



catholic education commission of victoria ltd

# *A Guide to the Return to Work Process*



*This Guide provides Victorian Catholic schools with practical advice to support ill and injured employees, through the Return to Work (RTW) process after a workplace injury.*

*A series of online videos have been produced to assist in managing the Return to Work process. They are available on the Catholic Education Commission of Victoria YouTube channel.*

Is an 'If you are injured at work' poster on display where all employees can read it?

Yes

No

Have you made the Return to Work information template available to all employees?

Yes

No

If applicable, has the Return to Work Coordinator been appointed and trained?

Yes

No

### **What is a school's Return to Work obligations?**

Under the law, schools have the following Return to Work obligations:

- plan for your injured employee's return to work. **Schools must plan even if their worker has an incapacity for work.**  
A school's Return to Work obligations start even before a claim has been accepted by the WorkSafe agent.
- consult with your injured employee and their doctor (if the employee consents)
- provide the employee with suitable employment for a 52-week aggregate period
- appoint a suitable Return to Work Coordinator
- make information about return to work options available to all employees.

### **Do you know that WorkSafe has a Return to Work inspectorate?**

The WorkSafe inspectorate actively monitors and enforces compliance with the legislation. A Return to Work inspector may visit your workplace to assess whether you are complying with your Return to Work obligations. Inspectors will ensure you are appropriately informed. If applicable, they will issue an improvement notice requiring you to comply with your obligations. Employers who breach their Return to Work obligations also risk prosecution and financial penalties.

# Appoint a Return to Work Coordinator

## Return to Work Coordinator appointment

A school's obligation to have a Return to Work Coordinator depends on their rateable remuneration:

- a school with a rateable remuneration of \$2 million or more **MUST** have a Return to Work Coordinator appointed at all times
- a school with a rateable remuneration of less than \$2 million **MUST** appoint a Return to Work Coordinator for the duration of the school's return to work obligations to the injured employee.

A Return to Work Coordinator is required to have an appropriate level of seniority and be competent to assist their school to meet its obligations under the legislation. The Return to Work Coordinator must, as per the legislation, participate in a two-day training course that covers:

- the return to work process and the role of the Return to Work Coordinators
- information that the Return to Work Coordinators will need to support and assist employers and injured employees
- information and underlying skills that will assist Return to Work Coordinators to facilitate the successful return to work of injured employees.

*Contact your Diocesan Catholic Education Office to find out more information on Return to Work Coordinator training.*

## Return to Work Coordinator responsibilities

The role of a Return to Work Coordinator is to assist the school principal to meet the school's Return to Work obligations under the legislation. The Return to Work Coordinator will assist employees, where safe and practicable, to remain at work while they recover from an injury; or facilitate a return to work as soon as possible if they require time away from work to recover from a workplace injury.

*(Note: The same guidelines can be taken into consideration when assisting an employee to return after an injury or illness **that did not occur at the workplace.**)*

The Return to Work Coordinator must:

- liaise with the employee and the school principal
- assist the employee and the school to meet their Return to Work obligations
- help resolve any issues or disputes about returning to work (WorkSafe Steps to resolving return to work issues)
- keep the employee's records in a secure place
- only communicate information essential to assist the employee to return to work. Personal information must not be collected and/or distributed more broadly than necessary
- liaise with the employee's doctor (subject to the consent of the employee), an occupational rehabilitation provider (if involved), the school's workers' compensation insurer and the school principal
- take steps to prevent a recurrence or aggravation
- assist the school principal in monitoring the progress of the employee's recovery and potential for return to work.

# Plan and consult about Return to Work

The school must plan the Return to Work of an injured employee. The planning obligation starts even before a Worker's Compensation claim has been accepted by the school's Workers' Compensation insurer.

*(Note: Start planning to help the employee stay at, or return to, work as soon as possible following a workplace injury.)*

### How to plan an employee's Return to Work

The school principal and the Return to Work Coordinator should:

- obtain relevant information about the employee's capacity for work *(Note: Focus on what they can do, not what they can't.)*
- consider reasonable workplace support, aids or modifications to assist the employee's return to work
- think about what the employee can do within the school environment that won't aggravate the injury
- draft ideas, brainstorm and take notes
- consult directly with the employee about a return to work, as well as with the employee's treating health practitioner (subject to the consent of the employee) and an occupational rehabilitation provider, if one is involved.
- gather as much information as possible
- TALK, TALK, TALK.

### What to consult about

Topics that should be discussed include:

- barriers surrounding return to work
- concerns of the doctor
- concerns of the employee
- hazards or risks for further injury.

*(Note: Return to Work planning is not a one-off process. It should continue as long as the employee has an incapacity for work as a result of the workplace injury or illness.)*

# Assess suitable employment in line with the injured employee's medical constraints

*(Note: If the employee has a current work capacity, but cannot yet return to their pre-injury role and hours, the school must provide the employee with suitable employment consistent with their capacity.)*

## What is suitable employment?

Suitable employment means employment for which the employee is currently suited, where they are not yet able to return to their pre-injury role.

To assess suitable employment options you must consider:

- the nature of the employee's injury and incapacity for work
- the restrictions to the employee's duties given by the doctor
- the worker's pre-injury duties and whether these can be modified, reduced or performed in a supported way
- any other relevant factors such as the employee's skills, training and work experience
- whether there are reasonable workplace supports, aids, or modifications that will assist the employee to return to work in suitable employment or their pre-injury role
- any plan or document prepared as part of the return to work planning process (Step 2).

## How do I assess suitable employment options?

Understand the employee's capacity for work, talk to the employee, review their Certificate of Capacity, and any other available information.

Assess the employee's pre-injury duties and whether these can be modified.

Look for other suitable duties; consider whether there are any other duties available in the workplace that the employee may be able to perform safely.

Consider the employee's individual circumstances.

Outline suitable employment to be proposed.

*(Note: WorkSafe have developed a step-by-step guide to assessing suitable employment options).*

Once suitable employment options have been assessed, a Return to Work plan can now be developed (Step 4).

# Develop, propose and implement a Return to Work plan

Now that suitable employment options have been assessed, it is time to propose and provide your staff member with clear, accurate and current details about their suitable employment options. These are determined by the principal, the employee and the employee's doctor as outlined in a Return to Work plan.

A Return to Work plan should be in writing so that everyone has the same information and it is available for future reference.

### What is a Return to Work plan?

A Return to Work plan is a template documenting what suitable employment the staff member will perform upon their return to work.

A Return to Work plan may outline:

- duties or tasks to be undertaken by the staff member, this includes details of the suitable employment
- workplace supports, aids or modifications to be provided (if applicable)
- specific duties or tasks to be avoided
- medical restrictions
- hours of employment/breaks
- key people involved in the Return to Work process.

*(Note: WorkSafe have developed a Return to Work Arrangements template to assist with the process.)*

# Support and monitor employee's progress

The school must monitor an employee's Return to Work progress regardless of their capacity for work.

Monitoring an employee's progress includes talking regularly to the employee. This will provide the employee with support and reinforce the school's commitment to their return to work. It will also enable any issues to be addressed as they arise.

- **Acknowledge that the staff member is part of the team.**
- **Check how the staff member is going.**

As the employee recovers, their capacity for duties will increase.

In consultation with the employee and their doctor, the school can gradually upgrade the plan by:

- increasing the hours of work
- reducing the number of rest breaks or length of rest breaks
- reducing assistance to the employee to complete tasks
- requiring the employee to perform more work in the same time period (increasing the work pace)
- introducing pre-injury duties that allow increased physical or functional demand.

Once the employee has achieved full capacity and hours for their pre-injury duties and returned to their pre-injury (or equivalent) employment, the obligation to plan the employee's return to work ceases.

*For more information please call:*

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