Overview

Although jobs have become safer over the years and legislation has moved away from just paying out injured workers to helping employees to get back into the workplace, injury and illness will continue to be part of an organisation’s responsibility.

It is the responsibility of the HR Manager to ensure that the processes for dealing with illness and injury are clearly defined, efficient, fair, in line with legislation, assist workers to return to health and employment and yet do not put too heavy a burden on the organisation. What follows is some advice for those undergoing a review of existing rehabilitation procedures.

Key terms

**Injury management**
This term encompasses all the activities associated with ensuring the safe and early return to work of an injured worker to the workplace.

**Injury management plan**
This is developed by the insurer in consultation with the worker, employer and treating doctor. Development of the plan must commence within 3 days of being notified of a significant injury. It sets out the plan relating to a specific individual, and is an evolving document.

**Injury management program**
Developed by the insurer, the Injury Management Program is the 'umbrella' with which an employer’s return to work program must be consistent. It is a coordinated and managed program that integrates all aspects of injury management including treatment, rehabilitation, retraining, claims management and employment management practices.
Rehabilitation policy

The overall statement of intent (and philosophy) of the employer. It sets out the organisation’s commitment to the process of injury management. It also mentions the importance of consultation and cooperation with agreed procedures. In best practice organisations, the rehabilitation policies include brief references to the systems and procedures to be employed, and the key players and their duties.

Rehabilitation provider

Providers may include an internal employee (return to work coordinator/rehab coordinator, case manager) or external consultant (accredited rehabilitation provider or consultant). For example, Health professionals who provide rehabilitation services to injured workers and their employers. In NSW they are engaged in a small minority of complex cases; in some other States they have a much wider role.

Return to work coordinator

Person or organisation responsible for the management of workers compensation claims including negotiation, legal compliance and reporting responsibilities.

Return to work plan (sometimes known as rehabilitation plan or program)

The RTW plan is a ‘living’ document, agreed to by all parties and aimed at achieving ‘suitable employment’ for the injured worker. The plan outlines ‘suitable duties’, with restrictions and details about how these duties will be monitored and reviewed at the workplace.

Return to work procedures

Established by the employer, the return to work procedures includes rehabilitation policy and obligations and is developed in consultation with workers and respective unions. Sets out how injuries/illness will be managed in the workplace. It is recommended that the RTW procedures be reviewed every two years or when a need for review is indicated, for example, a change in the legislation or when problems are identified. The timeframe for reporting injuries will form part of the Return to Work Program.

Significant injury

A significant injury is when an injured worker cannot undertake their usual duties and/or normal hours for a continuous period of more than a specified number of calendar days (which varies across jurisdictions).

Suitable duties (also known as alternative, selected or light duties)
Work that can be done by the injured worker while recovering from injury, if the worker is not fit for the usual duties. Suitable duties can include parts of the job the worker was doing before being injured; the same job but on reduced hours, or different duties altogether.

**WorkCover agents or claims agents**

In some States return to work coordinators need to liaise with WorkCover agents or claims agents (as opposed to the insurer) in relation to injury claims.
If you haven’t managed rehabilitation or return to work programs before, you’ll have to start by getting your head around the lingo – the different terms used.

For example, you need to be clear about the distinction between the rehab policy, the rehab program, return to work plan, injury management, suitable duties, and other terms. They’re all defined above in the key terms list. Be careful though because across jurisdictions and even with some organisations, terms are often used interchangeably.

The individual return to work plan is a really critical document for managing the whole process at the workplace, for the injured worker’s safe return to work. You have to remember that it helps people get better faster and recover more fully if they can maintain a link with the workplace. Also, it costs organisations a lot of money if they lose the skills and contribution of people already trained and who know the business. So there are good business reasons for trying to keep people involved.

If they can’t go on doing the job they were doing before they were injured, or can’t go on doing it full time, they should be given suitable duties – that is, work they can do while they’re recovering.

A good way to start would be to check out government websites and publications that explain how the whole injury management process is supposed to work, including the roles of all parties. For example, you could go to the WorkCover websites - there is one for each State or Territory in Australia - and follow the prompts for “rehabilitation” or “injury management”. Also see the ComCare website for Commonwealth employees (www.comcare.gov.au).

Documentation

Most organisations will have comprehensive Rehabilitation Policies and Procedures that should be readily available to all staff. You may need to look a bit further though, for documents specifically aimed at recording and reporting injury or submitting compensation claims. For instance, in some States it is compulsory for an organisation to keep a Record of Injuries book. Make sure you have fully explored all the required documentation.
It might help you, too, if you have a look at some case studies to see what happened. The Australasian Legal Information Institute (www.austlii.edu.au) has a vast number of legal resources and publications regarding rehabilitation.

Privacy

Privacy legislation has been driving changes in the rehabilitation sector over the last decade and is often the trigger for an organisation to start a review of their rehabilitation procedures. The reporting requirements for workers compensation have become much more rigorous and the way information is handled is increasingly bound by privacy concerns. Any information obtained regarding a worker’s illness or injury must be kept strictly confidential and should be stored securely. Access to these records should be limited to personnel who have a genuine need to know, and should only be disclosed with the worker’s explicit consent. The office of the Federal Privacy Commissioner has more information. (www.privacy.gov.au)