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1. Overview

The process outlined by this Procedure will meet the minimum requirements to assist the Local Government Association Workers Compensation Scheme (LGAWCS) meet legislative compliance with respect to managing work related injuries under the Return to Work Act 2014 (the Act).

This Procedure will commence following verbal or written notice of an injury from the employee and whilst a return to work process is underway. It may also continue during any period whilst the compensation claim is awaiting determination. This Procedure also provides the ongoing management and provision of suitable employment requirements for work injured employees who are unable to return to their pre-injury job role.

The provision of Return to Work (RTW) services does not affect the claim determination. If a claim is rejected and/or subsequently appealed, the appropriateness of continuing the return to work process will be reviewed by the LGAWCS with the Scheme Member, having regard to individual circumstances. RTW services will be referred to a LGAWCS Return to Work Consultant (RC) wherever there has been 3 days or more of incapacity certified.

Scheme Members to ensure all staff are aware of their Internal Return to Work Coordinator (IRC) along with the contact details, together with the contact details of the LGAWCS Return to Work Consultant (RC) – refer to Appendix F. To satisfy legislative requirements all Scheme Members are to have an IRC, whose role coordinates with that of the LGAWCS RC and this procedure should be easily accessible to all staff.

2. Core Components / Requirements

The core components and requirements of this Procedure are:

- The steps to be taken immediately following a work related injury and how to submit a workers compensation claim.
- The Return to Work process following a work related injury that supports the WHS & RTW Policy and includes a regular planning and monitoring process up until RTW case closure.
- Confidentiality requirements pertaining to Workers Compensation claims.
- Obligations for the Scheme Member pertaining to the provision of suitable duties / employment and the requirements around the retention / termination of a work injured employee or alternatively when new or other employment options are to be considered.
- A complaints process should a dispute arise in relation to the claims or RTW management of a work injured employee.
- Training requirements for Managers, Supervisors, IRC / ICC and Payroll staff in the workplace, along with documentation requirements for persons with RTW responsibilities.
- Identifies appropriate reporting pathways of statistical injury data to the Senior Management Team and WHS Committee so this can be analysed and considered in any relevant future WHS / Risk activities.

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3. Definitions

Scheme Member	Means the Council or Prescribed Body that is a member of the LGAWCS.
Full Capacity	Ability of an injured worker with a work (compensable) injury to perform their full pre injury role and hours as a result of that compensable injury.
IRC / ICC	Internal Return to Work / Claims Coordinator (or their nominated contingency) appointed by the Scheme Member.
Suitable Employment*	<p>In relation to a worker, means employment in work for which the worker is currently suited, whether or not the work is available, having regard to the following:</p> <ul style="list-style-type: none"> (a) the nature of the worker's incapacity and previous employment; (b) the worker's age, education, skills and work experience; (c) the worker's place of residence; (d) medical information relating to the worker that is reasonably available, including in any medical certificate or report; (e) if any recovery/return to work services are being provided to or for the worker; (f) the worker's recovery/return to work plan, if any;
WHS Representative	Means a reference to a WHS Advisor / Consultant / Coordinator / Officer of the Council or Prescribed Body that is employed to undertake this role.
Worker	Is an employee who has a work injury and has been incapacitated for work as a consequence of that work injury.
Former Employee	Meets definition for a worker as detailed above and is no longer employed by the Scheme Member.

* Definition derived from the Return to Work Act 2014 (in part as relevant)

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4. Initial Injury Reporting

Step	Role	Action	When
4.1	Injured Employee	Notification of Injury The employee to report the injury to their Manager/Supervisor/Team Leader, WHS Representative or the Internal Return to Work Coordinator (IRC) / Internal Claims Coordinator (ICC) as soon as possible. If the employee is unable to report personally they should ensure a co-worker, family member or representative informs their Manager/Supervisor/Team Leader, WHS Representative or IRC/ICC.	Immediately or as soon as practicable
4.2	IRC/ICC or Manager/ Supervisor	Medical Attention Injured employee is provided access to appropriate medical attention promptly if assistance is required, including transportation if needed. NB: When seeking medical attention, a Work Capacity Certificate (WCC) is required from the legally qualified Medical Practitioner (see step 4.7 concerning requirements).	As soon as possible
4.3	IRC/ICC or Manager/ Supervisor	Notify the LGAWCS Claims or Return to Work Consultant The nominated LGAWCS Claims or Return to Work Consultant is contacted to advise of any injury that may or has resulted in a claim for compensation.	Within 24 hours of injury notification
4.4	IRC/ICC or Workplace WHS Coordinator	Notify the LGAWCS WHS & Risk Department Notification is provided to LGAWCS WHS & Risk Department / Regional Risk Coordinator and SafeWork SA if the injury is an "immediately notifiable work related injury".	Within 24 hours of injury notification
4.5	Employee	Determine to Lodge a Workers Compensation Claim A new claim will need to be lodged by the employee in the following circumstances: <ul style="list-style-type: none"> A new injury is sustained and time lost from work or medical expenses are incurred; An aggravation or deterioration of the existing or pre-existing injury occurs subsequent to the employee's full return to work and the cessation of any weekly payment entitlements. <p>If unsure as to whether a claim for compensation is to be lodged please contact the LGAWCS on 8235 6460.</p>	Within 24 hours of injury notification
4.6	IRC/ICC or Manager/ Supervisor	Contact the injured employee or family Early contact is made with the employee or if the employee is not able, contact is made with a family member or representative to gather information about the injury and extent of injury.	Within 24 hours of injury notification

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		<p>Support and understanding is offered and the employee is advised that they will be assisted with an early return to work.</p> <p>The employee is made aware of the Return to Work process.</p> <p>If the employee has any queries about the claim or return to work process, they will be either directed to contact the LGAWCS or a message to be provided to the LGAWCS Claims Consultant or Return to Work Consultant to contact the employee.</p>	
4.7	IRC/ICC or Manager/ Supervisor	<p>Provide the Return to Work Kit to the employee & advise of need to obtain a Work Capacity Certificate</p> <p>The employee, or family member/representative (if the employee is not able to complete the forms themselves) is provided with a Back on the Job Booklet and the RTW Kit for Employees. The RTW Kit for Employees and Back on the Job Booklet is available via the secure LGRS Member Centre (www.lgrs.com.au).</p> <p>The employee is advised (if not already obtained) to obtain a WCC to support the claim. A WCC can only be obtained from a legally qualified doctor or nurse practitioner (if seen in a hospital emergency department) and is to be provided in order to submit a workers compensation claim.</p> <p>The employee is to be made aware of the return to work process and their rights, responsibilities and the service standards to which their employer and the LGAWCS are to uphold as per the Act (refer to Appendices A to E and also found within the RTW Kit for Employees and the Back on the Job Booklet).</p> <p>Assistance to be provided to the employee, if needed, to complete the Claim Form and other relevant forms contained in the RTW Kit if required.</p> <p>The employee is assisted with questions / enquiries regarding completion of the forms, where required (see 5. <i>Completion & Submission of Claim to the LGAWCS</i>). For any other enquires the employee will be advised to contact the LGAWCS on 8235 6460.</p>	Within 24 hours of injury notification or as soon as practicable
4.8	IRC/ICC or Manager/ Supervisor	<p>Determine any linguistic or cultural needs</p> <p>The LGAWCS to be contacted regarding any requirement for interpreter services, translations or for any other linguistic or cultural needs.</p>	Within 24 hours of injury notification or as soon as practicable

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5. Completion & Submission of Claim to the LGAWCS

Step	Role	Action	When
5.1	IRC/ICC or Manager/ Supervisor with Employee (where possible)	<p>Complete Forms from the RTW Kit for Employees</p> <p>The following forms are to be completed:</p> <ul style="list-style-type: none"> • RTWSA Claim Form • Incident Investigation Form • Information Authority Form • Payments Authority Form • Kit Acknowledgement Form <p>Ideally the forms should be completed together with the injured employee so any questions or concerns can be addressed immediately. The above forms can be completed electronically via Skytrust (where implemented).</p>	Within 24 hours of injury notification or as soon as practicable
5.2	IRC/ICC or Manager/ Supervisor or Payroll Delegate	<p>Complete Forms from the RTW Kit for Employers</p> <p>The following forms are to be completed:</p> <ul style="list-style-type: none"> • Employee Details Form • Average Weekly Earnings (AWE) Calculator <p>These forms to be submitted with all other paperwork or can be submitted separately to the LGAWCS. The Employee Details Form can be completed electronically via Skytrust (where implemented).</p>	Within 24 hours of receipt of completing Step 1 above or as soon as practicable
5.3	IRC/ICC or Manager/ Supervisor	<p>Submit Claim & RTW Kits to the LGAWCS</p> <p>All the above mentioned forms, Work Capacity Certificate, accounts and any other relevant information are submitted to the LGAWCS via LGAWCSclaims@jlta.com.au or electronically via Skytrust (where implemented).</p> <p>New claims to be sent to the LGAWCS within 24 hours of receipt by the Scheme Member.</p> <p>If the Incident Investigation, Employee Details Form or Average Weekly Earnings Calculator is not completed within 24 hours, the remaining forms are to be submitted to the LGAWCS as soon as possible on completion.</p>	Within 24 hours of receipt or as soon as practicable
5.4	IRC/ICC or Manager/ Supervisor	<p>Submit subsequent forms, accounts and expenses to LGAWCS</p> <p>All incoming WCC's, accounts and any other forms submitted by the employee are forwarded to the LGAWCS on receipt to LGRSAdmin@jlta.com.au. All incoming claim forms, WCC's, accounts and related documents are date stamped (hard copy files) or proof of date of receipt if using an electronic system.</p>	Within 24 hours of receipt or as soon as practicable

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6. Create Claims / RTW File(s) & Confidentiality

Step	Role	Action	When
6.1	IRC/ICC or Manager/ Supervisor	<p>Create Claims / Return to Work Files</p> <p>A confidential file(s) to be created and maintained containing a copy of all forms and information relating to the injured employee's claim and return to work process.</p> <p>Where using an electronic system this system to be only accessible to those authorised on the Information Authority signed by the employee.</p> <p>The Information Authority form signed by the employee will be on file prior to any communication exchange with health practitioners about the employee's injury and is to state the names of persons (no job titles) within the workplace with access to confidential medical information.</p>	As soon as practicable following receipt of claim
6.2	IRC/ICC or Manager/ Supervisor	<p>Storage of Claims / Return to Work Files</p> <p>Confidential Claims / Return to Work Files are stored separately to an injured employees HR / Personnel file, whether this is in hard copy or soft copy format. Only staff members authorised on the Information Authority Form are to have access.</p>	As soon as practicable following receipt of claim
6.3	IRC/ICC or Manager/ Supervisor	<p>Employees seeking access to Claims or Return to Work File</p> <p>The employee has a right to be provided with copies of medical reports, Work Capacity Certificates, Recovery / Return to Work Plans, offers of suitable employment and claim determination letters etc.</p> <p>An employee does not have the right to be provided with information that is protected by legal privilege, information relating to the investigation of their claim or for suspected dishonesty or if disclosure is likely to reasonably endanger another person.</p> <p>If an employee seeks a copy of a document that they have misplaced or lost or have a right to receive, then this will be provided on request.</p> <p>All requests from employees seeking access to their Claims / RTW File to be referred to the LGAWCS Claims Consultant for review and management.</p>	As soon as practicable on receipt of a request
6.4	IRC/ICC or Manager/ Supervisor	<p>Ensure confidentiality is maintained at all times</p> <p>All conversations and meetings to be held in a Confidential environment. Where staff work within an 'open plan' environment access to a Confidential meeting room to hold discussions concerning an injured employee's return to work and claim to be accessed. Consideration should be made to computer screen location and open files on desks to ensure information cannot be easily obtained by other staff, contractors or visitors.</p>	Ongoing



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6.5	Payroll Administrator or IRC / ICC	<p>Payroll information to remain confidential</p> <p>In order to process a claim, disclosure of a date of injury must be provided to the payroll administrator to ensure an Average Weekly Earnings and Employee Details Form can be accurately generated. No further details are to be provided to the payroll administrator unless they are specifically stated on the injured employee's signed Information Authority Form.</p> <p>The payroll administrator is to ensure payment of any income support once advised by the LGAWCS Claims Consultant within the next scheduled payment run and is to claim all income support payments back from the LGAWCS on a fortnightly basis. All payments of income support will be easily distinguished on an injured employee's pay slip and will appear separately to regular wages.</p>	Ongoing
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7. Commence Early Return to Work

Step	Role	Action	When
7.1	LGAWCS RC or IRC / ICC or Manager / Supervisor	<p>Seek clarification to facilitate early return to work (if required and whilst a LGAWCS RC is appointed)</p> <p>Contact may be made with the treating doctor's rooms to seek clarification of the employee's WCC, however, information from the doctor will be restricted to current work capacity. Any other information sought from the treating doctor will require a signed <i>Information Authority Form</i> and is to be discussed with the LGAWCS RC or Claims Consultant <u>prior</u> to contacting the doctor.</p> <p>The RTW Kit for Employers contains a letter template for the treating doctor which communicates the requirements of the employee's pre-injury duties, advises the support for early return to work, provides information about available alternative duties and requests the treating doctor to define return to work capacity.</p> <p>This letter may be forwarded to the treating health practitioner as soon as the need is identified (i.e. when the employee presents their first WCC where functional capacities or work restrictions have not been clearly defined). This letter may also be developed and provided to the employee to take to their first medical appointment following report of their injury.</p> <p><i>NB: LGAWCS RC services will be referred to when 3 days or more incapacity are certified on a WCC.</i></p>	As soon as practicable and as required
7.2	LGAWCS RC or IRC / ICC or Manager / Supervisor	<p>Offer Suitable Duties / Employment</p> <p>Suitable duties / employment to be identified (as available) and offered to the employee as early as possible, where capacity has been certified.</p> <p>Contact to be made immediately with the LGAWCS RC if unable to provide temporary suitable duties given the employee's medical restrictions.</p>	On medical clearance and as soon as possible
7.3	LGAWCS RC or IRC / ICC or Manager / Supervisor	<p>Provide suitable duties / employment if employee not fit for all or some of their pre-injury duties</p> <p>Once the employee is issued a WCC, a meeting with the employee, their representative (if requested), the IRC, the Manager/Supervisor, LGAWCS RC (and other persons needed such as the treating doctor) is arranged (where required) to discuss suitable duties / employment within medical restrictions. The Manager or Supervisor to be involved in considering the duties the employee can perform in line with the guidelines of the WCC.</p> <p>Temporary suitable duties are to be considered (if medical restrictions apply) in relation to modifying the employee's pre-injury duties in the first instance. This can involve identifying aspects of their pre-injury duties they have capacity to perform, or can still perform albeit with modification or assistance. It may involve assisting the employee to modify their work practices, or introducing regular change in posture, stretches and any required rest breaks, in line with their health practitioner's instructions.</p>	As soon as it is practical and safe to do so within medical certificate guidelines.



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		<p>If return to modified pre-injury duties is either not feasible or within medical guidelines, then alternate duties to be considered. Every effort to be made to provide suitable duties within the same work area or department if possible prior to considering placement of the employee on alternate duties in a different work area.</p> <p>The LGAWCS Job Dictionary may assist with the identification of suitable duties and can be found on the secure LGRS Member Centre (www.lgrs.com.au).</p>	
7.4	IRC/ICC or Manager/ Supervisor	<p>Develop Suitable Employment Schedule or participate in the Return to Work Planning process</p> <p>Unless the LGAWCS RC commences coordination of the return to work process, a return to work planning meeting can be arranged with the employee, their representative (if requested) and the IRC/ICC to develop a temporary Suitable Employment Schedule as soon as the employee presents with a WCC advising of work restrictions and once proposed duties have been identified for discussion. The employee will be advised of the purpose of the meeting and their right to have a representative attend the meeting.</p> <p>The optional meeting (prior to LGAWCS RC involvement) will include checking to ensure the employee has received a copy of the Back on the Job Booklet, an explanation of rights and responsibilities, service standards (refer to Appendices A to E), the return to work process, confidentiality, discussion regarding suitable duties offered, capacity based on medical certificate information, progress and next steps.</p> <p>Any employee queries relating to their claim determination or claim process is required to be directed back to the LGAWCS Claims Consultant.</p> <p>The employee to be advised (as necessary) they can seek to cease the meeting if at any stage they do not feel comfortable and that the meeting will be rescheduled with the LGAWCS RC and/or representative involvement.</p> <p>A summary of meeting discussions and outcomes are to be documented and placed on the IRC/ICC file with a copy of the notes sent to the LGAWCS.</p> <p>A copy of the Suitable Employment Schedule to be provided to the employee, Manager/Supervisor and sent to the LGAWCS with a copy for the IRC / ICC File. A copy may also be forwarded to the treating doctor if helpful.</p> <p>The Suitable Employment Schedule will be updated or continued for a period of 2 weeks maximum and prior to the involvement of the LGAWCS RC.</p> <p>Alternatively, the LGAWCS RC will arrange a meeting to develop a formal Recovery / Return to Work Plan and the IRC/ICC and/or Manager/Supervisor will participate in that meeting with the employee. A copy of the Plan will be provided to the employee and maintained in the IRC/ICC File.</p>	On medical clearance and as soon as possible and up to a maximum period of 2 weeks



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7.5	IRC/ICC or Manager/ Supervisor	<p>Build co-worker and workplace support If necessary, discussions will be held with other Managers/Supervisors or other relevant employees and their support will be sought in assisting the employee with their return to work. Confidentiality is not breached whereby other relevant staff need to be aware of any work restrictions to ensure there is a safe return to work for the injured employee.</p>	Prior to or on return to work
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8. Return to Work Planning and Monitoring

Step	Role	Action	When
8.1	IRC/ICC or Manager/ Supervisor	<p>Monitoring progress and capacity</p> <p>Regular contact will be maintained with the employee and Manager/Supervisor to monitor progress and return to work and to ensure understanding of work capacity and duties to be performed.</p> <p>Regular contact will also be maintained with the employee while not at work, if it is appropriate to do so, given the claim or individual circumstances.</p> <p>Contact to be maintained with the LGAWCS with respect to progress, any clarifications or queries and to report any barriers with the return to work.</p> <p>Follow up to be made with the employee to ensure there is a current WCC issued at all times.</p>	Minimum 4 weekly until full clearance to RTW
8.2	IRC/ICC or Manager/ Supervisor	<p>Report any barriers or change in circumstances to the LGAWCS</p> <p>The LGAWCS to be contacted if any of the following occur:</p> <ul style="list-style-type: none"> • Absence from work (planned or unplanned) • Reduction in working capacity • Difficulties reported by the employee with respect to undertaking duties offered • Unwillingness to perform suitable duties offered • Inability to offer suitable duties • Factors impacting on recovery or return to work • Disputes and/or complaints • Any issues of an industrial nature that may impact the claim • An employee's resignation or intent to resign* • Intention to terminate employment for any reason* <p><i>*Where termination/resignation of employment is proposed for an employee in receipt of weekly payments notice must be provided to the LGAWCS prior to the termination occurring or in the instance of resignation as soon as possible following notification from the employee. See Section 10 – Retention / Termination of Work Injured Employee below.</i></p>	Ongoing

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8.3	Employee or Manager / Supervisor	<p>Absence from work and Leave requests</p> <p>The employee or Manager/Supervisor is to inform the IRC/ICC of any employee absence from work (including sick / annual or long service leave requests).</p>	As soon as practicable
8.4	IRC/ICC or Manager / Supervisor	<p>Report any employee absence and leave requests to the LGAWCS</p> <p>The LGAWCS Claims Consultant to be notified of the absence and in particular when the employee is taking normal leave entitlements and is in receipt of weekly payments.</p> <p>Details of the leave requested including the period taken and type of leave to be forwarded to the LGAWCS Claims Consultant.</p>	As soon as practicable and prior to any planned leave occurring
8.5	IRC/ICC or Manager / Supervisor	<p>Take steps to prevent recurrence of injury or new injury</p> <p>Steps to prevent the aggravation and worsening of the employee's injury when they return to work will be taken.</p> <p>The Scheme Member's WHS or Regional Risk Coordinator may be involved to undertake a workplace risk assessment if required, where an employee has ongoing or long term physical or psychological restrictions.</p>	On return to work and ongoing
8.6	IRC / ICC, Senior Management and LGAWCS (where relevant)	<p>Ongoing review of Claims / RTW profile</p> <p>IRC / ICC to review workers compensation Claims and RTW profile including duration, trends and other key indicators with the delegated Senior Leader on a quarterly basis (depending on organisations size). Details can be obtained by the appointed person (usually the IRC) from the Member Claim Portfolio found within the secure LGRS Member Centre (www.lgrs.com.au).</p> <p>IRC / ICC to include the Human Resource Manager / Business Partner / CEO on Authority to Exchange Information Forms where medical information is to be exchanged (statistical, non-medical information or details concerning work capacity / provision of suitable employment can be shared without an Authority to Exchange Information Form). IRC / ICC to explain the importance and purpose of including these personnel on the authority to the injured employee and their role in the provision of suitable employment and the employer's obligations under the Return to Work Act 2014.</p> <p>In addition to this, designated Client Service Meetings will be held with the LGAWCS and the IRC / ICC and relevant Managers / Supervisors to review any outstanding claims and RTW cases on request or where size and complexity warrants a review meeting.</p>	Quarterly (recurring)

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9. New or Other Employment Options


The following steps are to be applied only where an injured employee has not made a return to full capacity 12 weeks from the date of injury.

Step	Role	Action	When
9.1	LGAWCS	<p>Review of claim status and medical information</p> <p>Appointed LGAWCS RC and Claims Consultant to complete internal review and assess whether a return to pre-injury duties and hours is likely at 6 months. The initial review result is to be evidence based and will be shared with the IRC / ICC where the initial review result indicates a return to pre-injury employment is <u>not</u> likely. If further information needs to be obtained (e.g. independent medical examination) this is advised to the IRC and arrangements made by the LGAWCS Claims Consultant.</p>	Approx. 12 – 16 weeks post the date of injury, where a return to full capacity (pre-injury duties and hours) has <u>not</u> occurred.
9.2	IRC / ICC & LGAWCS RC	<p>Recommended Decision</p> <p>On receipt of any additional information requested at Step 1 above the LGAWCS will review the above evidence and consult with the Scheme Member on the recommended decision concerning:</p> <ul style="list-style-type: none"> • Whether a new or other employment option needs to be explored, or; • Whether at this stage a return to pre injury duties and hours is probable. <p>The recommended decision will be evidence based and the decision recommended may be to defer making a decision at this time due to further recovery or information yet to be received.</p> <p>IRC / ICC reviews recommended decision with the appointed LGAWCS RC and relevant internal Senior Leadership Team Member and raises any queries or concerns prior to agreeing on the recommended decision.</p>	Approx. 16 – 20 weeks post injury where a return to full capacity at 6 months unlikely based upon evidence received.
9.3	IRC / ICC & LGAWCS RC	<p>Exploration of new or other employment options (where applicable)</p> <p>Where agreed, the LGAWCS RC and IRC to discuss potential employment options and arrange a worksite meeting with the following parties:</p> <ul style="list-style-type: none"> • Worker • Worker's Team Leader / Line Manager / Supervisor / Business Partner / Works Manager (as appropriate) • LGAWCS RC • IRC • Human Resources Manager or equivalent (as appropriate) 	6 – 7 months post injury or following completion of Step 9.2.

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		<p>At the worksite meeting a New or Other Employment Option Report in consultation with the above parties can be drafted by the LGAWCS RC. Where a new or other employment option entails a change in contract arrangements these changes are to be identified and addressed as soon as possible. The injured employee is afforded opportunity to consider the report conclusion following the worksite meeting and make any representations on the return to work goal prior to signing.</p> <p>Should a dispute / grievance be raised by an injured employee concerning the above outcome the LGAWCS will conduct a review in accordance with its complaints handling process (see Section 12 – Complaints Process). Where an injured employee unreasonably declines an offer of suitable employment or refuses to participate in an approved Recovery & Return to Work Plan (RRTWP) the LGAWCS may take remedy steps in accordance with the Act to review and/or cease payments. Remedy actions will be contingent on the individual circumstances of the claim in question.</p>	
9.4	IRC / ICC & LGAWCS RC	<p>New or other employment option actions or pre injury employment actions progressed as documented in updated RRTW Plan(s)</p> <p>LGAWCS RC to monitor and ensure agreed actions occur as planned. Where actions are unlikely to be achieved within the agreed timeframe the LGAWCS RC is to liaise with the involved stakeholder.</p> <p>Where a new or other employment option has been agreed and actions completed to the satisfaction of all parties a new employment contract can be drawn up. A draft copy of the new employment contract and letter of offer is to be forwarded by the Scheme Member to the LGAWCS prior to providing to injured worker. The LGAWCS will ensure legislative compliance with the Act, with specific reference to the relevant section(s) of the Act included. LGAWCS to provide feedback and response.</p>	Variable subject to completion of Step 9.3
9.5	IRC / ICC & LGAWCS RC	<p>Further monitoring and reviews</p> <p>The LGAWCS RC will continue to monitor any new or other employment options until appropriate to commence the Return to Work Case Closure Process (see Section 13 – RTW Case Closure)</p>	Ongoing until RTW case closure

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10. Retention / Termination of a Work Injured Employee

The following process is to be followed in relation to a current work injured employee whereby serious and willful misconduct has occurred and/or a notification has been received by the Scheme Member from ReturnToWorkSA (RTWSA) or the South Australian Employment Tribunal or the worker's legal representative concerning related employment matters whilst a workers compensation claim is active.

Step	Role	Action	When
10.1	IRC / ICC	<p>Grounds to Terminate Employment Work Injured Employee or notification received from RTWSA or the SAET or injured employee's legal representative</p> <p>Scheme Member to advise the LGAWCS concerning potential grounds to terminate and that an investigation has commenced (where applicable) or of correspondence received.</p>	Within 2 days of becoming aware of potential grounds
10.2	IRC / ICC & LGAWCS	<p>Consultation with LGAWCS</p> <p>LGAWCS confirms notice period prior to the potential termination taking effect (where applicable) and exchange of any relevant information.</p>	Within 4 days
10.3	Scheme Member & LGAWCS	<p>Investigation (where applicable)</p> <p>Scheme Member completes investigation into grounds for termination and establishes recommended actions. Scheme Member notifies the LGAWCS of the investigation outcome and recommended actions (where possible, the Scheme Member to share any investigation reports).</p> <p>The LGAWCS will review any supplied materials and will provide a response to the Scheme Member.</p>	Timeframe variable
10.4	Scheme Member	<p>Review and Action</p> <p>Scheme Member reviews the recommendations of the LGAWCS and clarifies any concerns. Scheme Member advises LGAWCS of final decision (where applicable) made following review of all information available prior to release of any decision / response.</p>	Timeframe variable

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11. Formal Request for Provision of Suitable Employment

An injured employee may make a formal request via the South Australian Employment Tribunal to be provided with Suitable Employment (Section 18 of the Act). In very limited cases, this may be extended to a former work injured employee to seek re-employment and the former employee may also make application via RTWSA (Section 15(2) of the Act). The following steps are to be followed in these circumstances.

Step	Role	Action	When
11.1	Injured Employee / Former Employee	<p>Notification of Employment Sought</p> <p>The employee by written notice to the Scheme Member confirms that he or she is ready, willing and able to return to work with the Scheme Member; and provides information about the type of employment that the employee considers he or she is capable of performing.</p> <p>The written notice must be received using the template form published by the South Australian Employment Tribunal.</p> <p>Written notice to be served on the Scheme Member and <u>not</u> a recruitment firm acting on behalf of a Scheme Member. The notice is deemed to be received from time the Scheme Member has been provided with the written notification.</p>	No legislated time limit to make an application.
11.2	IRC / ICC or delegated HR staff member	<p>Review of Notification & Advice to LGAWCS</p> <p>Scheme Member receives the written notification and confirms that the notification is complete and complies with the above requirements.</p> <p>The LGAWCS Claims Consultant is contacted to advise of the written notification received. A copy of the notification is emailed to the LGAWCS for review and any exchange of information is agreed to (subject to a valid Information Authority).</p>	Within 2 days of receiving application
11.3	IRC / ICC or delegated HR staff member	<p>Response Drafted & Finalised</p> <p>Following the exchange of any required medical / other information at Step 11.2 a draft response is developed to the notification and forwarded to the LGAWCS for further consideration. The response will indicate whether suitable employment will be offered or alternatively where not offered the basis on which employment is not offered in accordance with Section 18(2) of the Act.</p> <p>LGAWCS reviews the draft response provided by the Scheme Member and submits any recommended changes to the correspondence back to the Scheme Member.</p>	Within 20 days of receiving application
11.4	Scheme Member or LGAWCS (depending on application)	<p>Forward Response to Injured Employee / Authority</p> <p>Written response is forwarded to the injured employee and/or their representative and also the relevant authority (i.e. RTWSA or SAET) where involved.</p>	Within 28 days of receiving application

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12. Complaints Process

Step	Role	Action	When
12.1	Injured Employee	Report the issue or complaint The injured employee shall report any issue, dissatisfaction or complaint regarding the handling of their claim or return to work process to either their Manager/Supervisor, IRC/ICC, Employee representative, LGAWCS RC or Claims Consultant.	As soon as practicable
12.2	IRC / ICC, or Manager / Supervisor	Record details of the issue or complaint A detailed record of any discussions with the employee shall be taken and a copy provided to the LGAWCS. All records are maintained in the confidential internal claims / return to work files or electronic system.	As soon as complaint made
12.3	IRC / ICC, or Manager / Supervisor	Determine action in consultation with the LGAWCS If the matter cannot be easily resolved internally or there is dissatisfaction with either the claim or return to work process, or alternatively the employee seeks a change in personnel, then the LGAWCS will be notified promptly. An appropriate LGAWCS Consultant will contact the parties involved and commence the LGAWCS Internal Dispute Resolution Process, which may include a meeting or case conference with the parties. If a meeting is arranged to address an employee's concerns the employee will be offered the opportunity to have a support person or representative present at any such meeting. All conduct will be managed objectively and in accordance with procedural fairness when investigating and taking any action in relation to the employee's grievance. The employee will be advised of any investigation undertaken and any action taken, or planned to be taken, as a result of their grievance.	As soon as complaint made
12.4	IRC / ICC, or Manager / Supervisor	Implement agreed actions and/or provide review rights Any agreed actions will be implemented. If the employee is not satisfied with the outcome of the LGAWCS Internal Dispute Resolution Process, they may request their grievance be referred to LGAWCS senior management or alternatively they may make application to the State Ombudsman which can undertake its own investigation <i>NB: an employee can make application to the State Ombudsman to review a complaint prior to undertaking the LGAWCS Internal Dispute Resolution Process, however it is encouraged that the internal process is completed first as the matter may be resolved much quicker without external intervention.</i> Any agreement or conclusion reached as a result of the LGAWCS Internal Dispute Resolution Process or State Ombudsman Investigation will be recorded in writing and placed on the confidential return to work / claims file or electronic system.	Within agreed or legal timeframes



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		Any Applications for Review lodged with the South Australian Employment Tribunal regarding a claim determination or a return to work process, will be referred to the LGAWCS immediately.	
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13. Return to Work Case Closure

Step	Role	Action	When
13.1	LGAWCS RC, IRC / ICC, or Manager / Supervisor	<p>Worker returns to pre-injury duties or does not return to work</p> <p>Prior to the conclusion of the return to work process, the following will occur:</p> <ul style="list-style-type: none"> A “final” Work Capacity Certificate is issued stating fit for pre-injury duties with no further medical review, or a “final” certificate is issued, confirming any long term restrictions. The Manager/Supervisor is informed of any long term restrictions or need for future treatment. The employee confirms their understanding and implementation of any long term restrictions and confirms this by signing the RTW Closure Form. The RTW Closure Form is prepared and provided by the LGAWCS RC. The closure form is signed by IRC / ICC and/or the Manager / Supervisor to acknowledge any long term restrictions that will be upheld until medical advice states otherwise. A copy of the RTW Closure Form and final medical certificate is retained in the employee’s return to work / claim file and will also be placed in the employee’s personnel file, if long term restrictions apply. <p>A return to work services case closure can also be established on redemption / resignation, retirement or any other outcome approved by the LGAWCS.</p>	Following a final WCC or on redemption / resignation / retirement or other event.

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14. Training Requirements

- The appointed IRC / ICC and their nominated contingency are to complete the designated LGAWCS Return to Work Training for IRC / ICC within 3 months of commencing role and then 3 yearly thereafter.
- All Managers / Supervisors of a Scheme Member with direct staff reports are to complete the designated LGAWCS Return to Work Training for Managers and Supervisors within 3 months of commencing role and then 3 yearly thereafter.
- Payroll staff (or their delegate) responsible for the completion and submission of Average Weekly Earnings Calculators, Employee Details Forms and Income Support Reimbursements are to complete the designated LGAWCS Workers Compensation Training for Payroll Staff within 3 months of commencing role and then from time to time as communicated by the LGAWCS.
- All designated LGAWCS training sessions can be completed online for regional Scheme Members and on request locally where numbers permit.
- All LGAWCS completed RTW training sessions will be competency assessed and a certificate of competency will be issued following successful completion.

15. Records

- Internal Claims / RTW files
- Training Records
- Job Descriptions for IRC / ICC, contingency persons, payroll staff and relevant managers & supervisors detailing RTW / Claims requirements
- Injury Claims / RTW Profile Reports
- Meeting agendas, minutes and records from review of injury claims data reports
- RTW Kits for Employees, Employers and the LGAWCS Service Standards

16. Review

This Workplace Return to Work Procedure will be reviewed by the LGAWCS in consultation with Scheme Members at a minimum of every three years or when significant change to legislation or process is planned.

17. References

Return to Work Act 2014

Return to Work Regulations 2015

Work Health and Safety Act 2012

RTWSA Code of Conduct for Self-Insured Employers

General Disposal Schedule 20 for Local Government



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18. Related Documents

- WHS & RTW Peak Policy
- LGAWCS WHS & IM Procedure Validation Process

19. Document History


Document History:	Version No:	Issue Date:	Description of Change:
LGAWCS	1.0		New Document
LGAWCS	2.0	16/9/2013	Terminology changes to reflect 2012 WHS Act, Regulations and Codes of Practice. Change from disability to injury. Change of LGAWCS address and website. Paragraph regarding contact details for RRTWC and IRC via brochure for notice boards
LGAWCS	3.0	3/7/2015	Updated to reflect introduction of the Return to Work Act 2014, requirements and new terminology.
LGAWCS	3.1	7/1/2016	Updated to insert version control table.
LGAWCS	4.0	17/04/2019	Updated to merge the Suitable Employment and New & Other Employment (Work Injury) Procedures. Incorporated former Scheme Member Injury Management Elements as adapted from the Performance Standards for Self-Insurers. Included definitions table. Updated LGAWCS logo and terminology.

Signed:

Chief Executive Officer

Chairperson, Health Safety Committee

Date: Date:

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Appendix A: Employer & LGAWCS Responsibilities – Service Standards

Scheme Members have a range of responsibilities in terms of Return to Work and Work Health and Safety (WHS). The Return to Work Act 2014 places specific Service Standards on all Scheme Members and the LGAWCS regarding the return to work process. A promotional flyer of these Service Standards is to be displayed / made available to all employees.

Specifically, the Service Standards state that the LGAWCS with your employer will:

- (a) view a worker's recovery and return to work as the primary goal if a worker is injured while at work;
- (b) ensure that early and timely intervention occurs to improve recovery and return to work outcomes including retraining (if required);
- (c) with the active assistance and participation of the worker and the Scheme Member, consistent with their obligations under this Act, ensure recovery and return to work processes focus on maintaining the relationship between the worker and the Scheme Member;
- (d) ensure the Scheme Member is made aware of, and fulfils, their recovery and return to work obligations because early and effective workplace-based coordination of a timely and safe return to work benefits an injured worker's recovery;
- (e) treat a worker and Scheme Member fairly and with integrity, respect and courtesy, and comply with stated timeframes;
- (f) be clear about how the LGAWCS can assist a worker and a Scheme Member to resolve any issues by providing accurate and complete information that is consistent and easy to understand (including options about any claim, entitlements, obligations and responsibilities);
- (g) assist a worker in making a claim and, if necessary, provide a worker with information about where the worker can access advice, advocacy services and support;
- (h) take all reasonable steps to provide services and information in a worker's or Scheme Member's preferred language and format, including through the use of interpreters if required, and to demonstrate respect and sensitivity to a person's cultural beliefs and values;
- (i) respect and maintain confidentiality and privacy in accordance with any legislative requirements;
- (j) provide avenues for feedback or for making complaints, and to be clear about what can be expected as a response;
- (k) recognise a right of a worker or Scheme Member to be supported by another person and to be represented by a union, advocate or lawyer.

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Appendix B: Employee's Rights

An injured employee is afforded with the below mentioned rights following the occurrence of a work related injury:

- (a) To make a claim for compensation.
- (b) To choose their treating medical practitioner(s).
- (c) To be meaningfully involved in all decisions and actions relating to their return to work.
- (d) To have a copy of their current Recovery / Return to Work Plan.
- (e) To be provided a copy of all medical reports relating to the injured employee
- (f) To have a representative or support person present at any meeting which involves their return to work and claim management.
- (g) To seek independent advice before signing any documentation.
- (h) To have personal information kept confidential by those parties authorised for the purpose of return to work and claims management.
- (i) To have access to medical or vocational information contained in the file pertaining to their Recovery / Return to Work Plan, which is in the employer's possession.
- (j) To be provided with a Recovery / Return to Work Plan which takes into proper account of their individual needs and includes recognition of any issues regarding cultural or linguistic background.
- (k) To be assured that dismissal from employment will not occur simply as a result of the employee's participation in their Recovery / Return to Work Plan.
- (l) To work within the agreed work capacity certified and to have the employer support the appropriate medical restrictions.
- (m) To appeal/review specific decisions relating to their Recovery / Return to Work Plan or claim.
- (n) Have reasonable out of pocket expenses reimbursed (where entitlements allow for).


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Appendix C: Employee's Responsibilities

Employees should take reasonable care to protect their own health and safety and that of others in the workplace. They should also notify their employer immediately in the event of a workplace incident or accident occurring. They should participate in medical treatment and Recovery/Return to Work Plans tailored to work capacity and co-operate with Recovery/Return to Work Plans for other injured employees. Injured employees are obliged to accept and perform suitable employment offered by their employer for which they have been medically assessed fit to perform.

Specifically, employees are required to:

- (a) Report a work related injury to your employer as soon as practicable after the occurrence of the injury and to participate in the incident investigation reporting process.
- (b) Undertake appropriate treatment, as recommended by your treating medical practitioner of your choice that will facilitate a safe return to work.
- (c) Participate actively in the planning, implementation and review of your Recovery/Return to Work Plan and with the agreed primary goal being a return to work.
- (d) Accept the provision of suitable duties where they form part of your Recovery/Return to Work Plan.
- (e) Make every reasonable effort to return to work in suitable employment.
- (f) Abide by your medical restrictions, both during and outside of working hours.
- (g) Notify your Manager/Supervisor, IRC/ICC immediately if unable to attend work for which you are cleared to undertake.
- (h) Provide your Employer with a Work Capacity Certificate and a Claim Form if you wish to make a claim for compensation and complete a Return to Work Kit with your employer.
- (i) Provide your Employer with Work Capacity Certificates immediately on receipt, for the duration of any period of incapacity (that is from the time of incident until a final Work Capacity Certificate has been issued).
- (j) Avoid disruptions to your return to work activities by arranging, where possible, appointments outside agreed working hours or where not possible at the beginning or end of your normal working day.
- (k) Notify relevant parties (i.e. Manager/Supervisor, IRC/ICC, LGAWCS Return to Work Consultant) when cancellation of an appointment is necessary and reschedule the appointment at the first available time.
- (l) Attend medical examinations arranged by the LGAWCS.

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Appendix D: Co-Worker's Responsibilities

- Reporting as soon as practicable any co-worker work-related injury to their Manager/Supervisor and provide details of what was witnessed in the incident / injury investigation process.
- Assisting and supporting injured employees with activities outside of their physical restrictions.
- Discussing with their Manager/Supervisor or IRC any impact an employee's restrictions may have on their role and provide support in identifying ways on how this can be addressed for both themselves and the injured employee.
- Contacting the Manager/Supervisor or IRC with any queries or concerns that may impact on the employee's successful return to work.
- Undertaking work within safe operating procedures at all times and promptly report any hazards or incidents.

Appendix E: Contact Details

For the purposes of the Return to Work Act 2014, the Local Government Association of South Australia (via the LGAWCS) is, the nominated Employer for a registered group of Self Insured Employers which includes all Scheme Members.

The LGAWCS can be contacted as per the below details:

Local Government House

Level 1, 148 Frome Street

ADELAIDE SA 5000

GPO Box 1693

ADELAIDE SA 5001

Telephone: (08) 8235 6460

Facsimile: (08) 8235 6448

Email: LGRSadmin@jlta.com.au

Appendix F: LGAWCS Contact Details Flyer



Workers Compensation Scheme
Local Government Association
of South Australia



Working together to get you back to work

Contact Information

1. The contact details for your Workplace Internal Return to Work Coordinator (IRC) are:-

Name: Jessie White
Phone: 8666 2014
Fax: 8666 2169
E-mail: deputyceo@mtr.sa.gov.au

2. The contact details for your LGAWCS Claims Consultant or Return to Work Consultant are:-

Phone: 08 8235 6460
Fax: 08 8235 6448
Postal: GPO Box 1693
ADELAIDE SA 5001
E-mail: LGRSadmin@jlta.com.au