

Appendix 6: Recovery at work

Complaints and disputes

All parties involved in the recovery at work process are responsible for conducting themselves in a professional and collaborative manner to achieve a return to work outcome.

Managing a complaint or concern

Concerns regarding the recovery at work process

Employees should take the following steps to resolve their concerns or issues:

Raise the concern

An employee is encouraged to raise the concern or complaint in the first instance with their workplace manager and/or the Health & Wellbeing team member so that the issue can be discussed. If required, a meeting will be scheduled to try to resolve the issue. The employee is able to bring a support person to the meeting and the meeting can include the claims manager (if involved) as well as any other stakeholders, if required, so that the concerns can be resolved promptly.

If the matter is not resolved or the employee wishes to raise the matter further then they can contact the Leader, Health & Wellbeing from the Health Safety and Staff Wellbeing Directorate for discussion and review of the situation. The Leader will review the concerns and issues raised and contact all relevant parties in an effort to resolve the complaint or concern. If unresolved, the complaint or concern is then referred to the Manager, Health & Wellbeing or another senior officer from the Health Safety and Staff Wellbeing Directorate for investigation and resolution.

The [Staff Complaint Procedure](#) is followed in these instances and is available on the intranet for further information.

Seek advice, assistance and support

An employee is also able to seek advice from employee representative groups and/or unions. Collaborating and having open communication is crucial to overcoming any barriers and progressing the recovery at work to achieve outcomes. The employee has access to advice and support through any or all of the below and is encouraged to seek advice and information regarding their recovery at work at any time throughout the process.

Support is available from:

- the workplace manager
- the department's claims manager
- the Health & Wellbeing (H&W) team member managing an employee's injury, illness or health condition
- the Leader, Health & Wellbeing who supervises the Health & Wellbeing team member

- the department's Incident Report and Support Hotline on 1800 811 523
- NSW Teachers Federation on 1300 654 367
- Public Service Association of NSW on 1300 772 679
- a legal representative at The Law Society of NSW's Solicitor Referral Service on 9926 0300 or email referral@lawsociety.com.au
- SafeWork NSW's Customer Service Centre on 13 10 50 provides advice or information regarding safety at work, investigation of a workplace incident or work, health and safety laws
- Independent Review Office (IRO) on 13 94 76 or visit www.iro.nsw.gov.au
- Personal Injury Commission (PIC) Phone 1 800 742 679 or visit www.pi.nsw.gov.au
- State Insurance Regulatory Authority (SIRA) on 13 10 50 provides information on the rights, roles and obligations of everyone working within the workers compensation system.

Work health and safety (WHS) issues

For health and safety issues, the department's [Issue Resolution Procedures](#) should be used as a tool to provide a support structure to help resolve health and safety issues in the workplace. These procedures are available on the intranet and are provided in an e-learning module to provide the required information to employees.

Health and safety issues need to be dealt with promptly and should be resolved at the local level wherever possible. However, where this is not achieved, the issue is escalated both to the Health Safety and Staff Wellbeing Directorate and Executive Director/Director Educational Leadership and relevant senior officer levels for resolution. Timelines at both stages of the process contribute to prompt resolution of issues or escalation where appropriate.

Formal complaint process

If the complaint is unable to be resolved through discussions and meetings with the relevant parties, the department's [Staff Complaint Procedure](#) provides a clear method on how to resolve concerns and complaints in a prompt, impartial and just manner.

Resolving 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 the NSW Teachers Federation on 1300 654 467 or the Public Service Association of NSW on 1300 772 679
- Independent Review Officer (IRO) Phone 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.

In cases where the claim for compensation has been disputed, an employee may request the claims manager review their liability decision. Attached to the liability notice from the claims manager are

instructions and details of the process to seek a review of the decision. The claims manager must respond within 14 days.

If an employee is not satisfied with the claims manager's review, employees can choose to lodge an application to dispute the decision with the Personal Injury Commission. Employees are responsible for their own legal costs if they dispute a decision of the claims manager. However, the IRO has established the Independent Legal Assistance and Review Service to provide access to free independent legal advice for employees.

Professional and Ethical Standards directorate or other directorate involvement

Matters which are being managed by other directorates, such as the Professional and Ethical Standards Directorate, continue while the recovery at work process occurs.

The Health Safety and Staff Wellbeing Directorate may review existing medical information or request current/relevant 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 adjustments to the process are required.

Learn more

For further information [contact your Health & Wellbeing team member](#) or refer to the department's intranet for the [Recovery at Work Program](#).

Alternatively, please call the Incident Report and Support Hotline on 1800 811 523.