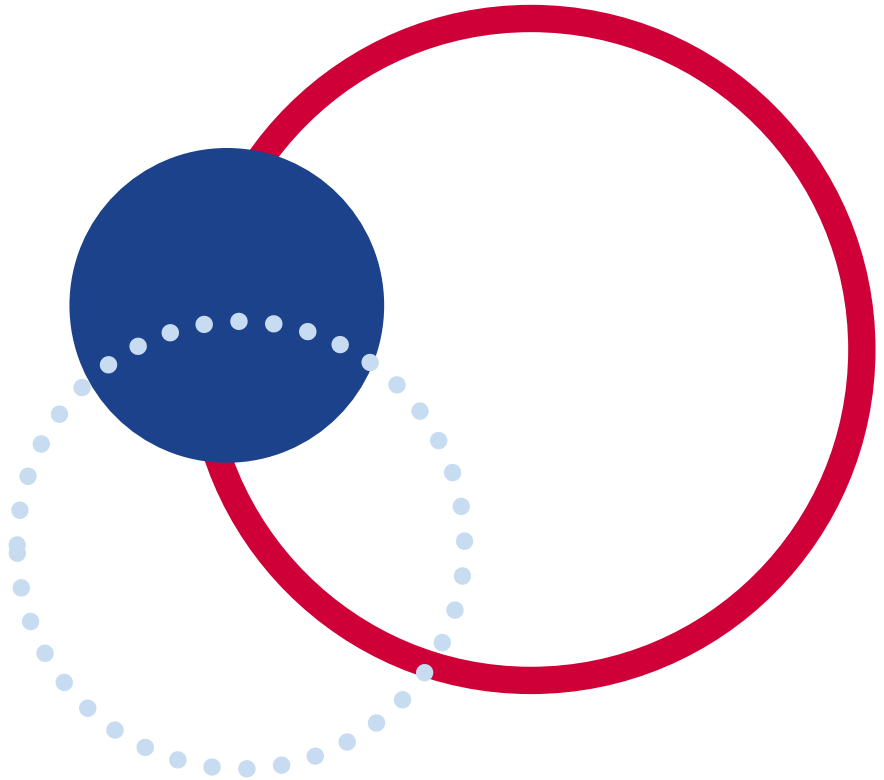




Education



Recovery at Work

Return to Work Program

Health Safety and Staff Wellbeing Directorate

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1. Introduction

1.1 Our commitment

The NSW Department of Education (the department) is committed to supporting the health, safety and wellbeing of employees in the workplace. This commitment is demonstrated through the department's Work Health and Safety Policy, our values and Ways of Working, our Code of Conduct and through the department's Strategic Plan 2018-2022.

By ensuring that employee health and wellbeing is prioritised, the department aims to make Education a great place to work and ensure that our workforce is of the highest calibre.

The department's Return to Work Program (the Program) outlines the support available to manage an employee's recovery and return to work following a workplace injury. This program also includes the department's approach to managing personal health conditions to ensure all employees with an illness, injury or health condition (injury) are supported in the workplace.

The Program is consistent with the State Insurance Regulatory Authority's (SIRA) [Guidelines for workplace return to work programs](#), meets the requirements of the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998, is aligned the fund manager's Injury Management Program requirements and reflective of the requirements of the NSW Department of Premier and Cabinet's Procedures for managing non-work related injuries or health conditions.

The Program is a key component of the department's Safety Management System (SMS), it is underpinned by the Work Health and Safety Policy and is implemented through the WHS Management Program. Established reporting and governance arrangements monitor the effectiveness of the SMS, to strengthen workplace culture and safe systems of work that act to promote and protect the health safety and wellbeing of our employees.

Alongside the implementation of a range of risk management and proactive health and wellbeing Programs such as the Being Well and the Respectful Workplaces Programs, the Program supports and promotes the physical, social and psychological health and wellbeing of our workforce, contributing to a culture that acts to empower our employees to care for their own wellbeing and that of their teams and colleagues. This culture encourages employees and their managers to effectively respond to workplace injury or illness and to encourage early and appropriate support, recovery and return to work.

The operation of this Program sits within the Workplace Health Management Unit of the Health Safety and Staff Wellbeing Directorate.

The Return to Work (RTW) Program has been developed through consultation with key stakeholders, including:

- department Health and Safety Representatives
- the Primary Principals Association

- the Secondary Principals Council
- unions including the Public Service Association of NSW and NSW Teachers Federation
- the department's claims manager (Allianz)
- SafeWork NSW
- the State Insurance Regulatory Authority (SIRA).

The Return to Work (RTW) program has also been approved by the Department's WHS Steering Committee.

The Return to Work Program is displayed on the Health Safety and Staff Wellbeing Directorate's intranet and communicated through various intranet pages, staff development and training programs, workforce/workgroup presentations and department communications.

The Return to Work Program will be reviewed at least every two years in consultation with key stakeholders. The Directorate will invite consultation from stakeholder groups directly via email and using formal consultation mechanisms where relevant, prior to program finalisation.

1.2 Working together

Most employees return to work quickly following an injury when they receive support from their manager, treating medical practitioners, and the staff within the Workplace Health and Wellbeing Management Unit.

The department's Return to Work Program supports development of an organisational culture of recovery at work. Returning to or recovering at work after an injury or illness can have many [benefits](#) to an employee's health and wellbeing and can help with an employee's recovery.

By working together and communicating effectively towards a common recovery, this program provides a comprehensive and coordinated approach to the management of an employee's recovery and return to work by:

- Supporting the employee throughout the recovery at work process.
- Facilitating the most direct pathway to recover at work.
- Promoting an early, safe and durable return to work through the development and implementation of individual recovery at work plans.
- Keeping it simple and specific by ensuring that all employees and workplace managers (including principals and supervisors) understand and meet their obligations in regard to return to work. Refer to checklist within support resources: **Information for managers – Workplace injury management process** and **Information for employees – workplace injury management process**.
- Promoting and outlining effective management of injury through early intervention and successful workplace rehabilitation.
- Promoting respectful collaboration and communication between all participants in the return to work process, discouraging blame, and maintaining a transparency in communication so all employees and workplace managers (including principals and

supervisors) understand and meet their obligations in regard to return to work. Refer to Appendix 2 – roles and responsibilities.

The best outcomes occur when everyone involved in assisting the employee work together to support and facilitate a recovery at work that considers both employee health and the students who are at the centre of all our decision-making.

Training about the Program is provided to all employees through [induction](#) and professional learning courses such as the [Recovery at Work e-learning](#) module. Training on the Program is also provided to school leaders/aspiring principals through the WHS module within the [NSW Public School Leadership and Management Credential](#). A range of professional development face to face training and presentations are also available. Additionally, department Health and Wellbeing team members, who act as department RTW Coordinators, provide education about the Program and assist the employee and the department to meet their obligations under legislation.

All parties involved in the recovery at work process are responsible for conducting themselves in a professional and collaborative manner in accordance with the department's [Code of Conduct](#), to achieve a return to work outcome.

The department implements programs to support an employee's recovery at work and to achieve good outcomes. However, when issues or conflict arise, there are processes to help resolve the issue. For further information regarding these processes, please refer to section 3. Complaints and disputes.

1.3 Non-work related or personal health conditions

In addition to work related injury, the department also offers employees support for non-work related (or personal) health related injury and illness.

The same recovery at work process is applied in these circumstances with some small differences because the employee is not covered by the workers compensation scheme.

The employee is required to:

- cover the cost of any treatment they may require for recovery
- use their personal leave entitlements during the period of their absence from the workplace
- agree to participate in the program and sign the consent form
- where possible, make an appointment for treatment outside of work hours.

The employee can provide their consent form and medical information, including diagnosis, directly to the Health, Safety and Staff Wellbeing Directorate rather than to their school or manager if they prefer, including for privacy reasons.

If the employee has medical restrictions or limitations due to their personal injury, the manager should contact the Workplace Health Management Team within the Health Safety and Staff

Wellbeing Directorate (1800 811 523) for advice and support in managing the recovery at work. The employee should be advised that support is being obtained at the time of notification to the Directorate.

See section 2.10 Non-work related (personal) health conditions - ongoing reasonable adjustments for further information.

1.4 Immediately following an incident

The department's [Incident Notification and Response Policy and Procedures](#) outline the immediate response to an incident, including incidents notifiable to SafeWork NSW under the WHS Act 2011, and the notification process that is followed.

When an incident occurs, all employees are required to take immediate appropriate action to provide emergency care and first aid to anyone injured and contact emergency services if required. A register of injuries must be maintained by each school and workplace. Refer to the department's [First Aid Procedures](#) for more information.

When reporting an incident, injury, near miss or hazard, employees will need to report it to the relevant line manager so they can implement local workplace protocols for incident notification and response. Employees will also need to report the incident/injury to the Incident Report and Support Hotline by calling 1800 811 523.

Employees are entitled to claim workers compensation benefits if they have sustained an injury or illness at work. Further information for employees on [how to make a claim for workers compensation](#) is available on the intranet.

Incident Report and Support

Report all incidents and injuries to the Incident Report and Support Hotline on 1800 811 523.

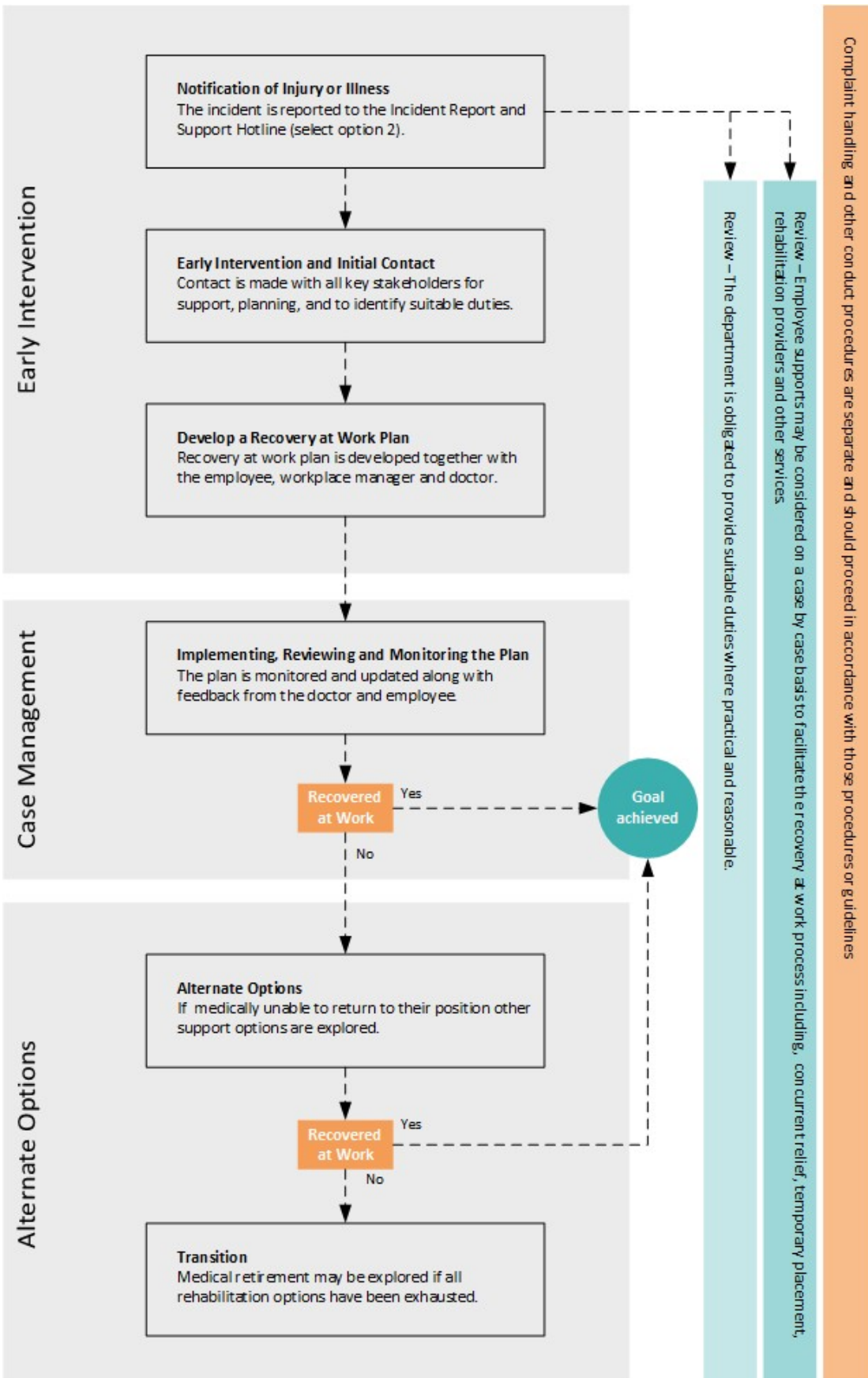
2. Recovery at work process

Recovery at work refers to all the activities that aim to achieve a timely, safe and durable return to work for employees with a work related or personal injury or illness seeking to recover at work.

The process aims to help employees by taking the most direct pathway to achieving a return to work on full hours and duties where possible. These activities include notification, early intervention, case management, treatment, rehabilitation, retraining and return to work planning activities.

For more information refer to **Appendix 1: Supporting recovery and return to work**

The flowchart below (Figure 1) summarises the steps to the recovery at work process.



Early intervention

2.1 Notification of injury or illness

To support the early intervention process, workplace managers must:

- Inform all staff to call the hotline to report all workplace incidents and injuries as soon as possible, but within 24 hours.
- Keep a record of the incident notification at the workplace in a secure location (either as a hardcopy or softcopy).
- Review incident history periodically to inform risk management actions and emergency management plans. If you have a Health and Safety Committee or Health and Safety Representative you should share the incident details without the personal information, unless consent is provided, to consult on options to address risks.
- Display the [Incident Report and Support Hotline poster](#) and the [If you get injured at work poster](#) to support incident reporting and early intervention processes.
- Help to prevent work-related injuries by investigating how to eliminate and minimise identified hazards and requesting advice and assistance from Health Safety and Staff Wellbeing Directorate if required.

All incident and injury data captured by the Incident Report and Support Hotline is held within the department's Incident and Case Management system (called SHIELD). Data captured in SHIELD is regularly analysed to identify trends and areas of risk and to review policies and procedures to identify opportunities for improvement and improve the services provided to schools and workplaces. For more information, refer to **Appendix 7 - Privacy and consent**.

2.2 Early intervention and initial contact

The call to the hotline will be answered by a Hotline operator who will register the incident as an electronic record in the department's SHIELD system.

Employees will be asked to confirm at the time of reporting the details of their incident/injury, whether they have obtained or are seeking medical treatment, or have been absent/will be off work for any period of time as a result of the injury.

A copy of the incident/injury notification will be sent immediately from the SHIELD system to the workplace manager (or an appropriate alternate workplace manager). An injury notification will also be sent to the claims manager within 24 hours of notification via workflow notification from the SHIELD system for work related injuries.

For workers compensation claims, the department will also provide the claims manager with a SAP payroll report detailing the employee's earnings each fortnight over the 12 month period prior to date of injury, including any allowances paid and periods of non-payment. Allianz will use this report to confirm an employee's pre-injury average weekly earnings (PIAWE) in respect of any weekly entitlement amount where a claim for workers compensation is accepted for

weekly payments. Refer to the workplace absence and weekly payments section below for more information.

A Health and Wellbeing team member will act as the appointed Return to Work Coordinator to provide support and recovery at work case management services for each employee injury case. They will contact the employee and other key stakeholders, to provide support and recovery at work case management services. During this initial contact, the employee will be advised of their rights and responsibilities and where they can find further information regarding available supports. An email providing links and information will also be provided.

A case conference with the doctor is scheduled and coordinated by a Health and Wellbeing team member from the Workplace Health Management team at the initial stage for open communication with the treating doctor, employee and claims manager (if involved).

Communication and collaboration between the Health and Wellbeing team member, the employee, their workplace manager and their nominated treating doctor is fundamental for recovery at work. This collaborative process supports the employee and the workplace to meet medical restrictions and workplace operational requirements. Early planning for a return to work will support the employee and enable the workplace to manage any absence which will minimise disruption.

A plan will be developed for the most direct pathway to recovery based on the information available. A return to work case conference may be arranged by the Health and Wellbeing team member with the employee, their nominated treating doctor and other key people involved in developing this plan to discuss and agree on steps to support an employee's recovery and return to work. Refer to **Appendix 3: Suitable duties** for further information about return to work case conferences.

Early communication with everyone involved in the process will facilitate an agreed understanding on how to provide a supportive recovery at work. For information on the roles and responsibilities in this process refer to **Appendix 2: Roles and responsibilities**, and for general information refer to the support resource: **Information for employees – Workplace injury management process**.

Injury Management Plan

Injury management planning will be undertaken by the claims manager, Allianz in a timely and proactive manner to support the employee's access to treatment, rehabilitation and return to work.

Allianz is required to develop the work and health plan (previously known as injury management plan) within 20 business days of becoming aware that an injury is likely to be significant. A significant injury is one that results in greater than 7 days if incapacity.

The department will participate in the development of an employee's work and health plan in collaboration with all key people involved in the return to work process. The Health and Wellbeing Team Member is the designated department employee responsible for collaborating in the development, acknowledging its content and ensuring that the department complies with his obligations under the plan.

Treatment

Payment of any reasonably necessary medical treatment for a work-related injury is the responsibility of the claims manager.

Generally, the claims manager does not have to pay for treatment or services they have not pre-approved. However, some treatments can proceed without prior approval from the claims manager, such as reasonably necessary treatment within the first 48 hours after injury. This may include for example, initial treatment, consultation with a doctor, services provided in a public hospital and some treatments with allied health professionals. For more information about treatment exempt from pre-approval, see SIRA advice about [medical, hospital and rehabilitation expenses](#).

Employees who make a workers compensation claim should contact the claims manager to discuss any required treatment that falls outside the initial treatment obtained within the first 48 hours of the injury and prior to starting treatment. Early contact will ensure that the claims manager has all the necessary information to determine approval where pre-approval is required.

Treatment appointments should be made outside of work hours where possible. Employees with a non-work related injury are responsible for paying for medical treatment to help their recovery.

Consent

Consent from the employee will be requested to liaise with their treating doctor about information to inform the recovery at work plan. Contact can only be made with the employee's nominated treating doctor (and other treating practitioners) with consent from the employee. This may consist of verbal consent from the employee initially, and then followed up in writing as a signature on the certificate of capacity (medical certificate) or completion of the Information Consent Form. For more information, refer to **Appendix 7 - Privacy and consent**.

Consent allows for open and two-way communication that will ensure key information is shared to facilitate a fast and efficient recovery at work.

Suitable duties

The department is obligated to provide suitable work (referred to as suitable duties) when an employee is unable to immediately return to their normal duties after a work related injury or

illness, as outlined in Section 49 of the *Workplace Injury Management and Compensation Act 1998*.

Suitable duties

Suitable duties are short term/temporary adjustments to work duties to accommodate an employee's health requirements after a workplace injury and to facilitate their recovery and return at work. Other terms such as suitable employment, suitable work, light duties, alternate duties or modified duties may also be used. Suitable duties need to be as close to, or equivalent to, an employee's pre-injuries duties as the first option.

Suitable duties may be an adjustment to normal work activities, normal work activities at reduced hours or alternative duties. All offers of suitable duties are made in line with medical restrictions including those on graded recovery at work plans. Suitable duties must also be, as far as reasonably practicable, the same as or equivalent to the role the employee was in at the time of injury.

Suitable duties will be explored early in the planning process to help the treating doctor recognise what options are available to support an employee with a work-related injury or illness. Early planning will mean duties are available when the employee has capacity to return to the workplace.

Suitable duties need to be in line with medical restrictions and in some circumstances, it may be difficult to provide suitable duties within the employee's medical restrictions. The Health and Wellbeing team member will work with the workplace manager to ensure all options for suitable duties are explored and to determine appropriate alternate options in consultation with the employee.

Suitable duties will also be explored and offered, where reasonable, for employees with disputed claims and for employees with a non-work related injury or illness.

Where an employee provides a medical certificate with restrictions, for example, if an employee is certified fit for work on reduced hours or with changes to their current job requirements, they will need to cease work until an agreed recovery at work plan is in place. Having a recovery at work plan in place is important to manage the safety of the employee and the duty of care towards staff and students. This is the focus of the injury management and there should be no unreasonable delays in establishing a recovery at work plan. Refer to **Section 2.3 The recovery at work plan**.

For further information on suitable duties, please refer to **Appendix 3: Suitable duties**.

Workplace absence and weekly payments

Employees must notify their manager of all absence/s from the workplace and submit a leave form using the SAP portal in line with the normal policies and procedures.

An employee may be entitled to workers compensation benefits for periods of absence, where the absence is due to their accepted claim for workplace injury or illness.

In this instance, the employee is still required to submit or request leave through SAP for their absence or if they are not able to lodge leave in SAP, provide the certificate of capacity to the work place manager.

The employee is required to send a copy of the certificate of capacity to wcmc@det.nsw.edu.au so their workers compensation benefits can be reviewed and processed. Employees are required to ensure they have provided an up-to-date certificate of capacity or medical certificate to the department at all times.

The weekly payments an employee with an accepted workers compensation claim may be entitled to will vary from person to person.

The weekly payment amount is based on the employee's pre-injury average weekly earnings (PIAWE) over the 12-month period prior to the date of injury and other factors such as for example an employee's work capacity and hours worked. Weekly payments may be at a reduced amount of the PIAWE, as per the legislation.

Allianz will confirm any weekly entitlement amount where a claim is accepted for weekly payments.

The department will process interim weekly salary payments to staff for workers compensation based on the PIAWE and weekly entitlement advised by Allianz, in line with department pay periods. The department will obtain reimbursement of workers compensation entitlements from Allianz after the pay period ending. This ensures employees are paid in a timely manner.

For further information on weekly payments, please refer to the department's [workers compensation](#) support resource or SIRA's outline of [weekly payments for workers](#).

Employees paid under the Teachers Award with an accepted workers compensation claim may be eligible to use their own leave to top up and therefore will continue to receive their normal pay amount for a period of time.

An employee with a non-work related injury or illness may use their sick leave entitlements during the period of their absence from the workplace. For information on leave entitlements refer to the [Teachers Handbook](#) or the [Leave entitlements and responsibilities](#) intranet page. Employees should contact their workplace manager or the department's shared services centre EDConnect if they have any questions about leave entitlements.

Further information regarding [Human Resources processes](#) can be obtained from EDConnect online or on 1300 32 32 32.

2.3 The Recovery at Work Plan

Recovery in the workplace is a gradual process where an employee returns to work performing suitable duties. It supports the employee to remain in the workplace so that work can be used to build and improve an employee's capacity and they have work colleagues to support them. The Recovery at Work Plan outlines this process and focuses on what employees can do in the workplace while they continue to recover with minimal disruption to the workplace.

The Recovery at Work Plan should include:

- an outline of suitable duties, medical restrictions, hours worked and supervision arrangements
- anticipated upgrades in work fitness, overtime (if applicable), and any approved secondary employment (if applicable)
- clear timeframes as the plan is time limited
- monitoring arrangements for the employee's recovery at work
- signatures of the employee, their workplace manager/supervisor or appropriate delegate, nominated treating doctor, Health and Wellbeing team member and any other key stakeholders involved in the recovery at work process to indicate their agreement with the plan.

The Recovery at Work Plan will be developed in collaboration with the employee, workplace manager, and Health and Wellbeing team member and signed by all parties to show their agreement.

Parties may meet to develop, discuss, and review the plan, or to resolve any identified barriers and negotiate any required changes to the Recovery at Work Plan.

An employee has the right to request a support person to attend and assist in return to work discussions. They may also choose to contact their union or SIRA for advice and assistance at any time.

The recovery at work goal

The Recovery at Work Plan focuses on helping the employee to achieve a successful and durable recovery at work in the most direct manner possible. The Plan indicates an overall return to work goal and includes both short and long-term goals based on the employee's recovery prognosis and rehabilitation advice from the treating doctor/s and/or health practitioners.

In all cases, the overall goal is to return an employee to their pre-injury role, unless medical evidence indicates this is not medically achievable.

In situations where the medical information indicates the employee cannot return to their substantive position, other pathways to suitable employment will be explored in consultation with the employee, workplace manager, treating doctor and any other relevant stakeholders.

These may include ongoing reasonable adjustment in the workplace, alternate roles within the department, and in some cases help in seeking suitable employment beyond the department. Refer to sections **2.6 Alternative options** and **2.7 Transition** for more information.

Assistance and support for employees' recovery at work

The department has a dedicated Workplace Health Management team within the Health Safety and Staff Wellbeing Directorate that delivers services to schools and corporate employees. Each team is focused around a School Performance Directorate or Corporate area to ensure tailored support. The team includes specialist team members to support early intervention, physical injuries, psychological injuries, personal health conditions and long term or complex cases.

The Health and Wellbeing team member acts as the Return to Work Coordinator, assisting employees to recover and return to work and assisting principals and workplace managers to meet their obligations under the Return to Work Program.

Health and Wellbeing team members will complete the online SIRA Return to Work Coordinator training during their induction if not completed prior to their employment to help them deliver effective outcomes for employees participating in return to work programs.

Health and Wellbeing team members have authority to represent and make decisions for the department in relation to recovery at work planning activities. Their key responsibilities are identified in **Appendix 2: Roles and responsibilities**. Health and Wellbeing team members do not make decisions on claims liability or funding for treatment – this is the insurer's responsibility.

Visit our intranet for a full list of our [Health and Wellbeing staff](#) and their specific School Performance Directorate or Corporate area, or call the Incident Report and Support Hotline on 1800 811 523 to make a general enquiry about RTW coordinator arrangements for your workplace.

The department has a range of programs and services available to help an employee to safely recover at work, including temporary placements, concurrent relief and workplace rehabilitation services and workplace equipment / modifications.

The assistance of an approved rehabilitation provider (external to the department) may be required to support a safe and durable return to work. The decision to engage the services of a rehabilitation provider, whether initiated by the treating doctor, the employee, or the Health and Wellbeing team member is based on whether the services are deemed reasonably necessary.

The department uses the [Allianz preferred panel of workplace rehabilitation providers](#). Employees however may choose their own rehabilitation provider. Refer to **Appendix 4: Employee support programs** for further information.

Case management

2.4 Implementing, reviewing and monitoring

The Recovery at Work Plan will be implemented and managed by the workplace manager or appropriate delegate with assistance from the Health and Wellbeing team member until the plan is complete.

The recovery at work plan is reviewed at regular intervals by all parties to ensure the employee is progressing towards the return to work goal. The recovery at work plan must be updated in line with current medical restrictions as the employee progresses and recovers.

The workplace manager is responsible for ensuring that the employee adheres to the suitable duties as outlined in the recovery at work plan and the employee should ensure they follow the plan and medical advice of their doctor. Refer to support resource: **Common questions from principals, workplace managers and supervisors.**

Communication should occur through telephone contact or meetings in order to review the recovery at work plan and to discuss any barriers with the employee, workplace manager or other stakeholders.

Open communication allows for any issue to be discussed and resolved promptly with strategies confirmed to ensure progression or revision of the recovery at work. This will enable the supportive and positive environment established early in the recovery at work process to continue.

All parties need to continue to sign the revised plans as they are updated.

The recovery at work plan can be adjusted to reflect the progress by:

- increasing hours of work
- reducing the frequency or length of rest days or breaks
- reducing the assistance to the worker to complete suitable duties
- increasing the workload towards the pre-injury workload
- introducing new or additional duties
- indicating current duties will be maintained, reduced or adjusted based on medical information to avoid re aggravation and assisting the upgrade towards pre-injury duties.

The recovery at work process may be temporarily ceased in situations where the employee:

- commences pre-approved leave
- commences other paid or unpaid work
- is non-compliant with their work and health plan (previously known as injury management plan which is provided by the department's claims manager and outlines all stakeholder obligations).

For employees with a workers compensation claim, temporarily ceasing the recovery at work process may impact their entitlement to weekly benefits from the claims manager. Employees should discuss their circumstances with their Health and Wellbeing team member and claims manager before deciding.

2.5 Recovered at work

An employee has achieved their return to work goal when they have recovered from their injury and are able to return to their pre-injury duties. This outcome is medically confirmed by a certificate of capacity from their nominated treating doctor certifying them fit for pre-injury duties. The employee must provide a copy of the certificate to the workplace manager and to wcmc@det.nsw.edu.au.

Monitoring when needed will continue for a short period once the clearance certificate has been issued to ensure the employee has no further need for assistance. The file will be closed at the conclusion of the monitoring period.

The recovery at work process may also cease when the employee secures a permanent alternate position with the department in line with their medical capacity and has been able to sustain these duties throughout the monitoring period.

Injury re-aggravation

If there is an exacerbation of the employee's injury or symptoms re-occur, the employee must notify their workplace manager and the Health and Wellbeing team member immediately. If the re-aggravation hinders the employee's recovery at work or if they need changes to treatment, it is recommended they return to their nominated treating doctor.

Re-aggravation of an employee's injury or illness may result in the recommencement of an employee's workers compensation claim. If an employee had a previously accepted claim or current claim, the claims manager is notified immediately by the Health and Wellbeing team member. In situations where there is a new incident, the employee should call the Incident Report and Support Hotline as per Section 2.1.

Re-aggravation of an injury caused through a new incident needs to be lodged through the Incident Report and Support Hotline on 1800 811 523.

Alternative options

2.6 Alternative options

When medical evidence indicates an employee may not recover to a point that would allow for a return to their pre-injury role, the focus of workplace rehabilitation and the goal of the recovery at work process will be on returning the employee to suitable employment which may involve:

- ongoing reasonable adjustments
- different or modified position within the department
- job seeking for work with an alternate employer.

The return to work goal will be updated based on medical information and will be the most direct pathway to a return to work result. The return to work goal could be to return to a different or modified position, or to a position with an alternate employer and will be determined based on all medical information.

This is a sensitive time when an employee's doctor confirms that an employee is not able to return to their pre- injury role. Rehabilitation services and the recovery at work process will focus on supporting the employee through this process and on maximising their capacity to achieve an outcome as efficiently as possible. Refer to support resource: **When a return to pre injury role is not possible.**

When it is clear the employee is not able to be accommodated at the workplace, assistance is provided to the employee to explore all available return to work options including:

- application for a transfer, if eligible
- merit selection via application for a vacancy via [iworkfor.nsw](https://www.workfor.nsw.gov.au/)
- application for roles beyond the department.

For further information, refer to **Appendix 5: Retraining and/or redeployment.**

Where appropriate the process may be aided by referral to an approved rehabilitation provider.

An approved rehabilitation provider can help the employee to:

- seek roles both within and external to the department
- complete a vocational assessment to clarify transferable skills
- develop a resume
- conduct job seeking training
- search for a WorkTrial (for accepted workers compensation claims).

These services are focused on supporting the employee to obtain new suitable employment as early as possible.

In a small number of cases, medical evidence may indicate an employee is not able to work with the department in any role due to their injuries or lack of available positions that can meet their medical requirements and transferable skills. In this instance, medical separation may be considered.

More information can be found within the [Medical Retirement Guidelines](#).

Retraining and/or redeployment

In some cases, the employee may benefit from additional qualifications, skills and experience to assist their redeployment activities. Where indicated, consideration will be given to vocational retraining options available within the department.

For further information, refer to **Appendix 5: Retraining and/or redeployment**.

2.7 Transition

Where circumstances indicate it is not appropriate to provide vocational retraining and/or where redeployment is not indicated and all rehabilitation options have been exhausted, then consideration will be made to retiring the employee based on their medical capacity for work. Refer to the department's [Medical Retirement Guidelines](#) for further information.

Under Section 248 of the Workers Compensation Act 1987, the department cannot terminate an employee due to the work-related injury within the first six months from the date of the employee becoming unfit and the claim being lodged with the department's claims manager. This is applicable even if the liability for an employee's workers compensation claim has been disputed by the claims manager.

Medical retirement is an employment decision not a decision made by the Health Safety and Staff Wellbeing Directorate. The department will support employees in the recovery process and will not make decisions regarding medical retirement lightly and without full consideration and review of all information available.

2.8 Casual and temporary employees

Recovery at work support assistance and support, including the provision of suitable duties and a recovery at work plan, is available for casual and temporary employees during the period of their employment.

Casual and temporary employees can access recovery at work support through the department's claims manager if they have an accepted claim for a work-related injury or illness during or after their period of employment.

2.9 Liability and work capacity decisions

The department's claims manager will review and assess the claim for workers compensation liability. In situations where the claim for compensation is disputed by the department's claims manager, recovery at work assistance and support, including the provision of suitable duties where reasonably practicable, will continue to be available to the employee in line with the services for non-work related injury or illnesses.

If an injured or ill employee has an accepted workers compensation claim, the claims manager regularly makes assessments of their work capacity and can complete a work capacity decision.

These decisions are made independent of the department by the claims manager based on all available and relevant information.

A work capacity decision is made by the claims manager about:

- an employee's current work capacity
- what constitutes suitable employment for an employee
- the amount an injured or ill employee is able to earn in suitable employment
- the amount of pre injury average weekly earnings or current weekly earnings;
- whether an employee is, as a result of the work-related injury or illness, unable without substantial risk of further injury to engage in employment of a certain kind because of the nature of that employment
- any other decision that affects an employee's entitlement to weekly payments of compensation, including a decision to suspend, discontinue or reduce weekly payments of compensation based on the points above.

Work capacity decisions will be made by the claims manager at many points throughout the life of an employee's workers compensation claim.

If an employee disagrees with a liability or work capacity decision they may choose one or both of these options:

- the employee (or their legal representative) can ask for an optional review of the decision by the insurer, by someone other than the person who made the initial decision. The claims manager conducts an internal review of the decision by someone other than the person who made the initial decision. The insurer will have 14 days to respond or;
- the employee (or their legal representative) can lodge a dispute directly with the Personal Injury Commission by contacting the Independent Review Office (IRO) on 13 94 76 or email at complaints@iro.nsw.gov.au

More information is available within section **3. Complaints and disputes** below.

2.10 Non-work related (personal) health conditions — ongoing reasonable adjustments

If an employee with a personal injury needs some adjustment to be able to work or to be able to participate equally in some aspect of working life, and that adjustment could be reasonably made within the workplace, then it should be put in place. The department will work with the employee to make reasonable adjustments where appropriate to ensure an outcome that supports both the employee and educational continuity or business operations of the workplace. See support resource factsheet: **Personal health conditions and reasonable adjustments**.

Accommodation of reasonable adjustments

Many situations where employees require adjustment of their work due to a personal illness, injury or health condition are able to be accommodated by the employee's school or business

unit. This is often put into place by the employee working with their workplace manager based on the needs of the employee and their health and operational requirements.

In some cases, help may be required to facilitate this process or clarify the medical need for the adjustment. In these cases, the Health and Wellbeing team member will complete a plan based on the medical information and requirements of the position following agreement by the employee and workplace manager. The department will request consent from the employee to obtain further medical information from treating doctors if required to assist the accommodation of reasonable adjustments.

The purpose of the plan is to document the permanent medical restrictions, adjustments to be offered and other key information. The final plan may be reviewed if the employee's health condition or the employment situation changes.

When reasonable adjustment is not possible

Where the accommodation of reasonable adjustment is not considered appropriate, the department may request additional medical information from the employee's treating doctor, with the employee's consent, to support their need for reasonable adjustment.

Clarification may also be sought in cases where additional medical information is needed to support the employee's health and wellbeing in the workplace and to safely allocate work tasks. In this situation, the employee may be referred to an Independent Medical Capacity Assessment (IMCA).

With the additional medical evidence that the employee or treating doctor provides, the department may determine whether to make the reasonable adjustment.

If the employee decides not to provide medical evidence or the department determines it is not reasonably practical to make the adjustment/s, then referral for an Independent Medical Capacity Assessment may occur and consideration may be given for medical retirement.

Refer to the [Independent medical capacity assessment referral and implementing recommendations guidelines](#) on the intranet for further information.

3. Complaints and disputes

The recovery at work process will continue independently of the employee's involvement with other directorates such as Professional and Ethical Standards, other jurisdictions or other departmental processes. The Health, Safety and Staff Wellbeing Directorate may review existing medical information or request new medical information from the employee's treating doctor (with the employee's consent) so the department can determine if the employee is fit to participate in departmental processes or if adjustment to the process is required.

3.1 Formal complaint process

If parties cannot resolve a complaint or concern through discussions and meetings at the local level, they should follow the department's [Staff Complaint Procedures](#) – a just, prompt and impartial process to resolve grievances within a prescribed 20-day timeframe.

Health and safety matters need to be dealt with promptly and should also be resolved at the local level wherever possible. However, where this is not achieved, the issue should be escalated to both the Health Safety and Staff Wellbeing Directorate and Executive Director/Director Educational Leadership and relevant senior officer levels for resolution following the department's [Issue Resolution Procedures](#). Timelines at both stages of the process contribute to prompt resolution of issues or escalation where appropriate.

Both procedures are available on the intranet and are provided in an [e-learning module](#) to provide the required information to employees.

3.2 Disputes

There are a range of options available to employees to help resolve disputes about workers compensation claims.

If the claims manager disputes a claim for workers compensation, initial advice can be obtained from:

- your union such as NSW Teachers Federation on 1300 654 367 or Public Service Association of NSW on 1300 772 679
- Independent Review Office (IRO) on 13 94 76 or visit www.iro.nsw.gov.au
- SIRA Customer Service Centre 13 10 50 or www.sira.nsw.gov.au
- Personal Injury Commission (PIC) Phone 1 800 742 679 or visit www.pi.nsw.gov.au
- A legal representative at The Law Society of NSW's Solicitor Referral Service on 9926 0300 or email referral@lawsociety.com.au can provide general advice and assistance with employees' recovery in the workplace.
- For further information refer to **Appendix 6: Complaints and disputes**.

4. Privacy and consent

The information contained in recovery at work files (both work related and non-work related injuries) consists of both personal and health-related information.

Unless otherwise required by law, the department must treat personal and health information in accordance with the privacy legislation (Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002).

Incident/injury data and other health related information is kept in a confidential electronic injury management system, SHIELD within the Health, Safety and Staff Wellbeing Directorate accessible only by the employees responsible for managing that employee's health.

Employees are able to request information held in their injury management and return to work file. Also, the Information Access section of the department website provides information for the public and employees on the department's implementation of the Government Information (Public Access) Act 2009 (GIPA Act). To discuss any GIPA applications, employees can contact the Information Access Unit on 7814 3525

For further information refer to **Appendix 7: Privacy and consent**.

5. Support resources

Information for managers – Workplace injury management process

Information for employees – Workplace injury management process

Induction e-learning module

Injury management and return to work e-learning module

Factsheets on incident reporting: including overview and reporting WHS incidents and injuries

Factsheet: Recovery at work - Personal health conditions and reasonable adjustments

FAQ: When return to pre-injury duties is not possible

FAQ: Common questions from workplace managers, principals and supervisors

6. List of appendices

Appendix 1: Supporting recovery and return to work

Appendix 2: Roles and responsibilities

Appendix 3: Suitable duties

Appendix 4: Employee support programs

Appendix 5: Retraining and/or redeployment

Appendix 6: Complaints and disputes

Appendix 7: Privacy and consent