy of the completed suitable duties program signed by all parties should be forwarded to the employer's insurer.

Suitable duties are used to enable a worker to recover at the workplace. Suitable duties aim to return the worker to their pre-injury job and are negotiated to accommodate the worker's injury and stage of recovery. They take into account the worker's level of functional capacity and other information provided by doctors or allied health providers.

In supporting recovery at work the aim of the suitable duties program is to:

- increase work tolerance
- increase capacity to perform jobs with specific physical demands
- improve physical endurance
- normalise attendance patterns and work behaviours
- keep workers in contact with their workplace and team members

Suitable duties use the workplace environment as a way to safely upgrade an injured worker's capacity to perform their pre-injury responsibilities and hours. The short term goal of a worker's suitable duties program is to increase the hours or type of duties they can perform and the long term goal is for them to return to their normal duties and hours. Suitable duties should be monitored and upgraded regularly in accordance with the workers' progress.

When completing the suitable duties program the following should be considered:

- objectives of the overall rehabilitation and return to work program
- tasks and duties to be performed by the worker. These are usually informed by a medical practitioner or allied health provider.
- days and hours to be worked
- functional capacity of the injured worker and any accommodations or modifications required
- start, completion and review dates for the suitable duties program
- obligations of the worker, employer and all stakeholders

Confidentiality

Information obtained relating to a workers' injury and return to work should be stored in a secure environment. For example, an employer should keep a separate file for each worker and should contain

copies of all relevant documents including medical and allied health reports, correspondence, rehabilitation and return to work plans, suitable duties programs, case notes and related accounts.

How information will be kept confidential during the development, implementation and when plans are finalised needs to be carefully considered. It is important that employers are aware of current legislative standards concerning record keeping, release of information and privacy provisions. It is an offence against the Act to use or attempt to use a workers' compensation document about the worker for a purpose relating to the employment of the worker, unless the document is necessary to secure the worker's rehabilitation or return to work.

Dispute resolution process

An employer should inform a worker of the appropriate dispute resolution procedure should the worker not agree with elements of a proposed workplace rehabilitation and return to work plan or suitable duties program. This resolution process should attempt to address concerns raised by the injured worker or their representative in an effective and efficient manner. An employer may request assistance from an insurer to assist in resolving disputes. Some workplace agreements and awards may contain dispute resolution procedures that would apply. The employer could also advise the worker to obtain advice from a union or a government agency.

Workers' Compensation Regulator



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