

**Makibe Australia Group of Companies**

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# **RETURN TO WORK PROGRAM**

A guide for workplace injury and recovery at work program

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Program Implemented on: 30 August 2021  
Review date: 30 August 2023

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## 01 Introduction

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The Safety and welfare of our people is a core Makibe Australia value. We strive hard to provide a safe workplace to ensure that our employees, contractors, visitors and the community we operate in are free from work related injury and illness.

However Makibe Australia understands that despite this, injury and illness can occur. As such, this RTW Program has been developed in consultation with the injured employee to provide information on what to expect following an injury or illness at work. A copy of this RTW Program can be located at Head Office and forms part of your induction. A summary of the program including the Makibe's insurer details can be found together with Incident Reports located at each worksite we engage in labour hire arrangements.

## 02 Leadership and Commitment

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Makibe recognises its obligations under the *Work Health and Safety Act 2011* and is committed to preventing workplace injury and providing a safe, health and secure working environment by taking all reasonably practicable measures to protect the health, safety and welfare of its employees. We are committed to a systematic approach to the identification, assessment, elimination or control of hazards through the *Incident report form* to help achieve this commitment, all employees are required to ensure that their actions do not adversely affect their health and safety or the health and safety of others in the workplace.

## 03 Workplace Arrangements

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Makibe Australia believes in directly supporting its employees in their recovery at work. We have appointed a Return to Work (RTW) Coordinator to assist in managing the rehabilitation process of an injured employee. Details of the RTW Coordinator are:

### **Return to Work Coordinator**

**NAME:** Michael Minehan

**POSITION:** General Manager

**LOCATION:** level 8, Suite 2 171/179 Queen Street Campbelltown NSW 2560

**PHONE:** (02) 4631 6700

**EMAIL:** michael@makibeaustralia.com.au

The RTW Coordinator has the authority to represent and make decisions for Makibe in relation to the following:

- Preparing, monitoring, and reviewing a Recover at Work Plan for the rehabilitation of the injured employee in consultation with key parties.
- Referring injured employees to external rehabilitation providers (when appropriate)
- Helping to redeploy employees both internally and externally into suitable employment (where appropriate)
- Contributing to the improvement of relevant policies and systems
- Educating the workforce and promoting the health benefits of recovery at work.

The RTW Coordinator does not make decisions on claims liability or funding for treatment.

Workplace Rehabilitation provider (WRP) may be engaged throughout the recovery process of an injured employee. The following WRP is preferred to work with Makibe Australia 's employees as they are familiar with the workplace and specific task carried out within the business.

#### **Workplace Rehabilitation Provider**

**NAME: Jon North**

**RehabNet Injury Management**

**PHONE: 0412 710 186**

**EMAIL: [jon.north@rehabnet.com.au](mailto:jon.north@rehabnet.com.au)**

The preferred WRP may be engaged during an injured employee's rehabilitation to:

- Assess the injured worker's capacity for work and the activities able to be performed
- Assess available suitable work options
- Advise modifications required to the work environment or work practices to reduce work demands
- Work with the injured employee, employer and the Nominated treating Doctor (NTD) to design the Return to Work (RTW) plan
- Advise about work options if the injured employee is unable to return to pre-injury duties.

If Makibe's workers compensation scheme agent has approved the involvement of external workplace rehabilitation, employees retains the right to nominate their own provider.

Consultation and training in regard to the RTW Program can occur in the following forums which support two way feedback and discussion:

- Induction Programs
- WHS Committee Meetings held
- Toolbox Talks
- Site Noticeboards

The RTW Program will be reviewed every 2 years and will be made available to all employees through our induction process and online WHS training modules.

## 04 Rights and Obligations

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All stakeholders have the rights and responsibilities regarding their participation in the RTW program. These rights and responsibilities will be communicated via the RTW Program and discussed on a regular basis during meetings. The rights and obligations of each key stakeholder are outlined below:

### **Injured Employee**

- Take reasonable care for their own safety and the safety of others in the workplace
- Comply with Makibe Australia and clients' policies, safe operating procedures and work instructions so as to prevent workplace injuries to themselves and others
- Seek First Aid following a work related injury
- Being actively involved in the RTW program, which includes:
  - i. Specifying one nominated doctor or medical practice that is prepared to participate in the development and implementation of a RTW plan.
  - ii. Giving consent to Makibe to obtain information from the treating medical professionals for the purposes of a RTW Plan
  - iii. Making all reasonable efforts to return to work as soon as possible
  - iv. Advising of any difficulties with the RTW Plan as soon as practical to prevent delays in addressing the problems
  - v. Maintaining regular contact with your direct manager and RTW Coordinator to keep them informed of the condition, treatment and recovery
  - vi. Participating in medical case conferences with the Treating doctors, RTW Coordinator and Scheme agents
  - vii. Obtaining regular certificate of capacity at intervals not greater than 28 days
  - viii. Complying with medical restrictions resulting from the work injury as obtained from the treating doctor

The Injured employees have the following rights afforded to the under the law:

- Where medical treatment is required, injured employees have the right to choose their own treating provider
- Where the services of an external Workplace Rehabilitation Provider (WRP) are deemed necessary, the employees have the right to participate with the selection of the provider
- To make a claim in Workers' Compensation following a work-related injury,
- To expect medical and personal information to be kept confidential
- To receive medical support and respect from the staff involved in the management of their workplace injury
- To be provided with suitable duties that accommodates medical restrictions issued on the certificate of capacity during injury recovery, where practicable

### **Manager / Supervisor on Site**

- Ensure that the injured employee receives first aid or a referred for medical treatment as appropriate to the nature and severity of the injury
- Investigate the incident, seeking to identify root cause and take steps to prevent reoccurrence
- Immediately notify the Makibe RTW Coordinator if an injured employee presents a medical certificate
- Participate in the development, implementation, and review of an injured employee's Return to work Plan
- Take all reasonable steps to provide suitable duties
- Ensure confidentiality is maintained.

### **Return to work Coordinator**

- Report all injuries to the insurer within the required timeframe
- Educate injured workers and Clients about the injury management process, RTW program and what to expect when an injury occurs
- Coordinate the development of the Return to Work (RTW) Plans and ensure the Nominated Treating Doctor (NTD) approves all plans.
- Liaise with all internal and external stakeholders as required
- Provide status updates to the Client supervisors and/or managers
- Establish a confidential file for each injured employee including all relevant documents, correspondence, and accounts.
- Forward appropriate documentation upon receipt to key stakeholders to ensure effective management of claim
- Keep accurate and objective case notes of all communications, actions; decisions and ensure each notation is dated.

### **Scheme Agents**

- Performing all claim management functions such as:
  - Approving medical treatment and the payment of weekly benefits
  - Managing the payment of reasonably necessary medical treatment
  - Reimbursing Makibe Australia for the payment of weekly benefits
  - Developing a meaningful Injury Management Plan (IMP) for all injured employees through consultation with the employee, Makibe and the doctor.
  - Ensuring that all stakeholders understand and comply with their obligations under the IMP
  - Finalizing a claim
  - Informing the injured employee of their procedural and legislative obligation.
- Within three working days of being notified that an employee has sustained an injury, contacting the injured employee, RTW Coordinator and treating doctor.
- Within seven days of being notified of an injury, approve provisional payments of weekly benefits and medical expenses, or advise the injured employee reasons they will not make a payment

- Ensuring that injured employee and treating doctors are made aware of their obligations in relation to applicable legislation and the insurer's injury management program.
- Informing Makibe Australia of all liability and approval decisions

### **Treating doctor**

- Assess, diagnose, treat and certify the injured employee
- Completing certificates of capacity at intervals not greater than 28 days
- Be available for medical case conferences with the injured employee, scheme agent and Makibe or their representative to discuss the injured employees recovery and RTW and injury Management Plans
- Support the injured employee to return to, and where possible, recovery at work through appropriate clinical intervention and management
- To contribute to return to work and recovery at work planning in collaboration with the injured employee and Makibe.
- Communicate with the stakeholders to help facilitate a positive outcome for the injured employee

## **05 After an Incident**

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Makibe Australia insist that clients ensure adequate First Aid coverage for all sites and shifts.

### **Provision of First Aid**

Makibe is to ensure (by way of WHS Checklist) that all Managers at 3<sup>rd</sup> party client sites are certified to carry out First Aid in the workplace. The Manager will determine if medical treatment is required and arrange for the injured employee to be transported to the appropriate medical facility. When possible, a Makibe representative may attend the medical review with the injured party.

Details of First Aider's is kept on the safety notice board at each of our Host Clients.

### **Registering Injury and reporting**

Employees should report all work-related injuries (no matter how minor) to their Host Employer supervisor/manager in line with Makibe Australia's Incident report procedure. All work-related injuries and illnesses must be reported to the immediate team leader or duty manager as soon as practicable, and an Injury report form completed. This form is to be forwarded to the Makibe Return to Work (RTW) Coordinator who will then notify the insurer.

## Notifiable Incident

If the injury is of a serious nature, it may be considered as a *notifiable incident*.

### What is a notifiable incident?

A notifiable incident is a

- Death
- Serious injury or illness
- Dangerous incident

'Notifiable incident' may relate to any person – whether an employee, contractor or member of the public. For full definition, please refer to Part 3, Section 35 to 39 of the Work, Health and Safety Act, 2011.

In case where an incident is a Notifiable incident, Makibe Australia's RTW Coordinator will contact SafeWork NSW on 13 10 50 immediately after becoming aware of a notifiable incident occurring.

## 06 Support for the Workers

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### Positive Communication

Safe and timely recovery at work is a team effort involving open and regular communication. Makibe commits to keeping in regular contact with the injured employees. Our Return to Work (RTW) Coordinator will also need to be able to Communicate with the Nominated Treating Doctor (NTD) and scheme agent regarding the injured employee in order to support them in their rehabilitation.

### Obtaining Informed Consent

An informed consent will be required to gather and exchange information about the injury and recovery at work to support the injured employee through their rehabilitation.

Makibe Australia commits to:

- Only gather health information that is relevant and necessary to manage their employee's recovery at work and coordinate the workers compensation claim.
- Only use and disclose information for the purpose for which it was collected
- Keep any information collected separate from personnel records
- Take reasonable steps to protect any information by ensuring it is stored securely, kept no longer than necessary, and disposed of appropriately
- Allow the injured employee access to the information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health

Injured employees can provide their consent via the Workers Compensation Certificate of Capacity issued by their Nominated Treating Doctor (NTD) or via the consent form available from the RTW Coordinator. The RTW Coordinator will manage the exchange of information between necessary parties.

### **Weekly Payments**

If an injured employee is unable to work their normal hours as a result of workplace injury they are entitled to claim for workers compensation weekly payments.

If an injured employee chooses to claim for weekly payments, after liability for weekly payments on a claim is accepted by the scheme agent, weekly workers insurance benefits will be paid through the normal payroll system.

To calculate the applicable Pre- injury Average Weekly Earnings (PIAWE), Makibe Australia will access the injured employee's payment history for the duration of the injury or illness.

An injured employee is entitled to utilize their personal leave instead of workers compensation weekly payments if they are unable to work their normal hours. This will be explained during the early stages of establishing the claim.

## **07 Recovery at work**

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The provision of Suitable duties where possible is an integral part of any Return to Work program. In the event of a workplace injury when an employee is unable to immediately return to their Host pre-injury duties, suitable duties may be provided by Makibe at any location where reasonably practicable to do so.

### **Provision of Suitable Duties**

Makibe Australia defines suitable duties as employment in work for which the worker is suited, having regard to the following:

- The nature of the injured employees' incapacity and pre-injury employment
- The injured employees age, education, skill, and work experience
- The injured employees place of residence
- The details given in the certificate of capacity supplied by the injured employee
- Any suitable employment for which the injured employee has received rehabilitation training
- The length of time the injured employee has been seeking suitable employment
- Any other relevant circumstance.

### **Suitable duties are:**

- Duties that are agreed between the Host employer and the injured employee to assist in the safe and durable return to work of that employee following a workplace injury as supported by medical evidence
- **Are offered for a short term period during recovery process, they are not permanent duties**
- A series of programmed work tasks which must comply with the current medical restriction and be agreed and communicated. Agreement is evidenced by the signed Recovery at / Return to work Plan.

### **Recovery at Work Plan**

Once Suitable duties have been identified at a workplace, a Return to work (RTW) Plan will be developed by the RTW Coordinator or approved Workplace Rehabilitation Provider. A template of Makibe's RTW Plan can be found in the Appendix. It will be developed with reasonable attempts to consult with all relevant parties including the nominated treating doctor. The RTW Plan will include the recovery at work goal, the injured employee's diagnosis, and capacity for work and restrictions, treatment and/or rehabilitation arrangements.

The injured employee's RTW Plan will be reviewed at least monthly or when there is a:

- Change in hours of work
- Change in restrictions / suitable duties
- Change in the return to work goal

Should a dispute arise over the proposed recovery at work plan and suitable duties, the injured worker can refer to Section 8 of this program for options available for resolving the dispute.

### **Termination of Employment within NSW Law**

Makibe Australia Group of Companies cannot legally dismiss an employee for six months after an injured employee becomes unfit due to a work-related injury. We have additional legal responsibilities regarding the employment of injured employees which are detailed in the Workers compensation Act 1998 section 241-28. Where possible, Makibe Australia commits to reviewing Internal Redeployment options based on the employee's skills and capacity, this would be consultative and based on available medical information.

## 08 Dispute Prevention and Resolution

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In the event of a dispute arising over the management of a workers compensation injury, all parties will work towards resolution by utilizing the following strategies:

1. The injured employee will advise the RTW Coordinator of the dispute. The RTW Coordinator will organize discussion with the employee and the appropriate people including the scheme agent, the Nominated Treating Doctor, other medical professionals treating the injured employee, a workplace rehabilitation provider if already involved and Supervisor/ Managers. If the dispute is unresolved via discussion with the relevant parties, it will be escalated to level 2.
2. If the dispute escalates to this level, an approved rehabilitation provider may be engaged (if not already) or a referral to an Injury Management Consultant. The nature of the dispute will be assessed, and they will attempt to mediate a solution through discussions with the Nominated Treating Doctor.
3. Employee with an unresolved workers compensation enquiry, or a complaint about the insurer need to contact **IRO** (Independent Review Office)
4. Employee with a complaint about their employer or provider (i.e. treatment provider), which they have been unable to resolve with the insurer in the first instance, need to contact **SIRA** (State Insurance Regulatory Authority) on 13 10 50.

## 09 Administration

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Makibe Australia is committed to maintaining confidentiality of the injured employee injury and medical information whilst at the same time ensuring the employee health support process is transparent in terms of process and what stakeholders may expect to happen.

Case records will be maintained in a complete and confidential manner. Records may include:

- Case notes
- Information consent form
- Return to / Recovery at work Plan , Suitable duties Plan
- Certificate of Capacity
- Reports from treating providers and the Workplace Rehab provider
- Relevant Correspondence

Personal medical /injury management details will only be disclosed to the relevant party in order to assist the return to work process. All injury management files are kept in Makibe Head Office in a secure cabinet.

# 10 Appendix

## Documents included:

- 10.1 : Injury Management Process
- 10.2 : Return to work Plan
- 10.3 Consent form for release of personal information

### 10.1 : INJURY MANAGEMENT PROCESS



#### Injured at work

- Employee sustains an injury at work.
- If an injury requires medical treatment, it should be sought immediately and First Aid is carried out.
- Any notifiable incident should be reported to SafeWork NSW on 13 10 50



#### Notifying and Reporting Injury

- Employee should notify and report work-related injury to their supervisor / manager.
- Incident Report form to be completed within 24 hours.
- Report is handed to the Return to Work Coordinator who will then notify the scheme agent within 24 hours of notification



### CLAIMING

#### YES

- Employee should see the doctor as soon as possible and obtain a certificate of capacity.
- Provide copies to the Supervisor/Manager and RTW Coordinator.
- Scheme Agent will gather information and determine liability on

#### NO

- The RTW coordinator will provide support for the employee under personal health framework.
- A Certificate of capacity is not necessary.



#### Return to Work

RTW Coordinator will develop a Return to work plan after receiving the certificate of capacity. Development will be in consultation with the employee, supervisor/manager, and treating medical provider

#### Workplace Support

Fostering positive relationship to assist the injured employee get the right help at the right time.



#### Finalisation

Once employee has recovered from work-related injury, a final certificate of capacity from the treating doctor will be obtained. A copy will be provided to the supervisor/manager, RTW Coordinator and scheme agent.

	<p><b>RETURN TO WORK PLAN</b></p> <p>Revision Date of RTW plan:</p>
<p><b>EMPLOYEE NAME:</b></p>	
<p><b>CLAIM NUMBER:</b></p>	
<p><b>JOB TITLE</b></p>	
<p><b>RTW GOALS/ OBJECTIVES:</b></p>	
<p><b>LIMITATIONS/ CONSIDERATIONS:</b></p>	
<p><b>ROLE AND NATURE OF WORK:</b></p>	
<p><b>SPECIFIC DUTIES TO BE AVOIDED</b></p>	
<p><b>SUPERVISOR</b></p>	
<p><b>WORK LOCATION</b></p>	
<p><b>TEMPORARY ROLE UNTIL COMPLETE RECOVERY:</b></p>	<p>Yes</p>
<p><b>PERMANENT JOB WITH MODIFICATIONS</b></p>	
<p><b>ACCOMMODATIONS, if any:</b></p>	<p><b>Hours/ Days of Week of Work:</b>  <b>Reduced Load:</b> Yes  <b>Alternate job:</b> Yes</p>
<p><b>TREATMENT ARRANGEMENTS (dates, times treatment service)</b></p>	



# Standard consent form for release of personal information



Worker details			
Claim number			
Given name(s)		Surname	
Employer details			
Organisation			
Contact name		Position	
Phone		Email	

### Worker's declaration

I have discussed this consent form with my employer. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

- only collect health information that is relevant and necessary to manage my recovery at work and coordinate the workers compensation claim
- only use and disclose information for the purpose for which it was collected
- keep any information collected separate from my other personnel records
- take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately
- allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health.

Considering the above, I authorise and consent to the collection, use and disclosure of personal and health information relevant to managing my injury and workers compensation claim.

This information may be exchanged between my employer, my treating doctor(s), the insurer, the workplace rehabilitation provider and the State Insurance Regulatory Authority (SIRA).