

Assistance in developing workplace rehabilitation policy and procedures

Introduction

The *Workers' Compensation and Rehabilitation Act 2003* provides the meaning of Rehabilitation in **Section 40(1)** of the Act as;

A process designed to ensure the worker's earliest possible return to work or to maximise the worker's independent functioning.

Section 40(2) states that Rehabilitation includes:

- (a) necessary and reasonable –
 - suitable duties programs;
 - services provided by a registered person; or
 - services approved by an insurer; or
- (b) the provision of necessary and reasonable aids and equipment to the worker.

Section 43 of the *Workers' Compensation and Rehabilitation Act, 2003* goes on to detail the meaning of workplace rehabilitation as “a system of rehabilitation accredited by the Authority [Q-COMP] that is initiated or managed by the employer.”

The *National Occupational Health and Safety Commission* provides a broader definition of workplace rehabilitation –

A managed process involving early intervention with appropriate, adequate and timely services based on assessed needs and which is aimed at maintaining injured or ill employees in, or returning them to, suitable employment [Source: NOHSC: 302 1,1995]

The Purpose of Rehabilitation

Section 40(3) of the *Workers' Compensation and Rehabilitation Act, 2003* states that the purpose of rehabilitation is:

- (a) to return the worker to the worker's pre-injury duties; or
- (b) if it is not feasible to return the worker to the worker's pre-injury duties – to return the worker, either temporarily or permanently, to other suitable duties with the worker's pre-injury employer; or
- (c) if paragraph (b) is not feasible – to return the worker either temporarily or permanently, to other suitable duties with another employer; or
- (d) if paragraphs (a), (b) and (c) are not feasible – to maximise the worker's independent functioning.

Establishing effective procedures for rehabilitation is an important step in ensuring that rehabilitation is implemented in the organisation.



Assistance in developing workplace rehabilitation policy and procedures (continued)

It is important that workplace rehabilitation is seen as a system in which the person of primary importance is the injured worker and that every attempt is made to return the worker from injury and/or illness to their pre-injury state. This can best be achieved through a system of workplace rehabilitation that is fully endorsed by management, employees and unions.

Within a workers' compensation system, rehabilitation focuses on interventions aimed at maintaining injured employees within the workplace and returning them to appropriate employment in a timely and cost efficient manner.

Early intervention and a workplace focus for rehabilitation are recognised as effective in reducing the economic and human costs associated with work-related injury and disease. Research and practical experience have demonstrated employers benefit from developing systems for early identification, treatment and management of workrelated injury or disease, thereby reducing the prospects of an injury or disease becoming a long-term workers' compensation claim.

This approach will typically involve some form of early reporting of injury and a coordinated response from management involving all relevant parties. The responsibility for this role is usually located with the rehabilitation and return to work coordinator or other occupational health and safety personnel within the organisation.

Benefits of Workplace Rehabilitation

Early and effective workplace-based rehabilitation is instrumental in maintaining or returning injured workers to work, thereby minimising the costs associated with workrelated injury.

Benefits for Employers

- Reduced down time
- Increased productivity
- Reduced training costs
- Reduced use of "replacement" staff
- Reduced insurance premiums
- Improved workplace relations and morale
- Reduced turnover costs
- Prevention of future injuries
- Maintenance of customer relationships
- Increased competitive capability

Benefits for Workers

- Faster recovery and reduced suffering
- Improved or maintained physical fitness
- Enhanced self esteem & confidence
- Job and financial security
- Income maintenance
- Job satisfaction
- Encouragement to maintain workplace relationships
- Maintenance of skills and competency
- Reduced deconditioning
- Maintenance of daily routine

Return to work not to disadvantage injured workers

The return to work process should not disadvantage injured workers. The legislation is of a beneficial nature and the objective of workplace rehabilitation is to ensure a successful return to work. Employers and injured workers need to act collaboratively to ensure the success of workplace rehabilitation and obtain mutual benefits from the process.



Assistance in developing workplace rehabilitation policy and procedures (continued)

Rehabilitation information and confidentiality

The employer must ensure that:

- At the time, personal information is collected, the worker is aware of the purposes for which the personal information has been collected, how it may be used, to whom it may be disclosed and who may have access to it.
- The personal information is protected against loss and against unauthorised access, use, modification or disclosure, and against other misuse.

Provision of suitable duties

Under the *Act and Regulation*, the employer of a worker who has sustained an injury must take all reasonable steps to assist or provide the worker with rehabilitation for the period for which the worker is entitled to compensation S228 (1)). The rehabilitation must be of a suitable standard as prescribed under a regulation (S228 (2)). If an employer, other than a self insurer, considers it is not practicable to provide the worker with suitable duties, the employer must give WorkCover written evidence that the suitable duties are not practicable. If an employer, other than a self-insurer fails to take reasonable steps to assist or provide a worker with rehabilitation penalties may apply (S229).

Preparing Policy Documents - issues for employer to consider

Workplace rehabilitation policy and procedures **are written policy and procedures for workplace rehabilitation that are accredited by the Authority.**

The *Workers' Compensation and Rehabilitation Act 2003* states that an accredited workplace is a workplace that has workplace rehabilitation policy and procedures.

For a workplace to be accredited by Q-COMP they must appoint a trained Rehabilitation and Return to Work Coordinator and develop Workplace Rehabilitation Policy

and Procedures that are accredited by the Authority. The role of the Rehabilitation and Return to Work Coordinator may be outsourced. Employers should consider how they can best adequately resource the role.

The Difference between 'Policy' and 'Procedures'

It is important to recognise the difference between the terms **policy** and **procedures**. The **policy** serves to inform everyone at the workplace about the intentions of workplace rehabilitation, who it applies to, and general principles for implementation. **Procedures** describe *how* rehabilitation will be implemented in the workplace.

Rehabilitation Procedures

Establishing effective procedures for rehabilitation is an important step in ensuring that rehabilitation is implemented in the organisation. Although overriding principles exist, each workplace is different. Therefore the rehabilitation procedures should be clear and able to be understood by all staff members.

Flow charts can be used to reflect your organisation's current or intended processes. Flow charts are only one way to set out your procedures and you may wish to write them out in paragraphs, list them as dot points or put them in a table. It is your choice how you present this information, but keep in mind that it should be easily understood by workers.

Why are Workplace Rehabilitation Policy and Procedures Required?

- Policy and Procedures safeguard the injured worker and the workplace against having to "make it up as they go along" in the case of an injury requiring compensation, by providing a reference document for use during rehabilitation for compensable injuries.



Assistance in developing workplace rehabilitation policy and procedures (continued)

- Policy and Procedures show commitment from the management of the organisation to rehabilitating injured workers.
- Policy and Procedures provide a description of the roles and responsibilities of the parties involved in workplace rehabilitation.
- Policy and Procedures act as a guide to the process what injured workers can expect should they require rehabilitation.
- Policy and Procedures contain samples of forms (Appendices), which facilitate the workplace rehabilitation process.

The following notes and checklist have been developed to assist employers to develop workplace rehabilitation policy statements and policy and procedure documents that are consistent with the *Workers' Compensation and Rehabilitation Act 2003* and the *Workers' Compensation and Rehabilitation Regulation 2003*.

An electronic version of the relevant legislation is available on Q-COMP's website at www.qcomp.com.au/scheme_development/legislation/htm/index.htm.

Preparation of policy and procedure documents

Policy and procedure documents should be written in plain English and employers should consider making them available in other languages where required.

Employers may find it useful to develop the policy and procedures under the following headings:

- Notifying the rehabilitation and return to work coordinator when injury/illness occurs in the workplace
- Making early contact with the worker
- Making early contact with the treating medical practitioner and treating allied health providers
- Role of treating medical practitioner and allied health providers
- Role/responsibilities of the rehabilitation and return to work coordinator
- Role/responsibilities/rights of the injured worker
- Role/responsibilities of managers/supervisors/co-workers
- Provision of suitable duties
- Grievance procedures

In preparing their policy documents employers should keep in mind the following issues:

- the Act and the *Regulation* do not entitle Q-COMP to accredit policies and procedures containing matters that are outside the scope of the Act or *Regulation*.
- accreditation by Q-COMP is limited to content that addresses the management of workplace rehabilitation for Queensland workers who have sustained an injury under the Act.

Integration of workplace rehabilitation and other employer policies

Employers who wish to integrate their policy and procedures for workplace rehabilitation into an overall corporate health, injury management or workplace health and safety policy manual are encouraged to do so. However, employers should submit to Q-COMP only content relevant to the objectives and intent of the Act for workplace rehabilitation in Queensland.

Scope of the Act and Regulation

Matters that are outside the scope of the Act and Regulation include, but are not limited to:

- National injury management policies and procedures;
- Workplace health and safety policies and procedures;
- Management of rehabilitation for non-compensable or non-work related injuries;



Assistance in developing workplace rehabilitation policy and procedures (continued)

- Termination of employment following injury
- Dismissal or penalty for an injured worker who refuses to attend the company preferred medical practitioner
- Dismissal or penalty for an injured worker who refuses to provide an authority for the workplace rehabilitation coordinator to liaise with their treating medical practitioner
- Dismissal or penalty for an injured worker who refuses to provide an authority for persons other than the workplace rehabilitation coordinator to liaise with their treating medical practitioner
- Dismissal or penalty for an injured worker who refuses to attend for a medical examination with a medical practitioner nominated by the employer
- Dismissal or penalty for an injured worker who refuses to participate in workplace rehabilitation
- Requirement for injured workers to allow the workplace rehabilitation coordinator or other parties to attend medical appointments

NB: An employer should be aware of potential breaches under the Industrial Relations Act 1996 and other legislation when developing their workplace rehabilitation policy and procedures.

Objectives and intent of the Workers' Compensation and Rehabilitation Act 2003 and Workers' Compensation Regulation 2003

The Act establishes a workers' compensation scheme for Queensland providing benefits for workers who sustain injury in their employment and encourages improved health and safety performance by employers. The Act provides for compensation for injured workers and injury management emphasising rehabilitation of workers particularly for return to work.

Accreditation of workplace rehabilitation policy and procedures

Accreditation for the purposes of an employer's workplace rehabilitation policy and procedures within Queensland does not constitute or imply accreditation of any matter contained within policy and procedure documents that may be outside the scope of the Act and Regulation.

Q-COMP does not accept liability for any injury, loss or damage incurred by an employer acting in reliance upon any matter contained in the Employer's Workplace Rehabilitation Policy and Procedures that is outside the scope of the Act and the Regulation.

