



Procedure: Return to work

Purpose

To inform all University staff of the expectations regarding return to work management of staff members and former employees of the University who have sustained a work related injury or illness. This is to ensure compliance with the [Safety, Rehabilitation and Compensation Act 1988](#) (SRC Act) (Cth), the [Disability Discrimination Act 1992](#) (DDA Act) (Cth) and the University's [Work Health & Safety \(WHS\) Management System](#). This procedure is linked to the University's [Work Health and Safety and Rehabilitation policies](#).

Definitions

Approved workplace rehabilitation provider is a body, firm or person approved by Comcare under the SRC Act to provide rehabilitation programs.

Workplace Adjustment - previously referred to as a 'reasonable adjustment', is a change to a work process, practice, procedure or environment that enables an employee with disability to perform their job in a way that minimises the impact of their disability. Under the DDA Act, employers are obligated to make adjustments to accommodate an individual's disability, unless that adjustment would result in unjustifiable hardship. Unjustifiable hardship could be in the form of financial cost, an amendment to the physical building that is not possible due to council or other restrictions, or an adjustment that would disadvantage other employees.

Rehabilitation assessment is an assessment under section 36 of the SRC Act of an employee's capability of undertaking, or continuing to undertake, a rehabilitation program.

Rehabilitation authority is the employer responsible under the SRC Act to manage the rehabilitation of their injured employees.

Rehabilitation program is a structured series of activities and assistance to maintain or return an employee to suitable employment; maintain or improve an employee's activities of daily living; and includes a return to work plan.

Return to work hierarchy means the following descending order of goals in relation to maintaining or returning an employee to suitable employment:

- * same job/same employer;
- * similar job/ same employer;

- * new job/same employer;
- * same job/new employer;
- * similar job/new employer; or
- * new job/new employer.

Return to work plan is a plan of activities and assistance to maintain an injured or ill employee at work, or return the employee to work, agreed to by the staff member, supervisor and the nominated treating doctor (NTD).

Procedure

Scope

1. This procedure applies to all staff members and former employees of the University who have sustained a work related injury or illness during their period of employment at the University.
2. Staff must not attend campus if unwell. If they become unwell when on an ANU campus, they shall inform their supervisor and then go home with as little personal interaction with others as possible.

Overview

3. The University is committed to provide suitable employment and return to work assistance for injured and ill staff members.
4. This document informs staff, supervisors and Human Resources (HR) practitioners involved in the return to work process of the return to work hierarchy, provision of suitable duties, work trials and the redeployment process.
5. The University's Rehabilitation Case Manager (RCM), within the Work Environment Group (WEG) manages the processes outlined in this procedure including deciding whether the staff member or former employee undertakes a rehabilitation assessment and/or rehabilitation program. This is done in consultation with College/Division Human Resource areas and the staff member's supervisor, as appropriate, to ensure an inclusive approach.
6. This document is read in conjunction with the University's:
 - * [Rehabilitation policy](#);
 - * [Injury management, rehabilitation and compensation procedure](#), which details responsibilities and expectations of key stakeholders including staff, supervisors and HR Practitioners;

- * [Management of non-work related injury and illness procedure](#); and
- * [Early intervention assistance guideline](#).

Responsibilities

7. The University Executive, College Deans and Service Division Directors, or their nominees, are responsible for:
 - * sustaining a culture that resources early, active intervention to support and encourage injured/ill staff to a safe and durable return to work; and
 - * complying with administrative requirements of rehabilitation and compensation claims as required by the University and regulatory bodies.
8. Area managers/supervisors are responsible for:
 - * providing workplace flexibility to accommodate suitable duties or employment to support the return to work of injured/ill staff;
 - * assisting the ANU rehabilitation case manager and their delegates or approved rehabilitation provider, to determine, implement and monitor suitable return to work options for staff;
 - * treating information relating to staff on return to work programs confidentially in line with relevant legislation; and
 - * maintaining non-prejudicial treatment of staff participating in return to work programs.
9. The University RCM is responsible for:
 - * organising an initial assessment of injured/ill staff as soon as possible to identify their return to work requirements;
 - * determining and developing the return to work program for injured/ill staff, in conjunction with the staff member, their supervisor, and the NTD;
 - * acting as facilitator for injured/ill staff, supervisor, workplace rehabilitation providers and health practitioners;
 - * ensuring that staff (and their representatives if requested) are consulted during all stages of their return to work process;
 - * ensuring confidential treatment of information relating to staff on return to work programs in line with relevant legislation; and
 - * supporting the non-prejudicial treatment of staff participating in rehabilitation programs.

10. Staff are responsible for:

- * reporting any work related incident, injury or illness to their supervisor/manager as soon as possible via the workplace incident and hazard reporting tool as per [the WHS incident management procedure](#).
- * providing medical certification to their supervisor and ANU RCM of clearance for work duties or details of applicable work restrictions;
- * actively participating in the development and implementation of their rehabilitation program including the return to work program (RTWP) and any assessments recommended by the ANU RCM; and
- * informing their ANU RCM and/or supervisor of their progress including any changes in their circumstances during the return to work.

11. A workplace rehabilitation provider (WRP) is an external rehabilitation provider approved by Comcare who provides return to work services. WRP responsibilities include:

- * providing expert, objective advice to the RCM to assist the timely, safe and durable return to work of an injured employee;
- * undertaking a rehabilitation assessment to determine an employee's capacity to undertake a rehabilitation program;
- * documenting the findings of the rehabilitation assessment and where required, developing a rehabilitation program in consultation with the employee, manager, treating medical practitioner and the RCM; and
- * monitoring the rehabilitation program and providing support and guidance to the injured/ill employee.

Initial referral for rehabilitation

Work related injury or illness

12. Staff who have sustained a work related illness or injury, are to complete an online incident notification via the Workplace incident and hazard reporting tool as per [the WHS incident management procedure](#).

13. The RCM is the first point of contact with an injured staff member, following the submission of an online incident notification. The RCM makes telephone (or email if required) contact with the injured employee within one business day of notification.

14. For University staff members with a minor work-related injury, reimbursement of injury costs can occur through the early intervention funding assistance program. Full details are available in the [early intervention assistance guideline](#).
15. Staff with a work related injury or illness are able to submit a workers compensation claim. Full details can be found on the University [injury management](#) webpage.

Non-work related injury or illness

16. Staff with a non-work related injury or illness can contact WEG directly to request assistance by emailing injurymanagement@anu.edu.au. A request for assistance can also be received from the staff member's supervisor, or a human resource practitioner. Refer to the [Management of non-work related injury and illness procedure](#).

Rehabilitation assessment

17. A rehabilitation assessment can be considered as a required action as part of the return to work process, to be arranged by the RCM.
18. The purpose of a rehabilitation assessment is to provide the RCM with an expert, impartial and informed written opinion about whether an employee is capable of undertaking, or continuing to undertake, a rehabilitation program. Where the employee is assessed as being capable, the RCM may then determine a rehabilitation program.

Rehabilitation program

19. A rehabilitation program is a structured series of planned activities with the primary aim of returning staff members to their pre-injury employment, or as near as possible in the circumstances. Rehabilitation programs can also be developed for former employees in receipt of workers' compensation, where the RCM determines this is appropriate.
20. Staff members with a reduced working capacity as certified by a medical practitioner, can be required to undertake a rehabilitation program. For those staff with an accepted workers compensation claim, this will be in accordance with the SRC Act.
21. The rehabilitation program is developed, reviewed and updated by the RCM or a WRP in consultation with the injured staff member, their treating doctor, the RCM and the supervisor.
22. A rehabilitation program includes:
 - * a return to work (RTW) plan;
 - * an outline of the rehabilitation goals and time frames;
 - * the services and estimated costs of the WRP (if one has been engaged);
 - * responsibilities of all parties in relation to the employee's rehabilitation; and

- * mechanisms for regular review against the rehabilitation program's goals and targets.

Return to work plan (RTWP)

23. A RTWP for the injured staff member is included in the rehabilitation program and has the following elements:

- * complies with the return to work hierarchy, with a return to pre-injury duties and hours being the primary goal in the majority of programs for staff members;
- * is developed in consultation with the injured staff member, their treating doctor, their supervisor, the WRP Provider and the RCM;
- * considers workplace adjustment requirements;
- * is individualised, outcome based and clearly sets out the steps to be followed in achieving return to work;
- * recognises the existing skills, experience and capabilities of the injured staff member to enable suitable duties to be found;
- * considers retraining and redeployment only when it is not possible for the injured staff member to return to pre-injury duties; and
- * has a review date.

Workplace adjustments

24. Workplace adjustments may be required as part of the return to work process. These include:

- * physical: e.g. modifying workstations or sites to improve accessibility or providing additional equipment or tools;
- * technological assistance: e.g. speech recognition software;
- * work arrangements: e.g. adjustments to work hours, flexibility in hours worked and assistance with managing workloads;
- * adjustments to a job: e.g. modifying duties, work methods, additional training or modifying work patterns; and
- * attitudes of colleagues: e.g. providing information, coaching or training on how adjustments can support staff members.

Suitable employment

25. The University has a duty to take all reasonable steps to provide suitable employment to an injured or ill staff member, or to assist the staff member to find such employment.

26. The University assists injured staff members with obtaining suitable employment by following the return to work hierarchy.
27. In order to provide suitable employment and duties, the University may obtain reports from a WRP, or from relevant medical providers or specialists. These reports generally include information on the injured staff member's capability, fitness to work, training needs, and job prospects.
28. Where an employee has left the University and they have an active workers compensation claim, the University may arrange a rehabilitation assessment under section 36 of the SRC Act to provide an assessment of their capability to undertake a rehabilitation program.

Consideration for suitable duties

29. Suitable duties are a short term arrangement to assist the injured or ill staff member recover and are not considered a permanent employment arrangement. Suitable duties include:
 - * parts of the job that the injured staff member was doing before injury/illness;
 - * the same job, but on reduced hours; or
 - * different duties altogether.
30. When considering suitable duties, the suitable duties;
 - * meet medical restrictions such that the required duties will not aggravate the injured staff member's condition;
 - * are within the skills of the injured or ill staff member;
 - * are meaningful and comparable to the level at which the injured staff member was working prior to the date of injury or illness; and
 - * include any other relevant considerations.
31. The injured staff member and their supervisor are consulted in developing the return to work plan and suitable duties.
32. Suitable duties do not include work that is:
 - * not useful for the local area and its day-to-day business; or
 - * demeaning to the staff member and has no employment prospects.

Work trial

33. A work trial arrangement is a rehabilitation strategy for facilitating the successful return to work of an employee with an injury or illness.

34. Reasons for using a work trial may include:

- * rebuilding work skills, self-confidence and establishing work routines following a long absence from the workforce and/or loss of work skills due to sustaining a work-related injury;
- * work hardening, when an injured staff member is offered a program to improve their tolerance to physical or psychological work to allow a return to pre-injury work at their pre-injury employer, or placement with a new employer;
- * learning alternative work skills when a staff member is unable to return to work within the University and needs the opportunity to build new work skills, to improve their employment potential and increase their chances of being placed with a new employer; and
- * the employee has identified a new potential employer and a vacancy exists, and there is a need to create a working relationship with the potential new employer.

35. A work trial placement may be required in an alternate work area within the University when the home area is unable to provide suitable duties or the staff member is unable to return to their pre-injury job. When this occurs, the pre-injury work area is required to fund the injured staff member's salary while they are undertaking the work trial placement.

36. RCMs within WEG will identify employees who would benefit from participating in a work trial, based on capacity for work and job fit. This is conducted in consultation with all key stakeholders, including the WRP, if one is involved.

37. Criteria is established and documented by the RCM prior to the work trial commencing and includes:

- * medical clearance from the treating medical practitioner for the period of the work trial;
- * medical guidance in regards to functional capacity and work restrictions;
- * a suitable return to work goal with all parties in agreement;
- * monitoring arrangements, discussed with all parties and recorded; and
- * work trial agreement form to be explained and signed by all parties.

38. A work trial may be negotiated with another agency or alternative employer when suitable duties are not available within the University.

39. Specific responsibilities of key stakeholders for a work trial arrangement are detailed to follow.

The staff member :

- * adheres to the work trial to the best of their ability and complies with medical recommendations;
- * advises the RCM of any inability to attend for any part of the work trial—medical certificates will be requested;
- * advises the work trial supervisor and the RCM if an exacerbation of their injury occurs or a new injury is sustained during the work trial; and
- * adheres to work policies and practices as expected of a staff member of the host School/Area/employer.

The host School/Area/employer:

- * provides induction and training to the staff member appropriate to the position being undertaken;
- * provides feedback to the staff member on their progress and performance;
- * adheres to work health and safety (WHS) requirements as required for all staff;
- * is available to discuss the work trial with the RCM;
- * adheres to the agreement as outlined and signed by all parties and only modifies the agreement with prior consultation with all parties; and
- * contacts the RCM in regards to any concerns regarding the staff member's fitness for work.

The pre-injury/illness School/Area continues to pay the salary of the injured/ill staff member for the duration of the work trial following discussion and agreement.

The RCM:

- * monitors fitness for work;
- * provides support to the staff member and supervisor on the work trial and is available to discuss issues as they arise; and
- * oversees the staff members return to work including overseeing the involvement of the workplace rehabilitation provider (if applicable).

The WRP (if applicable):

- * negotiates and develops the work trial for the staff member;
- * monitors progress and liaises with all parties and recommends modifications to the work trial agreement as necessary; and
- * provides feedback to the RCM and reviews the program to ensure that the goals and objectives are being met.

Medical redeployment

40. If an ANU staff member is medically certified unfit to return to their pre-injury hours and duties due to a medical condition, medical redeployment is considered, subject to the approval of the Director Human Resources (DHR).
41. This process is facilitated in consultation with the relevant College or Division HR representative, the staff member's supervisor, and other relevant stakeholders as required.
42. In order for an ANU staff member to be considered for medical redeployment, the following criteria is met:
- * the staff member undergoes a medical examination; and
 - * a copy of the medical practitioner's report is provided to the delegate and the staff member.
43. Where the medical report states that the staff member is unable to perform their duties, and is unlikely to be able to perform them and/or resume them within 12 months:
- * the University will first determine whether it is possible to provide workplace adjustment before it takes any action;
 - * a risk assessment of redeployment options be completed; and
 - * if workplace adjustment is not possible, the University is to take action it considers reasonable under the circumstances to address the circumstances.

Cessation of return to work services

44. Return to work services are ceased when:
- * a return to pre-injury duties or optimum level of functioning in the workplace has been achieved;
 - * specialist rehabilitation provider services are no longer required; or
 - * return to work goals are no longer appropriate based on medical and treatment advice.
45. The RCM makes the decision to close a return to work program in consultation with the staff member, their supervisor and the NTD, then completes any administrative requirements to detail the rehabilitation outcomes that are achieved.
46. At closure, the RCM:
- * reviews the case with the staff member and their supervisor to review whether the program goals have been met; and

- * will reassess the staff member's circumstances and potential for further rehabilitation if a successful return to work has not been achieved. A further rehabilitation assessment and/or program may be determined by the RCM in the future if circumstances change related to the injury or illness.

Sources

Legal and other requirements
<u><i>Safety and Rehabilitation and Compensation Act 1988</i></u> (Cth)
<u><i>Disability Discrimination Act 1992</i></u> (Cth)

Document information

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