

UNITED PROTESTANT ASSOCIATION OF NSW LTD

Return to Work Program

[Draft for Consultation]

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1. PURPOSE

This Return to Work Program (“RTW Program”) describes the integrated processes United Protestant Association of NSW Limited (“UPA”) uses to facilitate the timely and safe return to work for Workers who have sustained a work-related injury or illness.

The RTW Program applies to work related psychological and physical injury, illness or disease. While some components and strategies may be applied differently, the general components of the RTW Program remain the same.

This RTW Program takes the meaning of a workplace injury to be an injury or illness to a Worker of which compensation is or may be payable as in the *Workers Compensation Act 1987*. The act defines an injury as.

Injury -

(a) means personal injury arising out of or in the course of employment,

(b) includes a disease injury, which means—

(i) a disease that is contracted by a Worker in the course of employment but only if the employment was the main contributing factor to contracting the disease, and

(ii) the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease, but only if the employment was the main contributing factor to the aggravation, acceleration, exacerbation or deterioration of the disease, and

(c) does not include (except in the case of a Worker employed in or about a mine) a dust disease, as defined by the Workers’ Compensation (Dust Diseases) Act 1942, or the aggravation, acceleration, exacerbation or deterioration of a dust disease, as so defined.

The RTW Program uses the definition of a ‘Worker’ from s4 of *Workplace Injury Management and Workers Compensation Act 1998* being “a person who has entered into or works under a contract of service or a training contract with UPA (whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, and whether the contract is oral or in writing).”

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2. LEADERSHIP AND COMMITMENT

2.1. Introduction and Commitment from UPA

UPA is steadfast in its commitment to safeguarding the well-being of its Workers and ensuring compliance with both moral principles and legal obligations when addressing workplace injuries or illnesses. We actively foster a positive culture that promotes employee recovery and strive to provide suitable employment opportunities to facilitate the return to health for injured workers.

Additionally, our dedication extends to minimising risks and eliminating harm in our workplaces. This is accomplished through the implementation of a robust Work Health and Safety Management System (WHSMS), which guarantees a safe environment not only for our Workers but also for anyone affected by UPA's activities. Our RTW Program plays a crucial role in this process by encouraging prompt reporting, notification, and thorough investigation of workplace incidents, aligning with the requirements of our WHSMS.

UPA is responsible for ensuring that an effective, systematic and equitable approach to injury management is developed, implemented, communicated and reviewed. This RTW Program is a requirement under the *Workplace Injury Management and Workers Compensation Act 1998*. It has been developed to be consistent with, and to meet the requirements of a Workplace Return to Work Program as detailed in SIRA's published, *Guidelines for workplace return to work programs*.

2.2. Injury and Illness Prevention

At UPA, we recognise that achieving a safe and healthy working environment requires a multifaceted approach that places collaboration and consultation at its core. The Injury Management Program is intricately linked to our WHSMS. It serves as a critical component within our broader safety framework, ensuring that the principles of prevention and rehabilitation are seamlessly integrated. By aligning our Injury Management Program with the WHSMS, we not only prioritise the well-being of our Workers but also enhance the overall safety culture within the organization. This integration allows us to proactively identify and address workplace hazards and risks while also providing comprehensive support and resources to injured employees. Through this cohesive approach, UPA demonstrates its commitment to maintaining a safe and healthy working environment and ensuring that all aspects of our operations are conducted with the utmost regard for the safety and well-being of our workforce.

To realise our commitment, we foster a culture of open communication and active participation. We firmly believe that our employees are the most valuable assets, and their insights and experiences are invaluable in identifying and addressing potential risks. Regular consultation with Workers across all levels of the organisation is an essential element of our strategy. We encourage employees to voice their concerns, provide feedback, and contribute to the continuous improvement of our safety measures. This collaborative approach ensures that safety policies and procedures are not just top-down directives but a collective effort that benefits from the wisdom of our entire workforce.

Furthermore, we actively engage in collaboration with external experts, industry peers, and relevant regulatory bodies. We stay informed about the latest advancements in safety practices and continually adapt our protocols to align with industry standards and best practices. Collaboration also extends to partnerships with healthcare providers and rehabilitation specialists to support injured Workers in their recovery and return to work journey.

Our commitment to consultation and collaboration is not limited to compliance with legal obligations. It is ingrained in our organisational DNA. By actively engaging with our employees, industry stakeholders, and external experts, we ensure that our safety initiatives are robust, relevant, and driven by a collective effort to maintain a safe and healthy workplace. This approach not only safeguards our employees but also underscores our commitment to the broader community and our dedication to excellence in all aspects of our operations.

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2.3. Reviewing Work Health and Safety (WHS) Policies and Procedures

UPA conducts regular reviews of our Work Health and Safety (WHS) policies and procedures to ensure they remain effective and compliant with evolving regulations and industry best practices.

- **Regular Scheduled Reviews:** UPA conducts a comprehensive review of WHS policies and procedures on an annual basis. This routine assessment helps ensure that policies are up to date and continue to address relevant risks and compliance requirements.
- **Triggered Reviews:** Reviews of WHS policies and procedures are triggered by significant events including workplace incidents or accidents, changes in legislation, new technologies or processes, or whenever there's a major organisational change, like expansion, acquisition, or restructure.
- **Employee Feedback:** UPA encourages employees to provide feedback on WHS policies and procedures regularly. The input of UPA employees is valuable in identifying potential improvements and addressing emerging safety concerns.
- **External Audits:** UPA is committed to undertaking periodic external audits or assessments by independent experts to provide an objective evaluation of our WHS practices. These audits can help identify areas for enhancement and improve our risk maturity.
- **Continuous Improvement:** UPA fosters a culture of continuous improvement within the organisation. Whenever new information, technology, or safety measures become available, we assess their relevance and integrate them into our policies and procedures as needed.

The goal of these reviews is to ensure that WHS policies and procedures align with the specific and evolving risks and needs of UPA, comply with regulatory requirements, and promote a safe working environment. Regular and proactive reviews help UPA adapt to changing circumstances, prevent incidents, and demonstrate a commitment to employee safety.

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1. WORKPLACE ARRANGEMENTS

1.1. Return to Work Coordinator (RTWC)

UPA has a dedicated injury management team which includes accredited Return to Work Coordinators (“RTWCs”) to facilitate the return to work process and planning.

The details of UPA’s Return to Work Coordinators are provided below:

Position	Name	Contact Number
Acting Manager, Workers’ Compensation and Workplace Safety	Chris Jamieson	0400 886 451
Acting Advisor, Injury Management & Return to Work	Jazmyne Huntley	0422 269 242

There is also a centralised inbox for all workers’ compensation and workplace health and safety matters below:

Workers’ Compensation and Workplace Safety Inbox	whs.co@upa.org.au
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The RTWC has authority to represent and make decisions on behalf of UPA in relation to the following:

- Compiling the initial notification information.
- Coordinating the worker's recovery at work, including identifying suitable work opportunities.
- Preparing, monitoring and reviewing a recover at work plan (in consultation with key parties) that documents the worker's capacity and the duties available.
- Liaising with external stakeholders, such as the nominated treating doctor, insurer, treatment providers, union and workplace rehabilitation provider.
- Implementing the RTW Program.
- Supporting the redeployment of Workers (internally or externally) into suitable work when they cannot return to their pre-injury duties.
- Keeping injury and recover at work statistics.
- Keeping confidential case notes and records in line with laws and guidelines.
- Promoting the health benefits of good work to the workforce.
- Contributing to the improvement of relevant policies and systems.

Adequate information, instruction and training is provided to injury management personnel to ensure they are competent. Key strategies include, but are not limited, to:

- RTW Coordinators complete appropriate training provided by SIRA and maintain accreditation as a RTW Coordinator.
- UPA RTW Program and EML Injury Management Program (IMP) are provided to injury management personnel who are instructed in their use.

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1.2. Nominated Agent (EML)

UPA has selected EML as the icare third party claims administrator (TPA), or nominated agent, to support the management of workers' compensation claims for UPA Workers/

The contact details for EML are outlined below:

Phone	NSW (02) 8251 9000 or 1800 469 931 (toll free)
Email	piclaims@icare.nsw.gov.au
Address	GPO Box 4143, SYDNEY NSW 2001

1.3. Nominated Workplace Rehabilitation Providers

In some instances, it may be necessary to engage the assistance of a SIRA approved rehabilitation provider to support an workers' recovery and return to work. Workplace Rehabilitation Providers may be engaged for a one-off service, or they may be engaged to assist with the day-to-day injury management of complex cases.

Circumstances where rehabilitation provider is engaged might include:

- Where a Worker has complex needs.
- A Worker is likely to have an extended period of total incapacity for work.
- An assessment of Workers capacity may be required to identify suitable employment and duties.
- The Worker is unlikely to return to preinjury duties.
- An assessment of work experience or skills is required to assist redeployment.

UPA will work closely with any SIRA approved Workplace Rehabilitation Provider to ensure the safe, timely and durable return to work of Workers following a workplace injury or illness. This includes ensuring and facilitating reasonable access for Workplace Rehabilitation Providers to access UPA sites for the purpose of planning and monitoring a worker's return to work and ensuring that Workplace Rehabilitation Providers understand the unique needs and arrangements of UPA, which will primarily be facilitated by the RTWCs with on-site support.

A list of UPA's preferred Workplace Rehabilitation Providers is outlined below:

SIRA Approved Rehabilitation Providers	Extension / Telephone Number
Rehab Management	1300 762 989
The Procure Group	1300 000 724
The Rehabilitation Company ("rehab co")	1300 575 652
Rehab Life	1300 425 494
Strategic Rehab Solutions	(02) 9440 4988

A full list of rehabilitation providers is available on the SIRA website ([link here](#)).

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A Worker may be permitted to refuse or request a change to their approved Workplace Rehabilitation Provider. Requests to refuse or change an approved Workplace Rehabilitation Provider must be notified to EML and will be reviewed on a case-by-case basis and agreed between EML and the Worker.

1.4. Consultation and Collaboration

UPA's approach to work health and safety, injury management, and return to work is centred around consultation and collaboration. Our core belief is in the power of working together, particularly when assisting injured or ill Workers in their journey back to work.

We prioritise teamwork and seek collaborative solutions in all aspects of our operations, with a particular emphasis on supporting the return to work process for our employees who have experienced injuries or illnesses.

UPA ensures effective consultation through several mechanisms. These include:

- **WHS Committee Meetings:** the principal consultation forum for matters relating to workplace safety are the UPA WHS Committee meetings. WHS Committees are also part of UPA's return to work and injury management consultative framework, particularly when developing, monitoring and reviewing the RTW Program and injury management procedures.
- **Policy Alerts:** policy alert emails are sent to UPA staff to ensure they are aware of any changes made to UPA policies and procedures. For the RTW Program, all staff policy alert emails are sent to UPA Workers to notify of changes made and provide a period of consultation prior to approval.
- **Intranet:** UPA maintains a Policy Library on the intranet which is accessible to UPA staff. The RTW Program, as well as other relevant documentation relating to WHS, injury management and return to work are housed in the Policy Library section of the intranet for staff to access.
- **Stakeholder Engagement:** when updating the RTW Program, UPA engages and consults with the relevant industrial union representing UPA workers. Consultation with the union occurs by email and allows a reasonable time period for the union to consult with their members prior to providing feedback to UPA on any changes made to the RTW Plan.

Workers may also be consulted on the RTW Program via new staff inductions, toolbox talks, notice boards, staff newsletters and other modes of communication between UPA and its Workers.

UPA not only seeks consultation for the RTW Program but also upholds a collaborative and consultative stance throughout the return to work process, including the formulation of Recover at Work Plans for employees. UPA is committed to maintaining ongoing dialogue, transparent communication, and mutual respect when engaging with workers, their representatives, and treating practitioners. This dialogue encompasses discussions related to rights, responsibilities, and the logistics of returning to work, including the provision of suitable tasks and the overall management of rehabilitation efforts. After each treatment review with the Nominated Treating Doctor, as well as during the preparation and evaluation of Recover at Work Plans, UPA ensures that consultation takes place involving the injured worker, their Supervisor, and the RTWCs.

1.5. Training

Training staff in UPA's RTW Program is of paramount importance as it fosters awareness about workplace safety and the organisation's commitment to rehabilitation and a seamless return to work process. Such training not only equips employees with the knowledge and skills necessary to prevent accidents and injuries but also ensures they understand the company's procedures and support mechanisms in case of workplace incidents.

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Induction:

During the induction process, UPA Workers receive information and instruction about injury management and the RTW Program. Key areas covered during induction include:

- Incident and claims reporting requirements.
- An overview of the injury management process including early intervention strategy of early reporting.
- Dispute resolution process and grievance procedure.

Ongoing training:

By investing in staff training, UPA demonstrates its dedication to employee wellbeing and minimises potential risks, ultimately leading to a safer, more productive, and harmonious work environment. This proactive approach promotes a culture of responsibility, collaboration, and swift recovery, benefiting both employees and the company as a whole.

Workplace safety, injury management and return to work form part of UPA’s approach to ongoing training and development of staff. Training and development is an ongoing process but ensures that residents are cared for by highly trained, confident staff with sufficient resources and time available for them to fulfill their roles effectively.

Education following and injury or illness:

If a workplace injury or illness occurs, UPA's RTWCs provide initial guidance to both the Worker and their Manager / Supervisor when the claim is initiated, and they continue to offer ongoing educational assistance throughout the duration of the claim. Moreover, when EML furnishes an updated Injury Management Plan, it serves as a reinforcement for the Worker, UPA, and other pertinent stakeholders, reminding them of their individual rights and responsibilities.

1.6. Review

This RTW Program will be reviewed in consultation with Workers and their representatives via the consultation methods outlined in the RTW Program every 2 years or as otherwise needed due to factors including, but not limited to, legislative and regulatory changes and / or changes in the management of workplace safety, rehabilitation and return to work at UPA.

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2. RIGHTS AND OBLIGATIONS

2.1. UPA Employees (as the “Worker”)

Workers have obligations under the legislation which includes, however is not limited to:

- Engage in safe work practices to prevent workplace injuries to themselves and co-workers.
- Notify UPA of an injury or illness within the workplace as soon as practicable (information on how to notify an injury is included in Section 3 of this RTW Program).

Workers must also comply with obligations defined by the EML Injury Management Program to enable proactive case management and injury management to commence as soon as possible, which are outlined below.

After a workplace injury:

Workers are encouraged to participate proactively to enable case management and injury management to commence as soon as possible. Such actions include:

- Actively engage with the Case Manager and UPA (RTWCs and their Manager / Supervisor) to facilitate recovery at work.
- Participate and cooperate in the establishment of an Injury Management Plan if the injury is significant.
- Designate a Nominated Treating Doctor to direct medical management and participate in Injury Management and Recovery at Work or Return to Work Planning.
- Participate with Recovery at Work obligations and make reasonable efforts to return to work in suitable employment or pre-injury employment at the worker’s place of employment or at another place of employment.
- Authorise the Nominated Treating Doctor to provide all relevant information to the Case Manager or other key parties.

Throughout the life of the claim:

- Keep the Case Manager and UPA (both the RTWCs and the Manager / Supervisor) informed of progress and report changes in capacity for work immediately.
- Adhere to the capabilities listed on the Certificate of Capacity as recommended by their Nominated Treating Doctor (or appropriately qualified persons) both at work and away from the workplace.
- Report any issues with the Injury Management Plan or Suitable Employment provided immediately to UPA, Case Manager and if required the Workplace Rehabilitation Provider.
- Attend relevant appointments with Medical Practitioners, Treatment Providers and Workplace Rehabilitation Providers for any medical examinations or assessments arranged.
- Actively participate in assessments for the determination of capacity for work.
- Seek suitable employment with an alternative Employer if medical evidence and/or certified capacity does not support a return to pre-injury duties.
- Contact their Case Manager before starting any new treatment or requesting payment for medical services, to seek approval that it is reasonably necessary if required (noting some services are preapproved).

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Following the report of a workplace injury or illness, a UPA injured Worker is notified of their rights, responsibilities and obligations in writing via the Injured Worker Information Pack which is distributed by the RTWCs as part of the initial contact.

In addition to their obligations, Workers also have the right to:

- Nominate their own treating doctor.
- Employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury employment.
- Be consulted and involved in identifying suitable work and developing their recovery at work plan.
- Privacy and confidentiality.
- Access mechanisms for resolving complaints and disputes.

2.2. UPA (as the “Employer”)

UPA is deeply committed to exceeding its obligations as an employer when it comes to Worker rehabilitation and return to work. We prioritise the well-being of our employees by providing comprehensive support and resources to ensure a smooth recovery process.

As an employer, UPA has the obligation to:

- Ensure the health, safety and welfare of all Employees at work.
- Participate and comply with the requirements of EML’s Injury Management Program.
- Establish our own Recovery at Work and RTW Program in accordance with SIRA requirements and make details available to all Employees.
- Review and update our own RTW Program at least every two years to ensure it is amended in accordance with any potential legislation changes.
- Maintain a ‘Register of Injuries’ in which Workers record details of work-related injuries.
- Appoint a trained RTW Coordinator with the necessary qualifications, authority and resources to negotiate, develop and implement RTW policies and procedures and advise us of the contact details of that person.

When an injury occurs:

- If a serious incident occurs notify SafeWork NSW immediately.
- Within 48 hours of an incident, notify the work-related injury or illness to a Worker to EML by utilising online claim notification, phone, fax or hard copy claim form.
- Instigate and facilitate the rehabilitation process of a Worker.
- Work with EML to develop and provide a RTW Plan within 5 days of injury notification.
- Participate and comply with obligations of the Worker’s Injury Management Plan issued by EML.
- Provide suitable work (as far as reasonably practicable) when a Worker is able to return to work, either on a full time or part time basis.
- Provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury.

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- Collaborate with the Worker, Case Manager, and any other Third Party Service Provider to provide suitable work options in accordance with certified work capacity.
- Understand the rights and responsibilities of all Stakeholders.
- If unable to provide suitable employment, to a Worker who has the capacity for work, notify our Case Manager immediately so that EML can provide further assistance.
- Adhere to the relevant privacy laws when collecting and handling personal information of Workers.
- Retain accessible records of all relevant communication with key Stakeholders.

In addition to the minimum obligations included in the EML Injury Management Program outlined above, UPA is also committed to:

- Ensuring appropriate resources and contingencies are available and in place for the recovery and RTW of injured workers.
- Providing Workers with clear, relevant and accurate information at the right time and in the right manner, about the RTW and injury management process, including information on their rights, entitlements and obligations.
- Protecting and respecting the confidentiality of Worker personal and health information, and ensure their information is managed in accordance with their informed consent.
- Providing Workers with convenient and timely access to their personal and health information.
- Providing information, instruction and training to Managers, Supervisors, Workers, and specialist staff to enable them to understand and fulfil their roles and responsibilities.
- Promoting the health benefits of work and encourage active participation of Workers and Managers in RTW and injury management plans and programs.
- Respecting a Worker’s right to advocacy and support.
- Undertaking regular monitoring and review of the RTW Program to ensure effectiveness and continual improvement.

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In addition to UPA and its workers, the RTW Program also outlines the obligations of the worker’s support team below.

2.3. icare and EML

icare has the responsibility to ensure the consistent, fair and equitable management of workers’ compensation claims, and the early intervention and effective recovery and return to work of Workers who have suffered work related injuries and illnesses.

The day-to-day management of claims is managed by EML on behalf of icare. EML has responsibilities and obligations when managing claims under the workers’ compensation legislation and to the State Insurance Regulatory Authority (SIRA) Standards of Practice. These include:

Helping everyone to understand their obligations and EML do this by:

- Establishing an Injury Management Program and keeping it up to date in accordance with legislative requirements.
- Making sure the Injury Management Program is available to all Stakeholders.

EML do this through consultation and communication with all Stakeholders throughout the life of the claim:

- Within three working days of being notified that a Worker has sustained a significant injury (where they are unable to perform their pre-injury duties for a continuous period of more than 7 days), contact the Employer, Worker and (where necessary) the Nominated Treating Doctor to discuss the claim. Subsequently, EML must develop an Injury Management Plan tailored specifically for the Worker in line with timeframes outlined in this Injury Management Program.
- Consult with the Worker, Employer and Nominated Treating Doctor as well as any required Third Party Service Providers in the development of the Worker’s Injury Management Plan.
- Provide the Worker, Employer and Nominated Treating Doctor as well as any required Third Party Service Providers with information on the Injury Management Plan initially and as the plan progresses.

Inform the Worker of their rights and benefits under the scheme:

- Have procedures in place for a Worker to change their Nominated Treating Doctor and inform the Worker of these requirements.
- Consult with the Worker, Employer and Nominated Treating Doctor when referring to a Workplace Rehabilitation Provider. Advise the Worker that they can choose a Workplace Rehabilitation Provider and inform the Worker of the process to be followed when changing a Provider.
- Ensure Vocational Programs are used appropriately and provide Workers with assistance to obtain employment with a new Employer if it is identified that a return to pre-injury duties or provision of suitable work with the pre-injury Employer is no longer possible.
- Ensure accuracy of payment of weekly compensation payments in accordance with the pre-injury wage pattern as advised by the Employer and legislative requirements.
- Provide Workers with information about their weekly compensation payments and entitlements and how they may change over time, providing suitable notice of changes.

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2.4. Nominated Treating Doctor

The Nominated Treating Doctor is required to:

- Actively participate in the responsibilities outlined in the Worker’s Injury Management Plan.
- Support the Worker to return to, and where possible to recover at work, through appropriate clinical intervention and management.
- Contribute to collaboration with everyone involved in the Worker’s Recovery. This includes the Case Manager, the Employer, other treatment providers and the Workplace Rehabilitation Provider.
- Provide updated Certificates of Capacity in line with legislative requirements and at intervals not greater than 28 days (unless approval is provided by the Case Manager to exceed this duration).
- Provide Certificates of Capacity that accurately reflect the Worker’s capacity to work and what they can do.

2.5. Workplace Rehabilitation Provider

Workplace Rehabilitation Provider responsibilities are to:

- Assess a Worker’s capacity to perform duties or RTW safely.
- Identify duties which will support n Worker in their return to work and improve capacity.
- Identify strategies or mechanisms to reduce work demands where required.
- Provide advice on equipment, job or workplace modifications to support a Worker’s return to work.
- Identify risks and barriers to injured Worker’s return to work and develop strategies to address these.
- Implementing and monitoring a plan to achieve an agreed recovery at work goal.
- Communicate with relevant parties throughout service provision to ensure progress towards the RTW goal.

2.6. UPA Regional Manager / Facility Manager

The UPA Regional & Facility Managers responsibilities are to:

- Assist injured Workers to medical treatment or First Aid where required.
- Assist Workers report incident, injury or illness where required and undertake corrective actions to ensure safety of the workplace.
- Forward certificate of capacity to the UPA RTW Coordinator within 24 hours of receiving the documentation.
- Provide support for injured Workers and be actively involved in their recovery and RTW.
- Ensure support and assistance is provided to Workers during any absence from work or the workplace.
- Provide information and counselling to the injured Worker’s colleagues if required.
- Provide safe and suitable work duties for the injured Worker, and ensure the Worker is adequately supervised during the RTW.

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- Consult with the injured Worker’s colleagues regarding any workplace changes and support required for the injured Worker’s RTW and injury management plan, and ensure work colleagues’ cooperation whilst maintaining the confidentiality of Worker medical and health information.
- Keep the injured Worker’s personal / medical information confidential.

2.7. UPA Return to Work Coordinator

The UPA RTWC responsibilities are to:

- Provide health and well-being information and assistance to Workers under the RTW Program.
- Ensure the injured Worker is provided with a UPA Injured Worker Information Pack. If required, assist the injured Worker to complete UPA incident report forms and compensation claim forms.
- Ensure all claims completed by the Worker are forwarded to the Case Manager within 24 hours along with any relevant information.
- Ensure the Case Manager is informed of injured Workers whose first language is not English or where numeracy skills or cultural factors may hinder their understanding of the injury management process including recovery and RTW.
- Ensure appropriate and relevant information about the injured Workers details are collected and reported in the Injury Management System within designated time frames.
- Follow up with the injured Worker and their immediate family members in a timely and professional manner.
- Conduct an initial interview within 48 hours with the injured Worker and ensure the Worker has access to and is provided with early intervention recovery and return to work services.
- Ensure the injured Worker is aware of their rights and responsibilities with regard to the recovery and return to work process.
- Obtain written authority to exchange information and informed consent from the Worker to consult with the recognised health practitioner and other health practitioners.
- Liaise with the recognised health practitioner to ascertain further details of the illness/injury and capacity for work.
- Monitor the worker’s recovery progress and capacity to return to work.
- Liaise with the Senior Managers and Managers / Supervisors to facilitate suitable duties in line with any medical restrictions as confirmed by the recognised health practitioner.
- If the worker’s incapacity reaches 3 consecutive days or is likely to reach this, develop a Recover at Work Plan in consultation and collaboration with the injured worker, their Supervisor/Manager and any other parties as required.
- Take all steps, so far as practicable, to prevent further injury when the Worker returns to work.
- Ensure the Recover at Work Plans are implemented and monitored for further adjustments as required.
- Maintain accurate and confidential return to work records.

2.8. Unions

The Union’s responsibilities include:

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- Acting as a representative for the injured Worker with respect to their claim, at their request.
- Attendance at meetings related to the injured Worker's return to work, at their request.
- Provide general support and advice to the injured Worker.

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3. AFTER AN INCIDENT

Where a workplace incident causes injury or illness, the priority of UPA is to ensure the wellbeing and safety of the injured worker(s) and any other persons in the workplace who may be impacted or affected. First Aid and initial treatment/support will be provided immediately.

Providing First Aid:

The aim of First Aid is to:

- Preserve life.
- Prevent illness or injury from becoming worse.
- Relieve pain, if possible.
- Promote recovery.
- Protect the unconscious.

UPA provide First Aid kits and equipment in each worksite, marked by designated signs. First Aiders and First Aid kits are identified on noticeboards of each site and information on First Aid resources is provided to Workers at induction.

First Aid is accessible to all Workers through:

- Identification of requirement by a First Aider, or Supervisor or team member who alerts the First Aider and ensures attendance.
- Direct request from Worker to First Aider.
- Access to First Aid kits, identified by signs.
- Direct access to emergency eye wash stations and showers.

Notifying UPA of a workplace injury or illness:

Workers are required to report any workplace incident, injury, or illness as soon as practicable following the event to their Manager / Supervisor or directly to the UPA RTWCs. Initial notification may be verbally to a Manager / Supervisor and must be followed up by the Manager / Supervisor with a report on the UPA incident reporting system (Lee Care).

Workers, and Managers / Supervisors are provided training in incident notification, including how to record an injury in the incident reporting system (Lee Care), which acts as an injury register for UPA. Upon report of an injury or illness the UPA RTWCs are alerted through the incident management system or by the Manager/Supervisor and will contact the Worker as soon as possible (no later than two business days).

Notification of workplace injury or illness to EML / icare:

Under s44(2) of the *Workplace Injury Management and Workers Compensation Act 1998*, UPA must notify the insurer or the Nominal Insurer within 48 hours after becoming aware that a Worker has received a workplace injury in the Manager prescribed by the regulation. The *Workers Compensation Act 1987* defines an injury as meaning ‘a personal injury arising out of or in the course of employment’. Based on the legislation, wherever there is an injury to a Worker, UPA has an obligation to report it to EML within 48 hours of being notified.

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Notifiable and other injuries will be reported by the UPA RTWC in accordance with legislative and regulatory requirements, including internal and external reporting as required.

Reporting of notifiable and serious incidents:

In case of serious injury or illness, a death or a dangerous incident an immediate report must be made to SafeWork NSW on 13 10 50.

A number of key resources in understanding notifiable and serious incidents are provided below:

- Information on what constitutes a notifiable incident is provided through the Incident notification information fact sheet available [here](#).
- Notification of Covid related incident or injury can be made by online form [here](#).

If in any doubt call 13 10 50 for direct assistance from SafeWork NSW

UPA will also ensure that:

- First Aid is provided and the Worker gets the right care, including emergency medical attention where required.
- The incident site is not disturbed until an inspector arrives other than helping an injured person and ensuring safety of the site.
- The incident is recorded in the register of injuries.
- the UPA agent, being EML is notified.

Penalties apply for not notifying incidents. The maximum penalty for failing to notify is \$50,000 for a body corporate and \$10,000 for an individual.

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4. SUPPORT FOR THE WORKER

4.1. Initial Contact

In the initial contact meeting with the Worker (and where relevant and practicable their nominating treating doctor) to undertake an initial needs assessment. In the initial needs assessment, the RTWC will:

- Provide the Worker with support and information on the return to work and injury management process.
- Answer any immediate questions the Worker or their treating doctor may have.
- Clarify the nature and cause of the injury / illness and any treatment undertaken or proposed.
- Inform the Worker of their rights, ensure they are aware of pathways for complaint and dispute resolution, discuss and obtain informed consent with respect to medical and health information.
- Inform the Worker of the types of health information that may be released or exchanged under informed consent, such as any electronic or paper-based information or opinion about the worker’s physical or psychological health, treatment, rehabilitation, retraining, claims and injury or employment management practices.
- Ensure the Worker understands the roles authorised to exchange and release information under informed consent, including UPA the employer, the nominated claims Manager, RTWC, Workplace rehabilitation providers, Nominated Treating Doctor and other allied health professionals.
- Complete an initial needs assessment form which identifies and assesses:
 - Any immediate needs to assist Worker recover, return or stay at work.
 - Requirement for specialised services, medical treatment or external rehabilitation.
 - Any supports required to the Worker at home at work.
 - Any cultural or linguistic needs.
 - The likelihood of significant injury / illness (incapacity extending beyond one week) and the need for an Injury Management Plan.
- Inform Worker of their rights to make a claim, and provide any assistance or support required to do so.
- Provide the Worker with a UPA Injured Worker Information Pack which includes:
 - Authority to Obtain Information (Worker Consent) Form.
 - A letter containing key information including a link to the RTW Program and key contact list.
 - A Claim Form.
 - icare Expense Reimbursement Forms
 - A quick guide to Workers compensation: a guide for workers

4.2. Information Exchange & Worker Informed Consent

The RTWC is required to gain informed, written consent from the injured Worker to obtain, use and disclose injury management information. Informed consent is where a Worker is given all the relevant information before consenting to the release and exchange of information. It aims to ensure that the Worker understands the benefits of providing consent and the risks of not doing so. This is done in accordance with Standards of Practice Standard 1: Informed Consent. www.sira.nsw.gov.au/Standards-of-Practice-April-2022

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As part of our approach to obtaining and releasing personal information relating to the rehabilitation and return to work of a Worker following a workplace injury or illness, UPA will:

- only collect personal and health information that is relevant and necessary to manage a Worker’s recovery at work and facilitate the Workers compensation claim.
- only use and disclose information for the purpose for which it was collected.
- keep any information collected separate from other personnel records.
- take reasonable steps to protect personal information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately.
- allow Workers to access their information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person’s life or health.

Workers will be informed of the benefits of information exchange and the associated benefits, rights and obligations during initial contact by the RTWC. Any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring a Worker’s recovery at work.

4.3. Suitable Duties

'Suitable duties' refer to tasks that align with the injured worker's current abilities and are intended to support their recovery following a work-related injury or illness. These duties are consistently offered in accordance with s49 of the *Workers Compensation Act 1987*.

The primary objective following an injury is to enable the injured Worker to return to their pre-injury duties. UPA is firmly committed to providing suitable duties to injured workers, whenever feasible, to facilitate their recovery at work, even in cases where a claim is under dispute.

It is important to note that suitable duties are offered on a temporary basis and are specifically designed to aid the Worker's recovery while not implying a permanent alteration in their employment conditions. UPA ensures close and regular monitoring of the provided suitable duties, with a proactive approach towards gradually reinstating pre-injury work hours and responsibilities, when deemed appropriate.

Various methods, such as the following, may be employed to provide suitable employment:

- Parts of the pre-injury role that can still be performed safely.
- Full time or reduced work arrangements (days and hours.).
- Workplace and / or task modification.
- Different duties in the same facility / program / work area and / or different area.
- Ability to work from an alternative location or at home.
- Special projects, as identified. and/or training opportunities. and
- A combination of the above.

The RTWC in consultation with the injured worker, their Manager / Supervisor and / or Workplace Rehabilitation Provider will identify the availability of suitable duties based on the:

- Worker’s capacity for work.

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- Demands and nature of the work tasks.
- Work tasks being the most direct path back to suitable employment.
- Availability of the tasks being reasonably practicable.
- Travel times and mode of transport to the workplace. and
- Goal of ultimately returning injured Workers to their pre-injury duties.

UPA shall make all offers for suitable duties to the injured Worker in writing via the Recover at Work Plan.

If suitable work cannot be identified at UPA, then consideration may be given to a work trial to access suitable work with an alternative / host employer. This would be undertaken with the assistance of a workplace rehabilitation provider and in consultation with all involved parties.

4.4. Weekly Payments

Where a Worker requires time away from work as a result of their workplace injury, weekly payments will be made in accordance with legislative requirements. EML will advise UPA and the Worker of their entitlement to weekly payments. Once a decision has been made to commence weekly payments of compensation on the claim, timely and accurate payments will ensure Workers can focus on their recovery and return to work.

The Case Manager will communicate the PIAWE figure to the Worker and Employer in writing. This letter will outline the liability decision, the Worker's PIAWE, their current entitlement, how current payments are to be calculated, when payments are to be made and who will make the payment to the Worker. If the Worker is entitled to weekly benefits payments will be made in accordance with UPA's regular payroll processes.

Please refer to EML's Injury Management Program on how PIAWE is calculated.

4.5. Other Payments

In accordance with section 264(3) of the *Workplace Injury Management and Workers Compensation Act 1998*, where UPA has received compensation money from an insurer we must, as soon as practicable, pay the money to the person entitled to the compensation.

Pursuant to section 69(1)(c) of the *Workplace Injury Management and Workers Compensation Act 1998*, UPA will not refuse or delay passing on entitlements to a Worker. UPA understands that penalties apply for failure to adhere to this requirement.

4.6. Significant Injury

If a Worker is or is likely to be off work for seven or more consecutive days, the injury will be deemed a significant injury. In line with the EML Injury Management Program, the Case Manager will develop an Injury Management Plan in collaboration with the worker, UPA and the Nominated Treating Doctor.

The EML Injury Management Program is accessible on the UPA intranet.

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1. RECOVERY AT WORK

1.1. Developing and Maintaining a Recover at Work Plan

UPA recognises and believes in the importance of remaining in the workplace in any capacity to help a Worker recover from illness and injury. Evidence supports that staying away from work can result in Worker depression, isolation and delayed recovery.

Where a Worker has capacity to stay at or return to work in suitable employment, the RTWC will start the return to work process in consultation with the UPA Manager / Supervisor, Worker and Nominated Treating Doctor, as early as possible following notification of an injury.

Even where a Worker has no current capacity, a graduated Recover at Work Plan may be developed to look at opportunities for the Worker to return to work, and any modifications to the workplace which may be required. A Recover at Work Plan is a written, agreed and time limited plan stating suitable duties, restrictions, hours worked, supervision arrangements including steps that will be taken to help the injured Worker return to work, and is not contingent on an injury being significant, or on liability being determined.

The RTWC will commence by working to understand exactly what work the injured Worker can do, through consultation with Nominated Treating Doctors, the injured Worker and with reference to certificates of capacity.

Once an injured worker's capacity and needs are understood, including any modifications required to work or the workplace, the RTWC will collaborate with the Worker and their Manager / Supervisor to identify meaningful suitable duties, as close as possible to the Worker's pre-injury duties.

The RTWC will develop a Recover at Work Plan with the worker, and where practicable, their Manager / Supervisor and Nominated Treating Doctor.

The Recover at Work Plan will include:

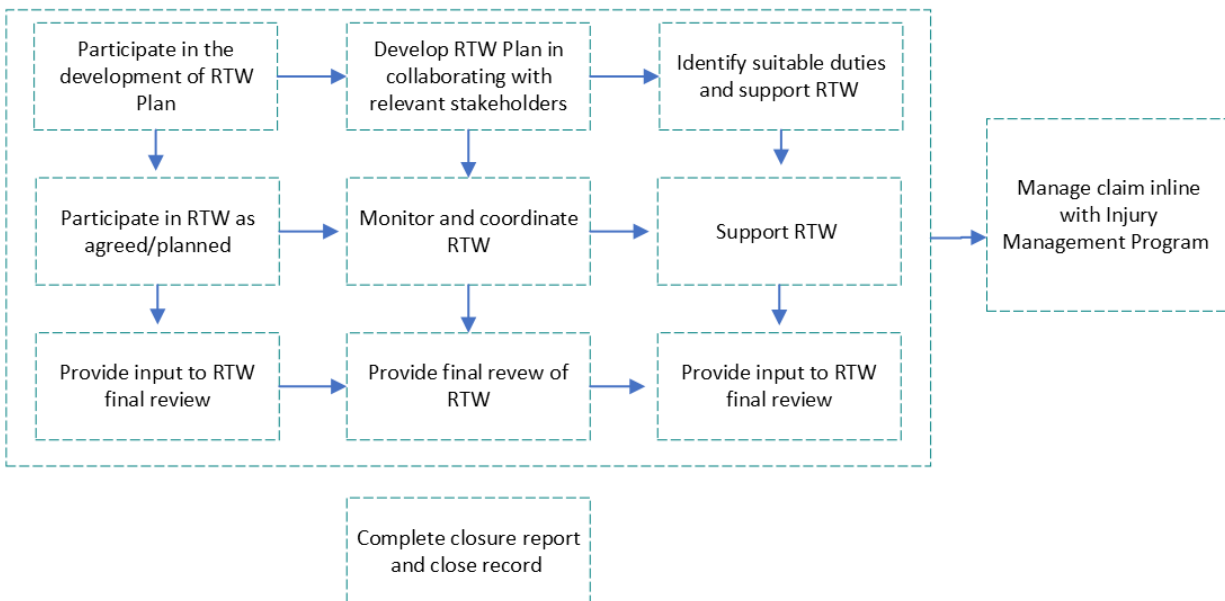
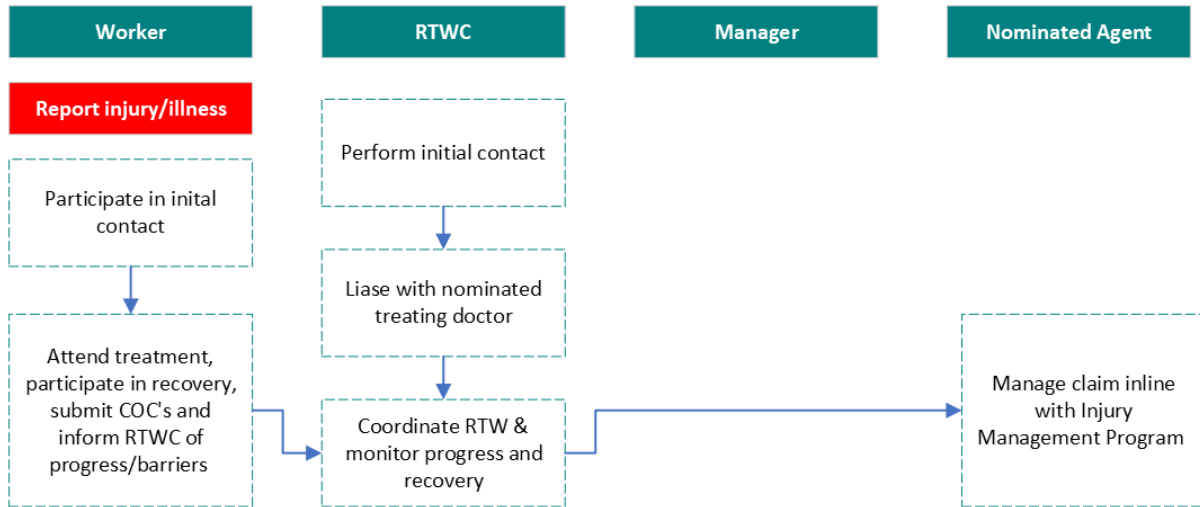
- The worker's pre-injury duties.
- The worker's recover at work goal.
- Details of the Workers current capacity taken directly from Certificate of Capacity.
- Treatment arrangements.
- Details of suitable work that is available and any modifications required.
- A commencement and review date for the plan.
- Agreement to the plan by the Worker and their Supervisor.

The plan must be signed by the Worker and their Manager / Supervisor.

Copies of the plan will be provided to the worker, the Nominated Treating Doctor and any other treatment providers.

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1.2. Return to Work process overview



1.3. Dismissal of an Injured Worker

Under s248 of the *Workers Compensation Act 1987*, an employer of an injured Worker who dismisses the Worker is guilty of an offence if:

- the Worker is dismissed because the Worker is not fit for employment as a result of the injury, and
- the Worker is dismissed during the relevant period after the Worker first became unfit for employment.

If a Worker is no longer able to complete the inherent requirements of their pre-injury role due to a work-related injury or illness, where possible, UPA may consider making permanent adjustments to the Worker’s substantive role to better suit their medical capacity.

However, if a Worker is dismissed by UPA because of a work-related injury and while incapacitated for pre-injury employment, the Worker may apply to UPA to be reinstated on production of a medical certificate stating they are now fit for employment. If UPA replaces the Worker within two years of dismissing them, the replacement Worker must be informed by UPA that the dismissed Worker may be entitled to be reinstated to their role.

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2. DISPUTE PREVENTION AND RESOLUTION

Dispute prevention and resolution play a pivotal role in ensuring a worker's smooth return to work following a workplace injury. Having well-defined procedures and guidelines in place is essential to address any potential conflicts or misunderstandings.

It is crucial to understand that disputes can impede the rehabilitation process and hinder an employee's return to work, causing both personal and organisational hardships. To mitigate these challenges, Workers should be aware of the various options available to them for dispute resolution. These mechanisms not only empower individuals to voice their concerns but also provide a structured and equitable means of finding resolutions, ultimately promoting a more harmonious and effective return to work experience.

Our claims grievance process is underpinned by the key principles of honesty, confidentiality and fairness. The main objectives of the process are:

- To ensure a grievance or complaint is handled promptly, confidentially, and fairly.
- To find a resolution to the grievance or complaint that minimises any detriment to ongoing working relationships and avoids allocating blame.

In the first instance:

The RTWC must be immediately made aware of any (potential or actual) issue or conflict in the workplace relating to an injured Worker's recovery at work. The RTWC will consult each party involved to determine the cause of the issue or conflict and seek a resolution. This may include informal discussions and clarification, modifications to the Recover at Work Plan or workplace, case conferencing, mediation and / or identifying the need to refer to a Workplace Rehabilitation Provider.

Escalating the dispute within UPA:

If unable to be resolved with the RTWCs, Workers are encouraged to raise any issues at an early stage to their Manager / Supervisor. This action allows UPA to make all reasonable efforts to resolve any dispute or conflict quickly and effectively. If the matter is unable to be resolved by the Worker's Manager / Supervisor, internal complaints will be managed in line with UPA's Conflict Resolution and Grievance policy.

Escalating the dispute within EML:

A dedicated Case Manager or Primary Contact is the first point of contact for all enquiries, concerns, or complaints. If the initial response is not satisfactory, EML encourage further formal contact using one of the following options:

Email: info@eml.com.au

Telephone: NSW (02) 8251 9000 or 1800 469 931 (toll free)

Mail: Feedback Officer c/o- GPO Box 4143, SYDNEY NSW 2001

Internet: www.eml.com.au Click on 'Contact Us' and then 'Feedback'

If the workers' compensation claim, or any aspect of the claim is disputed by EML, the Worker has the opportunity and right to request a review of the decision. Information on how to request a review will be included in EML's written notice of the decision to the Worker.

Escalating the dispute externally:

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If Workers are dissatisfied with the outcome of a formal complaint, they have the right to lodge a complaint with the SIRA and the Independent Review Office. Applications may also be made to the Personal Injury Commission, an independent tribunal that helps resolve worker's compensation disputes between workers, employers and / or insurers.

The details for each are outlined below:

Body	Description	Contact
Independent Review Office (IRO)	IRO is an independent statutory office whose role includes dealing with complaints, as well as managing the provision of legal assistance to injured workers.	13 94 76 www.iro.nsw.gov.au
State Insurance Regulatory Authority (SIRA)	State Insurance Regulatory Authority (SIRA) regulates the Workers Compensation system in NSW and provides information to insurers, Workers and employers on the rights, roles and obligations of everyone involved in the Workers Compensation system.	13 10 50 www.sira.nsw.gov.au
Personal Injury Commission (PIC)	The PIC is an independent statutory tribunal that resolves workers' compensation disputes between injured Workers and employers.	1800 742 679 www.pi.nsw.gov.au

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3. ADMINISTRATION

3.1. Record Management

All worker’s compensation, return to work and rehabilitation case records are kept confidential in accordance with the *Workplace Injury Management and Compensation Act 1998*, *Health Records and Information Privacy Act 2002 (NSW)*, *Privacy & Personal Information Protection Act 1998 (NSW)* and SIRA requirements.

UPA will respond to any request by the worker, or Worker representative, for information contained in their file within 10 business days from receipt of a request.

The injured Worker is responsible for providing consent to collect, share or disclose their personal health information in connection to the sustained workplace injury. This personal information is collected from relevant sources for the purpose of assessing and managing the Workers injury. The injured Worker has the right to withdraw or modify their consent and is provided information on the potential impact of withdrawing their consent.

Access to relevant information is confined to those who have a direct responsibility for coordinating, monitoring or providing services to assist in the RTW management and/or injury management process. The disclosure of this private information is done so in line with the worker’s consent.

All injury and return to work information is stored securely in our password protected Sharepoint system or if hard copies in locked cabinets, accessible only to persons directly responsible or involved in injury management.

Historical files related to injury management and return to work plans not captured Sharepoint will be stored, managed, and destroyed in line with the UPA’s Records Management Policy and Records Retention Schedule. Recover at work files will be stored for a period of seven years following the closure of a claim in a safe environment.

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VERSION CONTROL

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