

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYEMENT PROCEDURE</b>		Version:	1.0
			Issued:	Dec - 15
			Next Review:	Dec - 17

### Introduction & Purpose:

The process outlined by this Procedure will assist both The Flinders Ranges Council and the Local Government Association Workers Compensation Scheme (LGAWCS) meet legislative compliance surrounding the duties under the Return to Work Act 2014 (the Act) relating to:

1. [New or other employment option considerations for work injured staff members \(Section 25\(10\) of the Act\)](#)
2. [Inquiries from ReturnToWorkSA \(RTWSA - formerly WorkCover SA\) concerning a review on the retention / employment of a work injured staff member \(Section 15\(2\) of the Act, in part\)](#)
3. [The proposed termination of an existing work injured staff member](#)

This Procedure will ensure the obligations of all stakeholders (injured workers, employer and the LGAWCS) are met in a timely and appropriate manner. The Procedure detailed is designed to meet the legislative requirements for currently employed work injured staff. Should a notification be received concerning a former work injured staff member please refer to the Re-employment Procedure (Work Injury).

For the purposes of reviewing new or other employment obligations this procedure will commence, depending on the nature of injury and recovery, at three months post the date of injury. For the purposes of RTWSA inquiries concerning the retention / employment or a proposed termination of a work injured staff member this procedure will commence as required. The Procedure has been separated into a number of steps which each detail the responsible person(s), actions to be undertaken and the timeframe to complete those actions. A high level flowchart is also detailed summarising the key steps within each process.


SIGNED:

CEO

Date: 15 / 03 / 2016

Chairperson, Health and Safety Committee

Date: 15 / 03 / 2016


	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

## Definitions:

The following key terms within this Procedure hold the below detailed meaning.

<b>Employer*</b>	Means The Flinders Ranges Council and also includes the former employer to which the work injury arose from.
<b>Full Capacity</b>	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.
<b>IRC</b>	Internal Return to Work Coordinator (or their nominated contingency) appointed by the employer.
<b>Suitable Employment*</b>	<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"> <li>(a) the nature of the worker's incapacity and previous employment;</li> <li>(b) the worker's age, education, skills and work experience;</li> <li>(c) the worker's place of residence;</li> <li>(d) medical information relating to the worker that is reasonably available, including in any medical certificate or report;</li> <li>(e) if any recovery/return to work services are being provided to or for the worker;</li> <li>(f) the worker's recovery/return to work plan, if any;</li> </ul>
<b>Worker</b>	Is an employee who has a work injury and has been incapacitated for work as a consequence of that work injury.

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

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

### New or Other Employment Option - Process Steps:

Step	Role	Action	When
1	Employer	<p><b>Ongoing review of open claims</b></p> <p>Employer to review ongoing workers claims including duration with the Human Resource Manager on a monthly basis. Details can be obtained by the appointed person (usually the IRC) from the monthly Claims Analysis Tracking System (CATS) report or Member Centre reporting function.</p> <p>Employer 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).</p> <p>Employer to explain the importance and purpose of including these personnel on the authority and their role in the provision of suitable employment and the employer's obligations under the Act.</p>	<b>Monthly (recurring)</b>
2	LGAWCS	<p><b>Review of claim status and medical information</b></p> <p>Appointed LGAWCS Claims and RTW Consultant to review work capacity information for qualifying files and confirm the following:</p> <ul style="list-style-type: none"> <li>• Is the worker at full pre-injury hours and duties?</li> <li>• Prognosis to return to pre-injury hours and duties? Will this be achieved within the next three months?</li> <li>• Is future surgery required?</li> <li>• What medical evidence has been received to support current and future capacity?</li> </ul> <p><b>Identification of Additional Evidence Required</b></p> <p>Upon answering the above questions the LGAWCS Claims and RTW Consultant will review requirement to obtain additional medical / vocational evidence such as:</p> <ul style="list-style-type: none"> <li>• Treating Health Practitioner consultation / report</li> <li>• Independent Medical Examination / report</li> <li>• Allied Health Practitioner referral / report</li> <li>• Job Description / Job Dictionary / Job Analysis / Worksite Assessment</li> <li>• Case Conference</li> </ul>	<b>12 weeks post the date of injury, where a return to full capacity (pre-injury duties and hours) has <u>not</u> occurred.</b>

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>


		Appointed LGAWCS Claims and RTW 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 must be evidence based.	
<b>3</b>	<b>Employer &amp; LGAWCS</b>	<p><b>Appointed LGAWCS RTW Consultant shares initial review result with nominated IRC at employer.</b></p> <p>IRC raises any queries with initial review result and ensures that Human Resources Manager / Business Partner / Line Manager (as appropriate and if not previously attended to) is included on an updated Authority to Exchange Information Form and is briefed on the initial assessment result. LGAWCS RTW Consultant confirms additional medical / vocational information required with IRC including any information pertaining to suitable employment at the employer.</p> <p><b>Collection of additional medical / vocational evidence.</b></p> <ul style="list-style-type: none"> <li>• LGAWCS Claims Consultant to arrange additional assessments identified in Step 2 above (where required).</li> <li>• LGAWCS RTW Consultant to arrange case conference and/or contact with treating health practitioners (as required) obtaining additional information.</li> </ul>	<b>12 – 16 weeks post the date of injury where the assessment at Step 2 reveals potential full capacity will <u>not</u> be achieved at 6 months post date of injury.</b>
<b>4</b>	<b>Employer &amp; LGAWCS</b>	<p><b>Recommended Decision</b></p> <p>On receipt of any additional information requested at Step 3 above the LGAWCS will review the above evidence and consult with the employer with the recommended decision concerning:</p> <ul style="list-style-type: none"> <li>• Whether a new or other employment option needs to be explored, or;</li> <li>• Whether at this stage a return to pre injury duties and hours is highly probable.</li> </ul> <p>The recommended decision will be evidence based.</p> <p>IRC / Human Resource Manager / Business Partner / Line Manager reviews recommended decision with the appointed LGAWCS RTW Consultant and raise any queries or concerns prior to sign off on the recommended decision (Step 5).</p>	<b>16 – 20 weeks post injury where a return to full capacity at 6 months unlikely based upon evidence received.</b>

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

<b>5</b>	<b>Employer &amp; LGAWCS</b>	<b>Sign Off on Recommended Decision</b> <ul style="list-style-type: none"> <li>• Employer and LGAWCS to sign off on recommended decision jointly concerning new or other employment option.</li> <li>• Sign off may be to agree to explore new or other employment options at this time or to defer such a decision pending further medical or vocational evidence to be received.</li> <li>• Sign off will detail clear lines of responsibility and timeframes to achieve agreed actions.</li> </ul>	<b>21 – 26 weeks post injury where a return to full capacity at 6 months unlikely based upon evidence received.</b>
<b>6</b>	<b>Employer &amp; LGAWCS</b>	<b>Exploration of new or other employment options</b> Where agreed, LGAWCS RTW Consultant and IRC to discuss potential employment options and arrange a worksite meeting with the following parties: <ul style="list-style-type: none"> <li>• Worker</li> <li>• Worker's Team Leader / Line Manager / Supervisor / Business Partner / Works Manager (as appropriate)</li> <li>• LGAWCS RTW Consultant</li> <li>• IRC</li> <li>• Human Resources Manager or equivalent (as appropriate)</li> </ul> <p>At the worksite meeting a New or Other Employment Option Report in consultation with the above parties is drafted drawing upon the evidence received in earlier steps. 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. Injured worker 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 worker concerning the above outcome the LGAWCS will review the issue in accordance with its usual complaints handling process. Where an injured worker unreasonably declines an offer of suitable employment or refuses to participate in an approved Recovery &amp; Return to Work Plan (RRTWP) the LGAWCS may take remedy steps as allowed under the Act to cease payments. Remedy actions will be contingent on the individual circumstances of the claim in question.</p>	<b>6 – 7 months post injury or following completion of Step 5.</b>

		<p>OR</p> <p><b>Confirmation of the return to pre-injury duties and hours goal</b></p> <p>Where identified at Step 5, LGAWCS RTW Consultant and IRC to arrange a worksite meeting with the following parties:</p> <ul style="list-style-type: none"> <li>• Worker</li> <li>• Worker's Team Leader / Line Manager / Supervisor / Business Partner / Works Manager (as appropriate)</li> <li>• LGAWCS RTW Consultant</li> <li>• IRC</li> </ul> <p>At the worksite meeting confirmation of the return pre injury duties and hours occurs and any medical / vocational evidence supporting the goal is included within the updated Recovery &amp; Return to Work Plan (RRTWP). Injured worker is afforded opportunity to consider the updated RRTWP and make any representations on the return to work goal prior to signing as per the usual process of consultation where offered recovery and return to work services. Notation is made to reference that a New or Other Employment Option review has been completed and the evidence relied upon. Separate written confirmation of this review outcome is to also be made to the injured worker from the LGAWCS.</p> <p>Should a dispute / grievance be raised by an injured worker concerning the outcome from Step 6 the LGAWCS will review the issue in accordance with its usual complaints handling process. Where an injured worker unreasonably declines an offer of suitable employment or refuses to participate in an approved RRTWP the LGAWCS may take remedy steps as allowed under the Act to cease payments. Remedy actions will be contingent on the individual circumstances of the claim in question.</p>	
7	Employer & LGAWCS RTW Consultant	<p><b>New or other employment option actions or pre injury employment actions progressed as documented in updated RRTWP</b></p> <p>LGAWCS RTW Consultant to monitor and ensure agreed actions occur as planned. Where any agreed actions are unlikely to be achieved within the agreed timeframe the LGAWCS RTW Consultant is to liaise with the involved stakeholder. Where LGAWCS RTW</p>	8 - 9 months post injury or following completion of Step 6.




	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

		<p>Consultant holds concerns that the agreed actions will not be met or the goal is not achievable this is brought to the attention of the appointed LGAWCS Claims Consultant to review.</p> <p><b>New employment contract</b></p> <p>Where a new or other employment option has been agreed and actions completed to 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 Human Resource Manager / Business Partner 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 to draft within 7-10 working days.</p>	
<b>8</b>	<b>Employer, LGAWCS Claims Consultant &amp; RTW Consultant</b>	<p><b>9 Month Review</b></p> <p>Where a return to pre injury duties and hours or a new or other employment option has still not commenced by month 9 a further review between the LGAWCS Claims and RTW Consultant is completed and provided to the RTW and Claims Managers. Where a change in the return to work goal is identified this is to be advised to the IRC who will liaise with the Human Resource Manager / Business Partner / Line Manager (as appropriate).</p> <p><b>Worksite meeting</b></p> <p>A further worksite meeting to review the RRTWP actions and follow up items occurs. Stakeholders as identified at Step 6 are to be involved in the meeting.</p>	<b>9 – 10 months post injury (as required)</b>
<b>9</b>	<b>Employer, LGAWCS Claims Consultant &amp; RTW Consultant</b>	<p><b>12 Month Review</b></p> <p>A further review as per the 9 month review is to be conducted.</p> <p>Where a new or other employment option is recommended and there are concerns about the provision of suitable employment the Human Resource Manager / Business Partner / LGAWCS is to raise, meet and discuss concerns and Act requirements with the Chief Executive Officer or relevant Senior Management Team member.</p>	<b>12 – 13 months post injury (as required)</b>

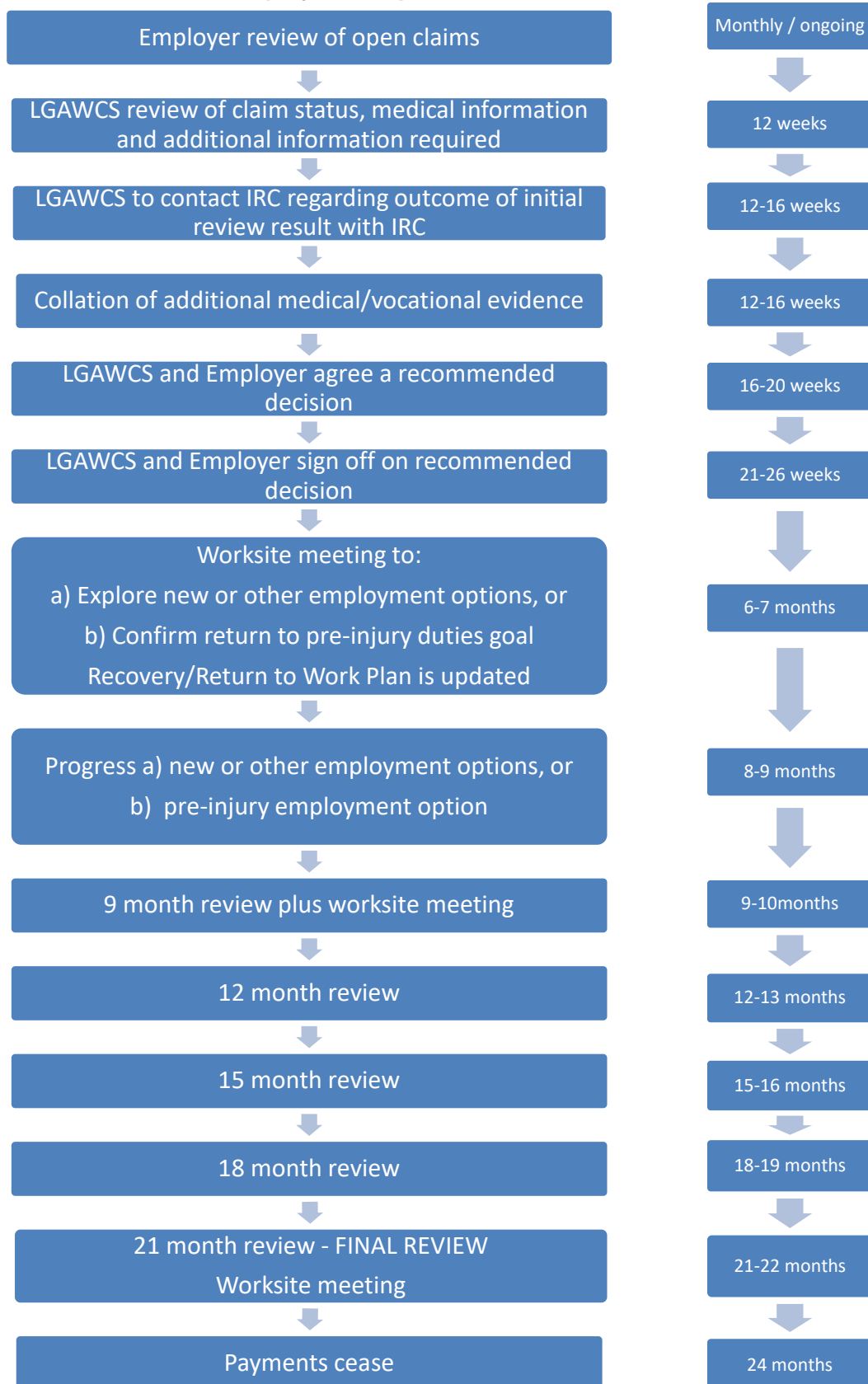
	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>


<b>10</b>	<b>Employer, LGAWCS Claims Consultant &amp; RTW Consultant</b>	<b>15 Month Review</b> A further review as per the 12 month review is to be conducted.	<b>15 – 16 months post injury (as required)</b>
<b>11</b>	<b>Employer, LGAWCS Claims Consultant &amp; RTW Consultant</b>	<b>18 Month Review</b> A further review as per the 15 month review is to be conducted.	<b>18 – 19 months post injury (as required)</b>
<b>12</b>	<b>Employer, LGAWCS Claims Consultant &amp; RTW Consultant</b>	<b>21 Month Review – FINAL REVIEW</b> Where a return to pre injury duties and hours or a new or other employment option has not commenced by month 21 a final review between the LGAWCS Claims and RTW Consultant is completed and provided to the RTW and Claims Managers. Where a change in the return to work goal is identified this is to be also advised to the IRC who will in turn liaise with the Human Resource Manager / Business Partner / Line Manager (as appropriate).  <b>Worksite meeting</b> A further worksite meeting to review the RRTWP actions and follow up items occurs. Stakeholders as identified at Step 6 are to be involved in the meeting but must include Human Resource Manager / Business Partner. At this meeting the injured worker is advised of the cessation of Return to Work services from the LGAWCS at 24 months. Injured worker's final RRTWP is to document the current suitable employment available (whether being completed or not) and any actions which the employer can complete in finalising a new or other employment option where a return to pre injury duties and hours will not be achieved prior to the cessation of the entitlement period to weekly payments of compensation / LGAWCS Return to Work Services.	<b>21 – 24 months post injury (as required)</b>



	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

## 1. New or Other Employment Option - Flowchart:



	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

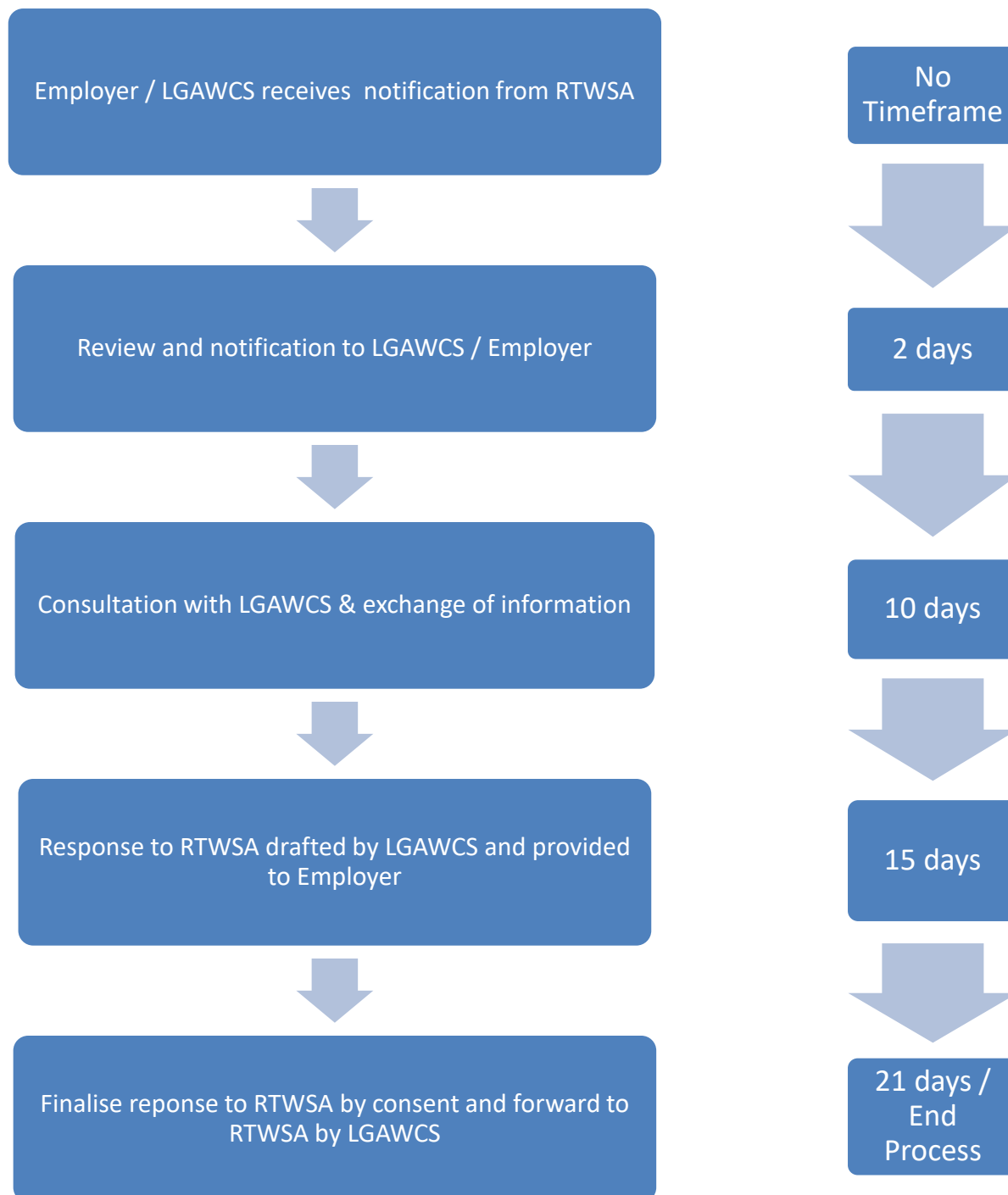
## 2. RTWSA Retention or Employment of a Currently Employed Worker – Process Steps:

The following process is to be followed in relation to a current work injured worker whereby a request from ReturnToWorkSA (RTWSA) has been received by The Flinders Ranges Council or the LGAWCS concerning the retention or employment of a worker. Where a request is made concerning the re-employment of a former worker refer to the Re-employment Procedure (Work Injury).

Step	Role	Action	When
1.	<b>Employer or LGAWCS</b>	<b>Notification Received from RTWSA</b> Employer or the LGAWCS receives verbal or written notice from RTWSA concerning the retention or employment of a worker and notifies each other accordingly.	Within 2 days of receiving notice from RTWSA
2.	<b>Employer &amp; LGAWCS</b>	<b>Consultation</b> Both the employer and the LGAWCS will arrange a time to review the verbal or written notice received from RTWSA and consider an appropriate response. Exchange of any necessary information occurs where required to adequately respond to the application.	Within 10 days of receiving application or earlier where a response is required to RTWSA at an earlier date
3.	<b>LGAWCS</b>	<b>Response Drafted</b> Following the exchange of any required information at step 2 above a draft response is developed to the notification from RTWSA by the LGAWCS and forwarded to the employer for feedback.	Within 15 days of receiving application or earlier where a response is required to RTWSA at an earlier date
4.	<b>LGAWCS</b>	<b>Finalise Response to RTWSA</b> Following consultation of the draft response at step 3 above a final written response is provided to RTWSA by the LGAWCS.	Within 21 days of receiving application or earlier where a response is required to RTWSA at an earlier date
5.	<b>Employer &amp; LGAWCS</b>	<b>Manage and Cooperate with further RTWSA Enquiries</b> LGAWCS in conjunction with the employer will consult and respond to any further notifications received from RTWSA and comply with any information requests within specified timeframes.	As required and within designated timeframes as specified by RTWSA

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

## 2. RTWSA Retention or Employment of a Currently Employed Worker - Flowchart:



	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

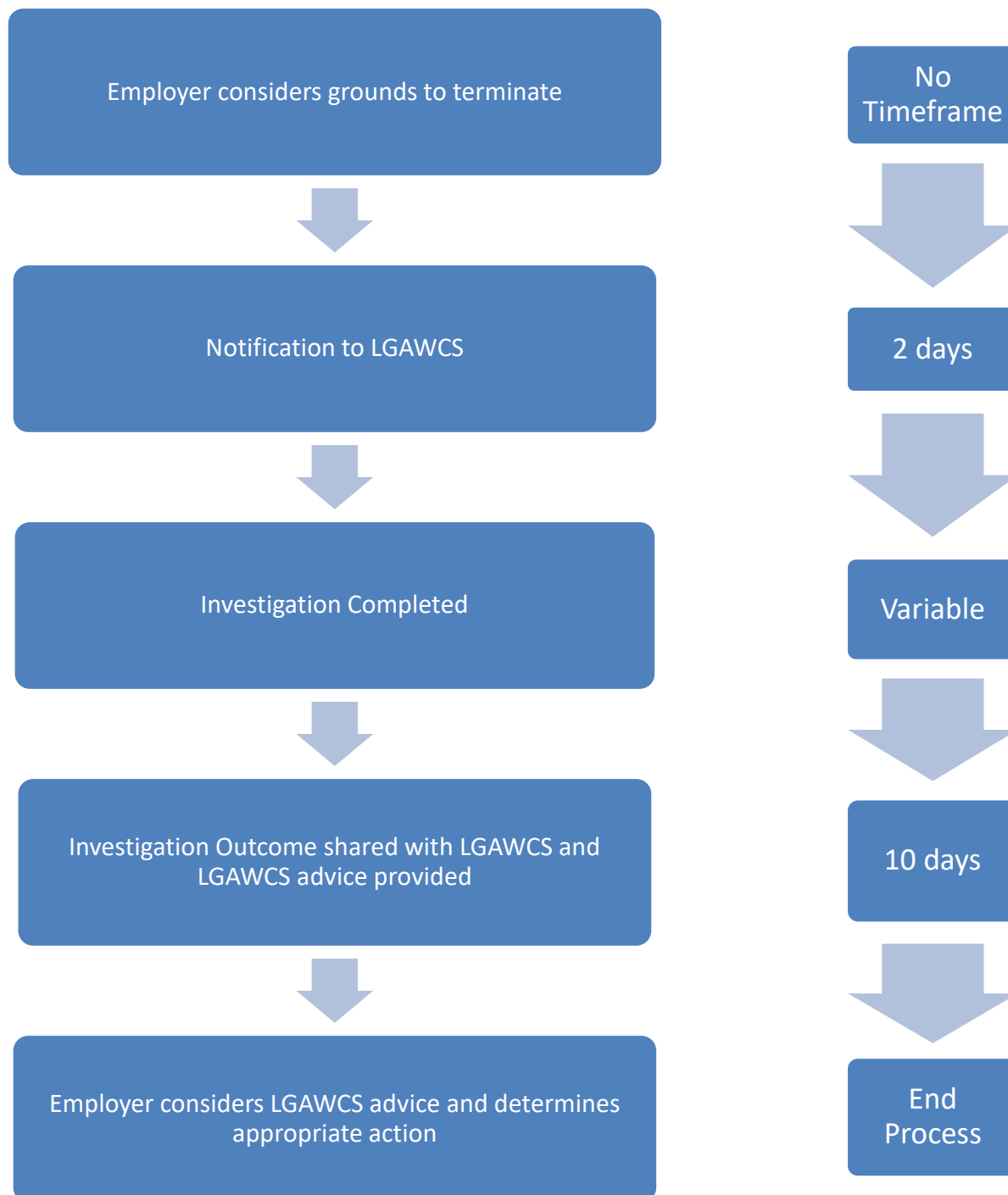
### 3. Proposed Termination of a Current Work Injured Employee – Process Steps:

The following process is to be followed in relation to a current work injured worker whereby The Flinders Ranges Council is considering terminating the employment arrangement.

Step	Role	Action	When
1.	Employer	<b>Grounds to Terminate Employment Work Injured Employee</b> Employer to advise the LGAWCS concerning potential grounds to terminate and that an investigation is to commence.	Within 2 days of becoming aware of potential grounds
2.	LGAWCS	<b>Initial Consultation with LGAWCS</b> LGAWCS confirms notice period prior to the potential termination taking effect (where applicable).	Within 4 days
3.	Employer & LGAWCS	<b>Investigation</b> Employer completes investigation into grounds for termination and establishes recommended actions. Employer notifies the LGAWCS of the investigation outcome and recommended actions (where possible, the employer is to share any investigation reports).	Timeframe variable
4.	Employer & LGAWCS	<b>Finalise Consultation with LGAWCS</b> The LGAWCS will review the supplied materials and provide a response to the employer.	Within 5 days of being provided with relevant materials and recommended actions.
5.	Employer	<b>Review and Action</b> Employer reviews the recommendations of the LGAWCS and clarifies any concerns. Employer advises LGAWCS of final decision made following review of all information available.	Timeframe variable

	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

### 3. Proposed Termination of a Current Work Injured Employee - Flowchart:



	<b>THE FLINDERS RANGES COUNCIL SUITABLE EMPLOYMENT PROCEDURE</b>	Version:	<b>1.0</b>
		Issued:	<b>Dec - 15</b>
		Next Review:	<b>Dec - 17</b>

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LGAWCS	1.0	18/12/2015	New Procedure