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**RETURN TO WORK PACK**

## OVERVIEW

Statistics compiled from data on calls directed to CCIQ’s workers compensation information line, and the 2018 National Return to Work Survey have highlighted the most common industries for workers compensation claims:

* Healthcare / Social Assistance
* Construction
* Retail
* Hospitality
* Manufacturing
* Education

CCIQ has identified a number of businesses operating in these industries and have developed this pack to increase awareness of the importance of employee rehabilitation and return to work.

## WHAT’S INCLUDED IN THIS PACK?

### Resources

* Information on common injuries
* Contact phone numbers

### Templates

* Checklists
* Letters to treating doctors
* Suitable duties registers and plans

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## RETURN TO WORK

The return to work rate of injured employees has experienced a decline in recent times, with a lack of return to work planning being attributed to this decline particularly prevalent in Queensland cases. [[1]](#footnote-1)

CCIQ is seeking to assist employers to ensure they have a return to work plan in place and equip Queensland business owners with the resources they need to ensure employees return to work.

## REHABILITATION

There are benefits for employers and employees when rehabilitating an employee’s return to the workplace. Workplace relationships can be maintained, a positive outlook on recovery is at the forefront, and the risk of mental health issues such as depression and anxiety are reduced.

## CHECKLIST

This pack has been designed to ensure Queensland business owners have access to template documents which will assist with protecting their business and employees.

At the end of each section in the pack you will find an easy to use checklist. To begin, we suggest implementing the policies below.

|  |  |  |
| --- | --- | --- |
| Task  | Template Page Number | Date Completed |
| Implement Workplace Health & Safety policy |  |  |
| Implement Health & Wellbeing policy  |  |  |
| Implement Return to Work policy |  |  |
| Complete the Mental Health Suitable Duties template |  |  |
| Complete the Physical Injury Suitable Duties template |  |  |
| Print/save contact list for future reference |  |  |

## TEMPLATE - Workplace Health & Safety Policy

We have a legal and moral responsibility to provide healthy and safe workplaces. Our managers will lead the establishment of a workplace culture committed to health and safety.

We are committed to eliminating the possibility or risk of harm arising for our employees:

* in any workplace under our management and control
* from the conduct of our business
* in the environment in which our employees work
* from the plant or systems of work used by our employees
* from the arrangements we have for use, handling, storage and transport of plant or substances
* from the facilities we provide for the welfare of our employees

If there is something reasonably practicable that we can do to reduce or eliminate health and safety risk, we will do it.

We will provide adequate information, instruction, training and supervision to our employees to enable them to perform their work safely.

#### Scope

This policy applies to all our employees and all other persons while they are in a workplace under our management and control and/or using or handling our plant or substances and/or performing work in the conduct of our business (including at a site away from their usual workplace).

#### Health and safety plan

We use a health and safety management system that:

* identifies workplace hazards;
* assesses risks to health from those hazards; and
* implements appropriate measures to control those risks.

This system will provide written procedures and instructions to ensure safe systems of work. It will ensure compliance with legislative requirements and current industry standards. Health and safety is an integral function of our operating systems.

The following persons in our organisation have responsibilities for implementing this system:

***Director(s)*** *–* take all reasonable steps to ensure compliance with health and safety statutory requirements and our policy and demonstrate commitment towards reducing the number and severity of work-related injuries. [In each case list names, title, responsibility and work contact details]

***Manager(s)*** – take all reasonable steps to ensure compliance with health and safety requirements and this policy, and so far as is reasonably practicable, ensure the provision of a safe working environment and safe systems of work within the place under their management.

***Supervisor(s)* –** take all reasonable steps to ensure compliance with health and safety requirements and this policy and as soon as practicable, rectify any identified hazards, investigate hazards reported and conduct regular, formal health and safety workplace audits.

***Employees*** – see separate section below.

We will ensure these people have sufficient training and supervision to be involved in managing health and safety.

We will verify that these people are discharging these responsibilities in the following way:

* [specify e.g. monthly compliance audits]

We will monitor and review the effectiveness of measures implemented to control health and safety risk.

A weekly report on health and safety is to be provided by [specify title of position] to the [specify title of position, usually Chief Executive Officer]. We measure the effective operation of the system using the following indicators:

* [specify these, e.g. number of health and safety inspections and audits carried out lost-time injury frequency rates, workers’ compensation costs and qualitative injury/disease rates].

#### Procedure to resolve health and safety issues

If an employee wishes to raise for resolution a health or safety issue that has arisen in a workplace under our management and control or arising from the conduct of our business, the procedure set out below will apply.

The senior manager in that part of the workplace where the issue has arisen will represent us in resolving the issue (unless we inform the employees, the relevant health and safety representative and the health and safety committee that someone else will represent us).

The health and safety representative, or if there is no health and safety representative, an employee nominated by employees, will act on behalf of employees affected by an issue.

At any stage in the resolution of an issue, a party may seek the assistance of a union or employer association to assist in resolving the issue.

If an employee wishes to raise for resolution a health or safety issue that has arisen in our workplace or from the conduct of our business, the employee must report the issue to our representative and the representative of the employees affected by the issue.

As soon as is reasonably possible after reporting the issue, our representative will meet with the representative of the employees affected by the issue.

For the purpose of resolving the health and safety issue as quickly and effectively as possible, these representatives will consider:

* the number and location of employees affected by the issue;
* whether appropriate temporary measures are possible or desirable;
* how long it will take to permanently resolve the issue; and
* who on our behalf is responsible for performing and overseeing any action agreed necessary to resolve the issue.

After an issue is resolved, we will endeavour to circulate amongst all parties a written record detailing the issue and matters relating to its resolution. We will ensure that any agreement reached in the course of resolving the issue is brought to the attention of the employees affected by the issue and given to the health and safety committee.

#### Procedure to consult with employees about health and safety issues

As far as is reasonably practicable, we will consult with employees who are or are likely to be directly affected when we:

* identify or assess health and safety hazards or risks at a workplace under our management and control or arising from the conduct of our business;
* determine measures to be taken to control health and safety risks at a workplace under our management and control or arising from the conduct of our business;
* determine the adequacy of facilities for the welfare of our employees;
* change any of the procedures set out in this policy;
* determine the membership of the health and safety committee; or
* propose changes that may affect the health or safety of our employees to a workplace under our management and control and/or the plant, substances or other things used at such a workplace and/or the conduct of the work performed at such a workplace.

We will consult by sharing information about these matters and giving employees a reasonable opportunity to express views on them. We will take into account those views. Consultation must involve the health and safety representative and be in accordance with procedures agreed upon with employees for undertaking consultations.

#### Procedure to inform and train employees

We use the following procedure to inform and train our employees: [specify]

#### Other related policies

• [specify e.g. Injury Management Policy, Code of Conduct Policy, Smoke-Free Policy, Drug

and Alcohol Policy]

#### Responsibility of employees

Employees are responsible for ensuring that their own work environment is conducive to good occupational health and safety by:

* complying with occupational health and safety policies, procedures and instructions;
* taking care for their own health and safety and the health and safety of others who may be affected by their actions;
* taking action to avoid, eliminate or minimise hazards;
* reporting all known or observed hazards to the appropriate person;
* reporting immediately any work-related injury to or near-miss incident to the appropriate person;
* actively participating in the management of health and safety risks;
* not wilfully placing at risk the health, safety or wellbeing of others at the workplace; and
* being familiar with emergency and evacuation procedures and cooperating with directions from emergency or evacuation wardens.

## TEMPLATE - Return to Work Policy

### 1. Commitments of the Company

***[Name of employer]*** (the Company) values the health and safety of its workers and is committed to providing a safe workplace. However, the Company acknowledges that injuries may occur. This Return to Work Policy provides a framework to ensure that the Company and its workers cooperate to ensure that workers successfully return to work following an injury.

### 2. Responsibilities

#### Workers

Workers are required to:

* notify their manager of any workplace injury as soon as practicable, and complete an accident/incident form;
* make reasonable efforts to actively participate and cooperate with the Company in planning their return to work;
* actively use an occupational rehabilitation service and cooperate with the provider of that service;
* actively participate and cooperate in any assessment of their:

a) capacity to work;

b) rehabilitation progress; and

c) future employment prospects;

* make reasonable efforts to return to work in their pre-injury employment or suitable alternative employment; and
* participate in any interview for the purpose of enhancing their opportunity to return to work.

If the worker fails to comply with these responsibilities, the Company may end their compensation benefits.

#### The Company

The Company will, to the extent that it is reasonable to do so:

* provide to the worker:

(a) suitable alternative employment, taking into account the capacity of the worker as a result of the injury; or

(b) the worker’s pre-injury employment, if the worker no longer has an incapacity to work;

* plan the worker’s return to work by:

(a) obtaining relevant information about the worker’s capacity to work;

(b) considering reasonable workplace support, aids or modifications to assist in the worker’s return to work;

(c) assessing and proposing options for suitable alternative employment or pre-injury employment; and

(d) consulting with relevant parties;

* consult with the worker, the worker’s healthcare practitioner and any provider of occupational rehabilitation services about the worker’s return to work by:

(a) sharing information about the worker’s return to work;

(b) providing a reasonable opportunity for those persons to consider and express their views about the worker’s return to work; and

(c) taking those views into account; and

(d) inform the insurer of all injuries within 48 hours of their occurrence.

The obligations of the Company will extend for the requisite statutory period from the date upon which the Company first becomes aware that the worker has made a claim for compensation or submitted a medical certificate that relates to a claim for compensation.

#### The Return to Work Coordinator

The Return to Work Coordinator will ensure that both the Company and the worker honour their obligations under this policy.

### 3. The designated Return to Work Coordinator is:

**Name:**

**Phone:**

**Email:**

### 4. Rehabilitation provider

Rehabilitation providers are available to assist in the return to work of workers who suffer a workplace injury or illness. Referral to the following accredited providers may be considered where the return to work plan is complex and requires specialist knowledge:

**[Provide names and contact details]**

Injured workers retain the right to nominate an accredited rehabilitation provider of their own choice.

### 5. Approval

This Policy will be regularly reviewed and represents the Company’s commitment to workplace rehabilitation and returning injured workers to work. This Policy was developed in consultation with and is endorsed by:

**[Names of health and safety representatives/members of the health and safety committee]**

### 6. Disputes

If any disputes arise regarding return to work issues, they will be resolved in accordance with any relevant grievance procedures of the Company.

## **TEMPLATE**: Health and Wellbeing Policy

### Purpose and scope

The Company:

* is committed to providing workers with a safe, healthy and supportive work environment;
* recognises that the health and wellbeing of its workers is important; and
* will commit to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged.

*This policy will apply to all workers of the Company.*

### Objectives and strategies

The Company will [add and delete as appropriate]:

* encourage workers to be more physically active by making provisions in the workplace for activity opportunities, including reducing sitting time where practical;
* foster healthy eating choices in the workplace by providing healthy food and education on diet and nutrition;
* educate workers about safe alcohol consumption and the negative health effects of smoking;
* promote awareness of key health issues for workers, including their social and emotional wellbeing; and
* encourage workers to provide feedback on health and wellbeing initiatives.

### Responsibility

Workers are encouraged to:

* understand this policy and seek clarification from management where required;
* consider this policy while completing work-related duties and at any time while representing the Company;
* support fellow workers in their awareness of this policy; and
* support and contribute to the Company’s aim of providing a safe, healthy and supportive environment for all workers.

Managers have a responsibility to:

* ensure that all workers are made aware of this policy;
* actively support and contribute to the implementation of this policy; and
* manage the implementation and review of this policy.

### Communication

The Company will ensure that:

* all workers receive a copy of this policy during the induction process;
* this policy is easily accessible by all members of the business;
* workers are informed when a particular activity aligns with this policy;
* workers are empowered to actively contribute and provide feedback in relation to this policy; and
* workers are notified of all changes to this policy.

### Monitoring and review

Effectiveness of the policy will be assessed through:

* feedback from workers, the Health and Wellbeing Committee/working group, and management; and
* review of the policy by management and committee/working group to determine if objectives have been met.

## SUITABLE DUTIES REGISTER - Mental Health

* Look around your workplace for duties that fit in the below categories.
* Store the completed register in preparation for future use should an injury occur in your workplace*.*

|  |  |
| --- | --- |
| **Flexible work arrangements**  | **Workplace modifications** |
| *Example: Part time work arrangements or reduced hours* | *Example: Partitioning screens or private office space* |
| **Position description review** | **Training** |
| *Employee to review their position description**Differences between existing position description and employees updates to be discussed between employee and employer* | *Example: Employee to complete ‘difficult client’ training* |
| **Modified duties** | **Team structure** |
| *Example: Employee to make contact with clients on the phone or via email rather than face to face.* | *Example: Employee can conduct research on resources to assist all employees with mental health issues such as Beyond Blue* |
| **Reflective Exercises** | **Role play or similar with counsellor** |
| *Employee to complete reflective exercise on contributing event and outline:* *1. Personal feelings contributing to event**2. What could trigger a similar outcome**3. How can triggers be managed in the future**4. What strategies will the employee use*  | *Employee to work with counsellor to determine framework for similar circumstances* |

## SUITABLE DUTIES REGISTER – Physical Injury

* Look around your workplace for duties that fit in the below categories.
* Store the completed register in preparation for future use should an injury occur in your workplace*.*

|  |  |
| --- | --- |
| **Administrative/seated duties**  | **No lifting required duties** |
| *Example: answering phones, filing, printing* | *Example: pushing trolleys, sweeping, mopping, arranging work stations or tools* |
| **Lifting less than 5kgs duties** | **Lifting 6-10kgs** |
| *Example: replenishing paper in photocopier, shredding documents* | *Example: picking orders of small products* |
| **Lifting 11-15kgs** | **No bending/twisting duties** |
| *Example: lifting 10kg bags of flour* | *Example: standing at a quality control station, standing at a customer service desk* |
| **Driving/Operating machinery**  | **Other suitable duties** |
| *Example: driving company vehicle to collect mail or stationery* | *Example: Stocktaking, typing, calling customers, booking transport or accommodation* |

## TEMPLATE – Record of Conversation

|  |  |  |  |
| --- | --- | --- | --- |
| **Employee Name** |  | **Date** |  |
| **Employer Name** |  | **Topic of Conversation** |  |
| **Details of questions asked** |
|  |
| **Employees response to questions** |
|  |
| **Other details of conversation** |
|  |
| **Medical certificate requested** | Y/N |
| **Medical clearance requested** | Y/N |





**ONGOING PERSONAL LEAVE**

## Non-work-related illness and injury

Employees are entitled to 10 days personal leave per year under the National Employment Standards. However, there are instances where an employee will take a period of time off work that is a week or longer in duration. Employers have a right to contact their employees to determine when they will be returning to work, this guide is designed to assist employers every step of the way.

#### Factors that contribute to absenteeism

While absenteeism due to genuine illness and injury will always occur, there are often contributing factors that increase rates of absenteeism in the workplace including:

* Long working hours
* Lack of consultation with employees about work decisions
* Poor workplace communication regarding work processes
* Lack of clarity about an employee’s role and expectations
* Lack of workplace resources for employees to perform their role
* High pressure work environments e.g. Strict deadlines
* Workplace bullying
* Workplace trauma e.g. Witnessing an accident

#### Questions to ask your employee

When an employee advises they are unable to attend work due to illness or injury, employers should ask the following questions.

* How are you feeling?
* Are you absent because of illness or are you injured?
* Have you seen a doctor?
* Has your doctor advised how long you will be unfit for work?
* Have you discussed with your doctor when you will be able to return to work?
* We would like to make contact with your treating doctor to ensure we meet our duty of care on your return to work, do you have any objections to us contacting your doctor?
* Is there anything we can do to assist you to return to work?

## RETURNING TO WORK AFTER AN ONGOING ABSENCE

### Rehabilitation after an ongoing absence

Employees will experience illness or injury outside of work at times, however it is important to ensure their return to work is handled in the same manner as someone who has been absent from the workplace due to a work-related injury.

Employers should maintain contact with employees who are absent from the workplace for extended periods and assist them with returning to work as soon as possible.

### Case Law

Employers risk claims of adverse action as per s340 of the *Fair Work Act 2009 (Cth)* where they seek to terminate an employee for being absent from the workplace due to illness or injury.

In *Masson-Forbes v Gaetjens Real Estate P/L (2015) FWC 4329* the employee Ms Masson-Forbes received a performance warning on her return to work after being absent from the workplace for several months due to illness and resigned arguing she had no choice other than to tender her resignation.

The Commission found Ms Masson-Forbes was exercising a workplace right when she did not attend work for reason of personal illness, and the employer had taken adverse action against her for a prohibited reason which contravened s340 of the *Fair Work Act 2009 (Cth).*

### Recommendations

If your employee is absent from the workplace due to personal illness or injury, we recommend taking the following steps:

* Call the employee to find out how they are, and when they will be returning to work;
* Request a medical certificate for the period the employee is absent from work, and a medical clearance to return to work if absent for longer than 1 week;
* Call CCIQ in any instance you are not able to contact the employee.

### Employer FAQ’s

#### Can I contact my employee while they are absent from work?

*Yes, it is encouraged that you make contact with your employee to understand why they are absent. You should aim to contact your employee at least once a week.*

#### Can I talk to my employee about work-related matters while they are absent from work?

*If there is an urgent situation and the employee can assist you can contact them. However, any meetings and other non-urgent discussions should take place when the employee returns to work.*

#### Can I request my employee attend a medical assessment with a doctor I choose?

*Yes, if an employee has been absent from the workplace and provides a medical clearance which does not outline details of an illness or injury and any relevant rehabilitation you can request your employee complete a fit for work assessment.*

### My employee won’t respond to my calls, what do I do?

*Try all available contact methods including SMS, email, contacting the employee’s next of kin, and sending a letter by registered post. If the employee fails to respond within 7 days, contact CCIQ.*

### Checklist

Not every employee absence will be the same, however by working through the checklists below employers can ensure they are prepared for occasions when absences occur.

|  |  |  |
| --- | --- | --- |
| **Task**  | **Template Page Number** | **Date Completed** |
| Call employee regarding absence from work |  |  |
| Obtain copy of medical certificate |  |  |
| Request employee to confirm return to work date |  |  |
| Complete record of conversation |  |  |
| Schedule regular touch base meetings with the employee |  |  |
| Complete record of conversation  |  |  |
| Complete the return to work plan and employee duties outline using the Physical Injury Suitable Duties Register |  |  |
| Send the medical practitioner letter with the return to work plan and employee duties outline to the employees treating doctor |  |  |
| Evaluate and review the employees return to work, and modify in association with employee, Workcover and the treating doctor as required. |  |  |

## TEMPLATE Letter to Doctor - Ongoing Personal Leave

Date:

Re: **Employee**                      **unfit for work**

Dear Dr                ,

We are contacting you in regards to the absence of our employee                 who has provided a medical certificate from you outlining that they are unfit for work.

We are aware of the benefits associated with employees maintaining contact with their workplace during times of illness and injury, and we pride ourselves on having a meaningful course of action when employees are absent from the workplace for periods of time to ensure they are fit to return.

We are requesting your assistance to better understand our employee’s condition so that they can return to work. As such, we have provided a copy of tasks our employee typically performs, and request the following information from you.

* *Is the employees medical condition related to, or caused by work? If yes, please advise how.*
* *Considering the outlined tasks, is the employee able to return to the workplace in any capacity? If no, please advise why.*
* *In your opinion, is the employee currently unable to complete any of the tasks outlined? If no, please advise why.*
* *In your opinion, what is the expected period of time the employee will be absent from work?*
* *Please provide an expected date the employee will return to the workplace?*

Please email the requested details to                 in the next 7 days.

Should you wish to contact me to discuss the above mentioned employee, please do not hesitate to contact me on                .

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( Supervisor/Manager    )



**MENTAL HEALTH**





## MENTAL HEALTH ISSUES AND ABSENTEEISM

The incidence of employee claims due to mental health issues such as stress, depression and anxiety are becoming more common. With one in five Australians aged 16-85 experiencing a mental illness in any year,[[2]](#footnote-2) it is important for employers to ensure they are aware of the signs of mental illness, contributing factors, and steps they can take to assist employees in the event a mental health illness or injury occurs.

### Signs of mental health issues in the workplace

Mental health issues are often misunderstood, and some of the signs can often not be apparent. Mental health awareness training is ideal, however some of the more common signs include:

* Increased rates of absenteeism
* Withdrawing from colleagues
* Conflict with colleagues or managers
* Reduced participation in work activities
* Erratic behaviour
* Emotional responses

### Factors that can cause mental illness

There are numerous factors that can cause or contribute to a mental health issue. Common factors in workplaces include:

* Long working hours
* Lack of consultation with employees about work decisions
* Poor workplace communication regarding work processes
* Lack of clarity about an employees’ role and expectations
* Lack of workplace resources for employees to perform their role
* High pressure work environments e.g. Strict deadlines
* Workplace bullying
* Workplace trauma e.g. Witnessing an accident

## RETURNING TO WORK AFTER A MENTAL HEALTH ABSENCE

Employees returning to work after an absence due to a mental health issue may be hesitant about their return due to stigmas which can be associated with mental health (eg. Not wanting to be seen as ‘different’, unreliable or fearing negative treatment from co-workers).

Employers should seek to discuss any limitations the employee has, but the predominant focus should be on the employees’ abilities and capacity to ensure a positive return to the workplace.

## REHABILITATION AFTER A MENTAL HEALTH ABSENCE

Rehabilitation into the workplace after a mental health issue absence needs to be tailored to suit the individual employee and their requirements, and there is no ‘typical’ rehabilitation process.

### Employer FAQ’S

#### Can I contact my employee while they are absent from work because of mental health?

*Yes, it is encouraged that you make contact with your employee to make their return to work easier. You should aim to contact your employee at least once a week.*

#### Are there any additional leave entitlements for people suffering from mental health issues?

*No, employees can access their personal leave and can request to use their annual leave or unpaid leave.*

#### I can’t see a mental health injury how will I know my employee is okay when they return?

*A good return to work plan with interactive suitable duties will allow you to work with your employee to ensure they are able to return. Check in with your employee when they return to make sure they are ok.*

### Case Law

Employers risk unfair dismissal claims for failing to take employees mental health issues into account when making the decision to terminate an employee.

In *Burke v Suncorp Group Pty Ltd [2015] FWC 335*, the employee received a final warning letter for inconsistent performance despite no previous warnings being provided. Suncorp implemented performance improvement plans with objectives to be met by Mr Burke. Two months later Mr Burke was terminated.

Suncorp argued they had no knowledge of Mr Burkes mental health issues, however Mr Burke had high levels of absenteeism and had worked with Suncorp’s return to work team.

The Fair Work Commission ruled that while Suncorp had a valid reason for terminating Mr Burke’s employment, the dismissal was unfair as there was a failure to consider Mr Burke’s health issues.

### Recommendations

To minimise the risk of your workplace causing or exacerbating mental illness in your workers, adopt the following strategies:

* Develop and implement policies that create a supportive work environment, including:
	+ effective grievance and conflict resolution procedures;
	+ workplace change consultation provisions; and
	+ bullying, discrimination and harassment policies.
* Have your workers participate in mental illness awareness training to ensure your workforce is educated about mental illness and to reduce the stigma of mental illness.
* Provide a quiet room or rest space where workers can retreat for some time to de-stress.
* Increase the skills of managers and workers to assist those with mental illness of work-related stress.
* Provide access to support services.
* Implement work practices that reduce stress, such as:
	+ regular rest breaks;
	+ limits on overtime or workload;
	+ breaks between shifts; and
	+ flexible hours.
* Avoid being drawn into arguments with frustrated or angry workers. Aim instead to reinforce the code of conduct for proper workplace behaviour

### Checklist

|  |  |  |
| --- | --- | --- |
| Task  | Template Page Number | Date Completed |
| Schedule key dates to maintain contact with your employee including a key contact person |  |  |
| Complete record of conversation |  |  |
| Complete the return to work plan and employee duties outline using the Mental Health Suitable Duties Register |  |  |
| Send the medical practitioner letter with the return to work plan and employee duties outline to the employees treating doctor  |  |  |
| Evaluate and review the employees return to work, and modify in association with employee, Workcover and the treating doctor as required |  |  |



**PHYSICAL** **INJURIES**



## PHYSICAL INJURIES IN THE WORKPLACE

Physical injuries in the workplace continue to be the leading cause of Workcover claims in Australia.[[3]](#footnote-3)

### Common Physical Injuries

The most common physical injuries across all industries include [[4]](#footnote-4):

* Fractures
* Musculoskeletal disorders including sprains and strains
* Trauma
* Workplace disease

### Factors that can cause physical injuries

While contributing factors can differ between industries, there are some common issues that are attributed to most physical injuries in the workplace including:

* Long working hours
* Lack of consultation with employees about work decisions
* Poor workplace communication regarding work processes
* Lack of clarity about an employees’ role and expectations
* Lack of workplace resources for employees to perform their role
* High pressure work environments eg. Strict deadlines
* Workplace bullying
* Workplace trauma eg. Witnessing an accident

### Employer FAQ’S

#### Can I contact my employee while they are absent from work?

*Yes, it is encouraged that you make contact with your employee to make their return to work easier. You should aim to contact your employee at least once a week.*

#### Can I attend my employees doctor appointment with them?

*If the employee requests your attendance, otherwise you should not seek to attend.*

#### My employee injured themselves, but I didn’t file an incident report. They made a Workcover claim, what do I do?

*An incident report ensures all details of a workplace incident are captured.*

## Returning to work after a physical injury

There are typically four stages an employer works through when managing an employees’ return to work after an injury. By following these steps, employees are more likely to return and stay at work sooner.

1. Providing support and ensuring administrative processes are complete.

*Employers should support employees by maintaining contact with employees and ensuring all administrative components of a return to work process have been prepared ahead of time.*

2. Planning for the employee to return to work

*By planning for an employees’ return to work through the use of a return to work plan, clear expectations and outcomes can be discussed between employer and employee for mutual agreement.*

3. Implementing a return to work plan

*The return to work plan will outline clear expectations for everyone to follow, and ideal outcomes to be worked towards.*

4. Evaluating and reviewing the return to work outcomes

*All return to work plans should be reviewed and evaluated to ensure they are contributing to the successful return to work for the employee.*

## REHABILITATION after a physical injury

Assisting employees with their rehabilitation so that they can resume their pre-injury role in their usual workplace should be a key priority for employers. By rehabilitating and recovering at work, injured employees are more likely to improve their outcomes in comparison to remaining at home. This is because the employees’ recovery is promoted through completing work tasks and contributing to the workplace environment.

## Recommendations

Our key recommendation is to maintain contact with your injured employee and assist them to return to the workplace.

Employers should consider engaging an Occupational Therapist to review the workplace and the duties the employee is completing. Occupational Therapists can assist with identifying modifications to duties that are cost-effective and benefit both employer and employee.

## Checklist

|  |  |  |
| --- | --- | --- |
| Task  | Template Page Number | Date Completed |
| Schedule key dates to maintain contact with your employee including a key contact person |  |  |
| Complete record of conversation |  |  |
| Complete the return to work plan and employee duties outline  |  |  |
| Send the medical practitioner letter with the return to work plan and employee duties outline to the employees treating doctor  |  |  |
| Evaluate and review the employees return to work, and modify in association with employee, Workcover and the treating doctor as required.  |  |  |

## TEMPLATE Letter to medical practitioner

Date:

Re: **Return to work for**

Dear Dr                ,

Thank you for seeing our employee in relation to their work-related injury.

If the work-related injury prevents                      from his/her usual occupation, we would like to advise you that we are committed to providing a safe return to work with alternate suitable duties at your discretion. Please provide your medical advice on the restrictions that would be applicable to           ’s injury.

We are aware of the benefits of return to work during the rehabilitation process and as such we pride ourselves on having a range of meaningful duties that can accommodate most restrictions as outlined in our return to work plan.

If the proposed plan meets your expectations for return to work, please sign the form and also indicate this in the Work Capacity Certificate. Alternatively, please feel free to make adjustments prior to your sign off.

If the attached plan does not meet your approval for suitable duties, please amend and certify a plan based on what they can do rather than what suitable duties are available. If required, a host employer can be provided based on any restrictions you deem necessary.

Should you wish to contact me to discuss the above mentioned employee, their return to work plan or any other queries you may have, please do not hesitate to contact me on                .

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( Supervisor/Manager    )

## TEMPLATE Return to work plan

|  |
| --- |
| **Task details** |
| **Week** | **Duties** | **Restrictions** |
| Week 1 – commencing:  |  |  |
| Days:  |
| Hours:  |
| Week 2 – commencing:  |  |  |
| Days:  |
| Hours:  |
| Week 3 – commencing:  |  |  |
| Days:  |
| Hours:  |
| Week 4 – commencing:  |  |  |
| Days:  |
| Hours:  |
| Treatment occurring during this plan (e.g. physiotherapy): | Training required:  | Yes  | No  |
| …… | If ‘Yes’, given by: …… |
| Plan to be reviewed on: …… | Training given on: …… |
| **Signatures** |
| **Treating medical practitioner** | **Worker** |
| I approve this plan. | I have been consulted about the content of this plan and agree to participate. |
| Signature:       Date:       | Signature:      \_Date:       |
| **Supervisor** | **Rehabilitation and return to work coordinator** |
| I agree to ensure this plan is implemented in the work area.  | I agree to monitor this plan. |
| Signature:      Date:       | Signature:      Date: ­­­­­      |

## TEMPLATE Employee duties outline

* Outline the duties your employee is required to perform in their role
* Outline how often they perform the duties Eg. Typing: 6 hours per day

|  |  |
| --- | --- |
| **Administrative/seated duties**  | **No lifting required duties** |
|  |  |
| **Lifting less than 5kgs duties** | **Lifting 6-10kgs** |
|  |  |
| **Lifting 11-15kgs** | **Bending/twisting duties** |
|  |  |
| **Driving/Operating machinery**  | **Manager/Employee Interaction**  |
|  |  |
| **Customer/client interaction** | **Other duties** |
|  |  |





**WORKCOVER CLAIMS**

## WORKCOVER CLAIMS

Despite the best efforts of employers, Workcover Claims are likely to happen. Employers have access to a number of resources to assist with the process.

### FAQ’S

#### Do I have to lodge a Workcover claim for my employee?

*No, an employee lodges their own worker’s compensation claim.*

#### Does my employee continue to accrue leave and superannuation entitlements while they are on Workcover?

*This can depend on the industrial instrument which covers your employee. It is recommended CCIQ is contacted.*

#### My employee has told me if I give them a warning they will make a stress claim, what should I do?

*Advise Workcover of all relevant details if you are contacted regarding a claim.*

#### I was managing my employees performance and they made a Workcover claim, should I tell Workcover?

*Yes, the Workers Compensation and Rehabilitation Act 2003 states that an injury does not include a psychiatric injury or psychological disorder arising out of or in the course of reasonable management action undertaken in a reasonable way.*

#### Other people in the workplace have mentioned my employee was suffering personal issues before their mental health claim, should I raise this?

*Yes, you should discuss this with your Workcover representative. You should also discuss with the employee so that you can consider this when developing a suitable duties plan.*

## RECOMMENDATIONS

If a worker wishes to lodge a workers’ compensation claim, take the following steps to ensure you are meeting your obligations:

#### Step 1: Notify your workers’ compensation authority and insurer

If the worker was injured in your workplace, notify your workers’ compensation authority and your insurer as soon as possible, and no more than 48 hours after the incident occurs.

#### Step 2: Obtain the necessary documentation

Collect the information you will need, including:

* the worker’s medical certificate; and
* a completed workers’ compensation form (if the worker is unable to complete the form, an advocate can do it on their behalf).

#### Step 3: Complete the employer section of the claim form and send it to your insurer

Complete the employer section of the claim form (or the separate employer form if one is used in your State or Territory) and send the completed form to the insurer.

#### Step 4: Keep in touch with the injured worker while they are absent from the workplace

It is an important part of your duty of care to keep in touch with an injured or ill worker while they are absent from the workplace and to encourage them to participate in a return to work plan.

#### Step 5: Maintain communication with your insurer

Keep the insurer informed of the worker’s progress in rehabilitation, and the likely timeframe for their return to work.

## Checklist

|  |  |  |
| --- | --- | --- |
| Task  | Template Page Number | Date Completed |
| Follow the recommendations above | NA |  |
| Complete record of conversation |  |  |
| Collect copies of employee’s medical certificate & workers comp form |  |  |
| Maintain contact with employee  |  |  |
| Maintain contact with insurer, particularly if there are any changes |  |  |



**TERMINATING AN ILL OR INJURED WORKER**

## Information

While the ongoing illness or injury of an employee can have a significant impact on a business, there are laws which protect employees from facing termination due to illness or injury.

Each scenario needs to be treated individually with consideration of all relevant factors. CCIQ recommend employers contact them in all instances to discuss the most suitable options for your business.

### Case Law

In *Laviano v Fair Work Ombudsman [2017] FCCA 197*, it was determined that the Fair Work Ombudsman had taken adverse action against the employee by dismissing him from his employment.

Mr Laviano was absent from his employment for a large portion of 2014 due to psychological illness. He was directed to undergo a medical assessment to better understand his ability to return to work on five separate occasions, however Mr Laviano failed to attend and his employment was terminated.

However, the Court found that Mr Laviano’s employment was not terminated due to the exercising of a workplace right but rather his failure to follow the directions of his employer and therefore adverse action taken against him was not unlawful.

### Recommendation

Due to the level of risk associated with considering whether to terminate an ill or injured worker, it is recommended that you contact CCIQ to discuss the circumstances.

## Checklist

|  |  |  |
| --- | --- | --- |
| Task  | Template Page Number | Date Completed |
| Call employee regarding ongoing absence from work |  |  |
| Complete record of conversation |  |  |
| Use template letter to medical practitioner in consultation with employee |  |  |
| Call CCIQ | NA |  |

## TEMPLATE Letter to medical practitioner

Date:

Re: **Return to work for**

Dear Dr                ,

Thank you for seeing our employee in relation to their work-related injury.

If the work-related injury prevents                      from his/her usual occupation, we would like to advise you that we are committed to providing a safe return to work with alternate suitable duties at your discretion. Please provide your medical advice on the restrictions that would be applicable to           ’s injury.

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Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

( Supervisor/Manager    )



**IPAM PROGRAM**

**FREE Referral for all CCIQ Members!**

To organise your free referral, email advice@cciq.com.au or call 1300 135 822 to speak with the Employer Assistance team today.

## CONTACT LIST

### C:\Users\jdavies\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\1CEE89A3.tmpCCIQ

**P**: 1300 135 822 | **W**: [www.cciq.com.au](http://www.cciq.com.au)

### C:\Users\jdavies\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\93B0D6A9.tmpWorkcover

 **P**: 1300 362 128 | **W** [www.worksafeqld.gov.au](http://www.worksafeqld.gov.au)

### Employee Assistance Program Providers



**P**: 1300 360 364 | **W**: [www.benestar.com](http://www.benestar.com)



**P**: 1300 361 008 | **W**: [www.optum.com.au](http://www.optum.com.au)

### Occupational Therapists



**P**: 1300 419 495 | **W**: [www.psychologyboard.gov.au](http://www.psychologyboard.gov.au)

### Psychologists



**P**: 1300 419 495 | **W**: [www.ahpra.gov.au](http://www.ahpra.gov.au)

1. National Return to Work Survey 2018 [↑](#footnote-ref-1)
2. Australian Bureau of Statistics (2009) National Survey of Mental Health and Wellbeing [↑](#footnote-ref-2)
3. National Return to Work Survey September 2018 [↑](#footnote-ref-3)
4. National Return to Work Survey September 2018 [↑](#footnote-ref-4)