

## Policy

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## WORKPLACE REHABILITATION

Strategic Outcome:	Good government
Policy type	Strategic
Date of Adoption:	3 April 2025 Minute Number: ELT
Date for Review:	5 April 2027
Responsible Officer:	Deputy Chief Executive Officer
Document Control:	Replaces the Workplace Rehabilitation Policy adopted 20 April 2016
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance

### 1. POLICY STATEMENT

Council is committed to the prevention of illness and injury by providing a safe and healthy working environment. Where a work-related injury or illness occurs, Council will ensure procedures and resources are in place to provide an early and safe return to work.

Council's workplace rehabilitation is a managed process involving early provision of necessary and reasonable services, including suitable duties programs to facilitate the injured/ill worker's earliest possible return to, and recovery at, work.

This Policy has been developed through a collaborative consultation process between management, Council's Return to Work Co-ordinator, Workplace Health and Safety Representatives, and Union Delegates

### 2. PURPOSE

The purpose of this policy is to outline:

- the rehabilitation and return to work process Council has in place and that will apply where an employee sustains an injury or suffers an illness whilst performing work for the Berrigan Shire Council; and
- the options available to staff returning to work after an injury/illness resulting from circumstances outside of the workplace.

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### 3. SCOPE

Council has obligations under WHS legislation to provide a safe and healthy working environment to prevent injury and illness to all employees. This Policy applies to all Council staff.

### 4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

*Manage people, assets, resources and risks responsibly to support the Council's ongoing viability and maximise value for money for ratepayers.*

### 5. DEFINITIONS

Certificate of Capacity (CofC)	a certificate of capacity – this is a certificate completed by your treating doctor, which provides medical evidence regarding the injury or illness you sustained, as a result of your employment.
Job Demand Analysis (JDA)	a systematic procedure to quantify and evaluate the physical and environmental demands of a job.
Lost Time Injury (LTI):	an injury or illness that results in time away from the workplace
Nominated Treating Doctor (NTD)	a doctor chosen by the injured worker to treat them injury/illness
Non-Work Related	injuries/illnesses not caused by employment and are not claimable through worker's compensation legislation
Pre-injury average weekly earnings (PIAWE)	refers to the average of a worker's earnings during a given period before their injury. This amount will form the basis for determining ongoing weekly payments. The insurer must determine PIAWE and start payments within seven days of the initial notification of injury, unless there is a reasonable excuse not to, or liability is disputed. It is the responsibility of your insurer to calculate PIAWE

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Recover at Work Plan (RWP)	<p>recover at -work plan details Council's ability to support a worker to recover at work in suitable employment.</p> <p>A - Recover At -work plan is one way of supporting recovery at work. Recover At -work plan is completed by the employer in consultation with the worker and the worker's supervisor (if applicable), taking into account medical information provided by the nominated treating doctor and any other treatment providers. Having this plan will mean all parties are working together to support the injured person's recovery.</p>
Workplace Fatality	<p>If a notifiable incident occurs, you must notify SafeWork NSW immediately on 13 10 50.</p> <p>A 'notifiable incident' under the work health and safety legislation relates to the death of a person; a serious injury or illness of a person; a dangerous incident.</p>

## 6. POLICY IMPLEMENTATION

### 6.1 Objectives

Specific objectives of this policy are set out below.

1. Facilitate return to work for employees who are injured, or ill at work, as soon as possible and to provide information to assist an injured and/or ill employee to return to work.
2. Provide voluntary recovery at work programs for employees who are injured, or ill, due to circumstances outside of the workplace.
3. Determine the needs of injured and/or ill employees by liaising with the employee, nominated treating doctor, Council's workers compensation insurance provider, and other relevant stakeholders.

Staying in close contact with an injured worker can be mutually beneficial for both parties. Keeping them in the loop with what's happening at work may help them stay connected and reduce the risk of isolation and other side effects of being unable to work. Staying informed of

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their recovery can also help Council more effectively plan for their return to work. It's important to reassure the injured person they are missed and you are there to support their recovery. If it's appropriate, encourage their team members to phone, email, visit or text. Positive and considerate contact can help people recover and get back to work more quickly.

4. Provide early access to rehabilitation services such as accredited workplace rehabilitation providers where required.
5. Develop and implement the injured and/or ill employee's return to work plan, in conjunction with the employee, Council's workers compensation insurance provider, the nominated treating doctor, and the workplace rehabilitation provider. Recovery can be influenced by other issues within the workplace (such as conflict with a co-worker) or at home (such as transport difficulties).
6. Barriers to returning to, or recovering at work, should also be considered in developing the recover at work plan.
7. Provide suitable duties for an injured and/or ill employee as an integral part of the rehabilitation and return to work process.
8. Consult with employees and where applicable any employee representatives, to allow the rehabilitation and return to work process to operate effectively.
9. Provide employees with information about workers' compensation claims including choice of nominated treating doctor, and accredited workplace rehabilitation provider.
10. Maintain records of workplace incidents and return to work data to continually improve Council's work health and safety management system, and injury management system.
11. Advise injured and/or ill employees that participation in rehabilitation and return to work plans is voluntary, however non-participation may result in reduced weekly benefits.
12. Ensure employees and supervisors are informed and aware of their responsibilities under relevant legislation to support your worker to recover at work in suitable employment. The more supportive the workplace, the better the chance of the injured person recovering at work quickly.

### 6.2 Responsibilities

#### 6.2.1 Return to Work Coordinator (RTWC)

Council is required by legislation to appoint a RTWC.

The role of the RTWC is to:

- determine the injured worker's needs,
- identify suitable duties for the injured worker,

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- co-ordinate and monitor return to work plans,
- liaise with all parties including the rehabilitation provider where appropriate,
- provide information and support to the injured worker and
- maintain confidentiality.

All parties sign off and agree to the Recover at Work Plan, i.e., injured worker, nominated treating doctor, employer, workers compensation insurer, other specialist providers or stakeholders.

- An injured person must choose a nominated treating doctor (NTD) to receive compensation payments.
- Even if you have a preferred doctor or a medical practice located nearby, workers have the right to make their own decision about where they wish to receive their treatment and the doctor who provides their treatment.
- Early contact with the doctor demonstrates your commitment to your worker's/ employee's recovery and provides you with an opportunity to discuss their normal duties and the availability of other suitable duties.
- Consider sending an email to the doctor with information about the nature of your business, the availability of duties the injured person may be able to perform whilst recovering, and your contact details.

### 6.2.2 Workplace Managers/Supervisors

Workplace Managers and/or Supervisors are responsible for:

- ensuring appropriate first aid and/or medical treatment is provided for work related injuries and/or illnesses,
- the ongoing workplace management of an injured and/or ill employee,
- ensuring incident report forms and/or workers' compensation claim forms are completed for all work-related incidents and/or injuries,
- assisting the RTWC and Workplace Rehabilitation Provider (WRP) in the development of Return-to-Work Plans
- providing suitable alternative duties when required to enable the development and
- implementation of Return-to-Work Plans.

### 6.2.3 Workers

Workers are responsible for:

- taking care to prevent work related injuries and/or illnesses to themselves and others in the workplace,
  - notifying Council of any work-related incidents/injury or illness within 48 hours (2 days) of its occurrence,
  - undertaking the rehabilitation program agreed with Council,
  - co-operating with the RTWC and WRP,
  - providing accurate information about any aspect of their claim,
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- notifying Council of any change in circumstances, for example, changes to the medical condition, changes to home circumstance which might impact on the injury, or changes to financial circumstances,
- attending scheduled medical and rehabilitation assessments, as required and
- co-operating with workplace changes designed to assist other injured workers

### 6.3 Notification

When a work-related injury or illness occurs, the employee must notify their Workplace Manager within 48 hours (2 days).

The Manager will notify the RTWC who will in turn notify Council's workers compensation insurer within 48 hours. The RTWC will also liaise with relevant staff to initiate an incident investigation.

Where the injury or illness results in a Lost Time Injury/Illness (LTI), the employee must provide Council with a suitable NSW Workers Compensation Certificate of Capacity from their Nominated Treating Doctor (NTD). The RTWC will notify Council's insurers immediately upon receipt of the documentation

### 6.4 Follow-up

When an employee sustains a significant injury/illness at work, the RTWC will arrange for a representative from Council's WRP to contact the employee to provide advice and assistance with:

- completing workers compensation forms,
- explaining the employee's rights, obligations, benefits, rehabilitation and return to work procedures,
- arranging a Recover At-Work Plan (RWP) on the advice of the NTD and
- maintaining contact with and support the injured person to recover at work;

When an injured worker has (according to medical judgement) the capacity to return to work, an individual RWP will be developed by the RTWC, outlining the duties to be performed.

The RTWC will consult with Council's insurers, the injured employee and the NTD in developing and implementing an RWP.

The RWP will include alternative or suitable duties and/or a graduated return to work. The RWP will be approved by the WRP in consultation with the NTD.

Some serious injuries/illnesses may require extended injury management. Berrigan Shire Council will assist employees who are not fit to return to their pre-injury duties by investigating alternative work arrangements within the Council.

### 6.5 Alternate duties

If the worker has provided you with a certificate of capacity certifying the worker has some capacity for work (but cannot undertake their normal job), you will need to determine if you can provide them with

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suitable employment in line with the certificate of capacity.

Suitable alternative duties are work duties agreed between the RTWC and an injured employee, in consultation with the Manager/Supervisor, which facilitates the injured employee's rehabilitation and recovery at work.

Suitable alternative duties will be determined by referencing the Job Demand Analysis (JDA) to determine tasks are achievable and comply with an NSW Workers Compensation medical certificate issued by the employee's NTD.

Suitable alternative duties may include:

- parts of the job the employee was performing before the injury,
- duties at the same or different worksite,
- different hours and/or modified duties,
- different duties altogether,
- full time or part time duties,
- training opportunities, and / or
- alternate duties within their skills and knowledge of the Band Level of the Award

These duties will be identified after consultation with relevant parties and will be specified in writing.

### 6.6 Non-work injury and illness

Where an employee is unable to work due to circumstances outside of the workplace, Council will consult with the employee where clarification of a diagnosis/prognosis is necessary or further information is required. In the case of a non-work-related injury/illness, an RWP may be developed, however this is a voluntary arrangement co-ordinated by the RTWC between Council, the employee, and where required in consultation with the treating doctor.

Each case will be assessed individually.

## 7. RELATED LEGISLATION, POLICIES AND STRATEGIES

### 7.1 Legislation

- *Workers Compensation Act 1987*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Work Health and Safety Act 2011*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Workers Compensation Regulation 2021*
- Local Government (State) Award 2023

### 7.2 Council policies and guidelines

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- Governance Policy
- Code of Conduct
- Work Health and Safety Policy
- Privacy Management Plan
- Risk Management Framework

### 8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

### 9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

### 10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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### 11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Michelle Koopman





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1.1	22/04/2016	Minor review	Michelle Koopman
1.2	12/12/2022	New template	Sam Armer
1.3	27/11/2024	Update of Policy	Sam Armer