The Department of Health will:
- support injured/ill workers to return to work, irrespective of entitlement to compensation
- maintain an effective workplace rehabilitation system.

**Work health and safety policy**

**Workplace rehabilitation and return to work implementation standard**

1. **Purpose**

   This implementation standard identifies the minimum requirements that evidence the implementation of the work health and safety policy for managing work and non-work related injuries and illnesses, in the event that rehabilitation support is identified as being required.

   It also identifies the responsibilities, and audit criteria, of individual positions in relation to these requirements.

2. **Scope**

   This implementation standard applies to all workers, contractors and consultants within the Department of Health divisions, agencies, and Hospital and Health Services (HHS) that are not prescribed services, in relation to the provision of rehabilitation and return to work support and to all eligible workers regarding accessing workers’ compensation and income protection benefit entitlement.

3. **Supporting documents**

   - QH-POL-401:2014 Work health and safety policy

**Procedures, guidelines and protocols:**

- QH-PCD-401-5-1:2014 Workplace rehabilitation and return to work procedure

**Forms and templates:**

- Worker authorisation form
- Workplace rehabilitation brochure
- Workplace rehabilitation physical capability form
- Workplace rehabilitation psychological capability form
- Workplace rehabilitation suitable duties plan
- Workplace rehabilitation progress review form
- Host employment program agreement
- Workplace rehabilitation evaluation survey.
4. Related documents

- *Workers’ Compensation and Rehabilitation Act 2003*
- Workers’ Compensation and Rehabilitation Regulation 2003
- *Work Health and Safety Act 2011 (QLD)*
- *Public Service Act 2008 (QLD)*
- *Anti-Discrimination Act 1991 (QLD)*
- *Human Resources Policy E11 (QH-POL-170) — Mental or physical incapacity of employees QH-POL-170:2014: Department of Health*
- *Human Resources Policy E5 (QH-POL-228) — Workplace harassment and sexual harassment QH-POL-228:2014: Department of Health*
- *Guide for preventing and responding to workplace bullying: SafeWork Australia: November 2013*
- *Code of Conduct for the Queensland Public Service*
- *Queensland Health Information Security Standards — Standard # QH-IMP-066-1:2012*
- *Human Resource (HR) Delegations Manual*
- *WorkCover Queensland claim form*
- *QSuper Income Protection Benefit claim*

5. Requirements

5.1 Overview of rehabilitation responsibilities and protections

5.1.1. The Department of Health is committed to providing rehabilitation for injured / ill workers, irrespective of the worker’s entitlement to compensation.

5.1.2. The Department of Health shall maintain an effective workplace rehabilitation system.

5.1.3. The Department of Health shall ensure that workers are insured, and remain insured, with WorkCover Queensland for all work related injuries and illnesses:

- WorkCover Queensland has allocated individual workers’ compensation insurance policies for the Department of Health and for each Hospital and Health Service (HHS). Department of Health employees who work in a hospital and health service are covered by the workers’ compensation insurance policy/s held by the Department of Health.

- The WorkCover Queensland insurance policy/s for each HHS covers HHS workers, as defined by the *Workers’ Compensation and Rehabilitation Act 2003 s 11(1) (as amended 2013)*, as well as HHS board employed executives.
Those not considered to be workers under the *Workers’ Compensation and Rehabilitation Act 2003* s 11(1) (as amended 2013), may be covered by other insurance arrangements. For example:

- HHS board members and agency-registered volunteers are covered for personal accident and injury insurance under the Queensland Government Insurance Fund (QGIF), where compensation is equivalent to the benefits that would be paid were the insured entitled to compensation under the *Workers’ Compensation and Rehabilitation Act 2003*, excluding damages entitlements. QGIF does not provide rehabilitation case management services under this arrangement.

- Foundation-registered volunteers require local insurance arrangements to be undertaken, such as a Contract of Insurance with WorkCover Queensland or other commercial insurer.

- Contractors who are not deemed to be workers under the *Workers’ Compensation and Rehabilitation Act 2003* s 11(1) (as amended 2013), require their own personal injury and illness insurance coverage.

5.1.4. The person/s responsible for workers covered under each workers’ compensation insurance policy shall ensure:

- implementation of the work health and safety policy and associated rehabilitation standard and procedure/s

- appropriately qualified rehabilitation and return to work coordinators (RRTWC) are available to support implementation of the work health and safety policy and associated documents.

5.1.5. It is the responsibility of the injured/ill worker and / or their line manager to report a workplace incident and to notify the local occupational health and safety (OHS) personnel / RRTWC of the requirement for workplace rehabilitation and return to work support.

5.1.6. The line manager / RRTWC shall ensure that an injured / ill worker who requires rehabilitation shall be contacted about rehabilitation and return to work as soon as practicable after notification of the injury / illness. It is also their responsibility to support the rehabilitation and return to work of the injured worker by ensuring local workplace rehabilitation system processes and procedures are followed.

5.1.7. The line manager, or delegate, shall maintain communication with the injured / ill worker throughout the rehabilitation process.

5.1.8. The line manager, or delegate, shall be responsible for ensuring meaningful suitable duties are available, wherever practicable, and shall monitor implementation of the suitable duties program to ensure duties provided comply with the injured / ill worker’s current medical capacity, in order to
maintain a safe working environment. This shall be undertaken with the support and advice of the RRTWC.

5.1.9. The injured / ill worker shall ensure their medical certification remains current during participation in workplace rehabilitation, and provide current copies to the nominated workplace contact.

5.1.10. It is the responsibility of all parties involved in the rehabilitation process to establish and maintain communication about the worker’s rehabilitation and suitable duties plan/s throughout the course of the injured worker’s return to work program.

5.1.11. The rights of all parties to request a review or appeal of a workers’ compensation claim decision shall be supported with a commitment to continuing an employee’s rehabilitation program during and after any review or appeal process.

5.1.12. A worker’s right to request a review or appeal of a QSuper insurance claim decision is recognised and supported with a commitment to continuing an employee’s rehabilitation program during and after a review process.

5.2 Workplace rehabilitation system (to be read in conjunction with section 5.3)

5.2.1. The four stages for managing work related and non-work related injury / illness absences are:

   Stage 1 — immediate support and administrative processes
   Stage 2 — planning for return to work
   Stage 3 — implementing and managing the return to work plan
   Stage 4 — evaluating and reviewing return to work outcomes.

5.2.2. Reasonable adjustment to the workplace (such as temporary or permanent modifications to work practices or roles) may be considered by the employer during the rehabilitation process, where it is reasonably practicable to do so and where it does not cause unjustifiable hardship, in order to support ongoing participation.

5.2.3. Rehabilitation and return to work goals shall be prioritised according to the return to work (RTW) hierarchy (wherever feasible), whereby the RTW goal is identified with a preference to:

   1) Return the worker to their usual job, in their usual workplace.
   2) Return the worker to a different job, in their usual workplace.
   3) Return the worker to their usual job, in a different workplace.
   4) Return the worker to a different job, in a different workplace.
   5) Seek a return to work option through temporary host employment, deployment or redeployment.
   6) Seek a return to work option through the insurer with a different employer.
5.2.4. Rehabilitation case closure shall be considered in such instances as:

- all rehabilitation goals have been achieved—e.g. full return to pre-injury role
- mutually agreed return to work goal has been achieved—e.g. hour / duties of pre-injury role permanently modified through agreement by all parties
- where the suitable duties program is not progressing—e.g. hours / duties not increasing towards pre-injury role
- where a safe and sustainable return to work cannot be achieved—e.g. significant concerns exist regarding the worker’s safety and/or ill health prevents an outcome for return to work. Human resource (HR) processes may need to be considered in these instances.

5.3 Managing non-work related injuries and illness

5.3.1. The Department of Health is committed to the wellbeing of all staff and shall offer workplace rehabilitation to workers with non-work related injuries / illnesses, where reasonably practicable.

5.3.2. Participation in the workplace rehabilitation process is voluntary for workers who have sustained a non-work related injury / illness.

5.3.3. Assistance shall also be offered to workers with a non-work related injury / illness where compulsory participation in a structured rehabilitation and return to work process has been identified through:

- a process managed under the QSuper income protection benefit scheme
- a process managed by HR under the Public Service Act 2008.

5.4 Confidentiality and use of worker’s compensation information

5.4.1. A file must be kept for each worker undertaking rehabilitation and must contain copies of all relevant documentation. The file shall be stored in a secure location and managed in accordance with Queensland Health Information Security Standards.

5.4.2. Information obtained during rehabilitation must be treated with sensitivity and confidentiality by all parties and in accordance with the Code of Conduct for the Queensland Public Service.

5.4.3. If it is necessary to obtain or release information associated with an injured / ill worker’s rehabilitation, the worker’s authority to obtain or release the information must be obtained.

5.4.4. Workers’ compensation documents must not be used or obtained for a purpose relating to the employment of the worker, such as deciding whether
the employment of a person is to continue or for any process for selecting a person for employment. This legislative restriction does not apply to a workers’ compensation document relating to the worker’s capacity to work, if the document is necessary to secure the worker’s rehabilitation or early return to work.

5.5 Worker’s compensation entitlements (to be read in conjunction with section 5.1.3)

5.5.1. All Department of Health employees (permanent, temporary and casual), are eligible to apply for workers’ compensation benefits in the event of work caused injury or illness. Eligibility requirements are defined in the Workers’ Compensation and Rehabilitation Act 2003 (as amended 2013).

5.5.2. It is the role of the workers’ compensation insurer to determine liability for workers’ compensation claims.

5.5.3. Certain categories of staff are excluded—e.g. those not considered employees for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953, are not considered ‘workers’ under the Workers’ Compensation and Rehabilitation Act 2003 (as amended 2013), and are not covered by existing workers’ compensation insurance policies held with WorkCover Queensland.

5.6 Remuneration

5.6.1. The line manager shall provide the appropriate payroll hub with accurate information pertaining to the worker’s hours of work during the rehabilitation and return to work process to ensure correct payment of wages.

5.6.2. The Department of Health shall continue to pay temporary and permanent employees directly whilst they are receiving workers’ compensation benefits, in accordance with compensation entitlements outlined in legislation. For casual employees, the only workers’ compensation entitlement the Department of Health shall pay directly is the claims excess amount, as well as the actual hours worked when a casual worker participates in a return to work process. The remainder of compensation entitlements shall be paid by WorkCover Queensland directly to the casual employee.

5.6.3. Employees may access their leave entitlements prior to claims determination.

5.6.4. The Department of Health shall pay employees with non-work related injuries / illnesses for all hours worked during their participation in a rehabilitation and return to work process. Employees may also access their leave entitlements throughout this process.
5.6.5. In the event of a QSuper claim, QSuper shall commence paying entitlements directly to the worker where an income protection insurance claim has been accepted. The Department of Health shall pay QSuper beneficiaries for all hours worked upon commencement of a graduated return to work program.

5.7 Request for review of a workers’ compensation claims decision

5.7.1. A review of a WorkCover decision may relate to:
- decision to reject or accept a claim for compensation
- failure of the insurer to make a decision
- termination, suspension or changes to compensation entitlements.

5.7.2. An employer, injured worker or claimant on behalf of the injured worker may apply to the Workers’ Compensation Regulator for a review of a WorkCover decision.

5.7.3. Reviews are to be lodged with the Workers’ Compensation Regulator within three months from the date of receipt of the insurer’s written notice of the decision and reasons for the decision. Reviews are to be lodged in accordance with the requirements set out by the Workers’ Compensation Regulator.

5.8 Request for appeal of a workers’ compensation claims decision

5.8.1 An insurer, employer, injured worker or claimant on behalf of the injured worker may appeal to the Industrial Commission, for a review of the Workers’ Compensation Regulator’s decision. Appeals are to be lodged in accordance with the requirements set out in legislation, and costs can be associated with pursuing an appeal.

5.8.2 A party aggrieved by the Industrial Commission’s decision may then appeal further to the Industrial Court. Appeals are to be lodged in accordance with the requirements set out in legislation and costs can be associated with pursuing an appeal. The Industrial Court’s decision is final.

5.9 The Organisational Health Unit shall monitor and review types, numbers of applications and outcomes of workers’ compensation reviews and appeals, to identify trends and opportunities for improvement in rehabilitation processes.

6. Review
This policy is due for review on 01 May 2017 or subject to changes in legislation, organisational activities, or Occupational Health and Safety performance. Notwithstanding this policy remains in force until such time as it is revoked.

Date of Last Review: 30/04/2014
Department of Health: Workplace rehabilitation and return to work implementation standard

Supersedes:

- QH-IMP-277-1:2012 Implementation Standard for Workers’ Compensation Reviews and Appeals

7. Business Area Contact
Organisational Health Unit, Human Resource Services, System Support Services Division

8. Responsibilities

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<tr>
<th>Position</th>
<th>Responsibility</th>
<th>Audit criteria</th>
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<tbody>
<tr>
<td>Director-General, Department of Health</td>
<td>- Implementation of work health and safety policy and associated rehabilitation standard and procedure/s.</td>
<td>- Internal audit program.</td>
</tr>
<tr>
<td></td>
<td>- ‘Appropriately qualified’ RRTWCs are available to support implementation of the work health and safety policy and associated workplace rehabilitation system.</td>
<td>- Certificate of currency (available through workers’ compensation insurer website portal: Employer online).</td>
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<td></td>
<td>- Ensure that all Department of Health workers are insured, and remain insured, for all work related injuries and illnesses, with WorkCover Queensland, the personal accident insurer for workers’ compensation.</td>
<td>- Records of wages declarations submitted to WorkCover Queensland.</td>
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<tr>
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<td>- Ensure that all wages and amounts of remuneration paid to Department of Health workers be declared annually to WorkCover for the purposes of an annual calculation of premium.</td>
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</tr>
<tr>
<td>Senior director, HR Policy, Performance and Organisational Health</td>
<td>- Monitor statewide workers’ compensation performance for Queensland Health.</td>
<td>- Quarterly safety assurance reports, including workers’ compensation key performance indicators (KPIs).</td>
</tr>
<tr>
<td></td>
<td>- Oversee the annual workers’ compensation premium renewal process, including the Department of Health’s annual declaration of wages to WorkCover Queensland, to ensure all Department of Health workers are insured, and remain insured, for all work related injuries and illnesses, with WorkCover Queensland.</td>
<td>- Certificate of currency (available through workers’ compensation insurer website portal: employer Online).</td>
</tr>
<tr>
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<td></td>
<td>- Records of wages declarations submitted to WorkCover Queensland.</td>
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</tbody>
</table>
### Injured worker

- Notify of workplace injury / Illness occurrence, via completion of incident report form (or by authorising incident reporting on worker’s behalf).
- Ensure that their medical certificates remain current during participation in workplace rehabilitation, and communicate with the nominated workplace contact on renewal of medical certificates.
- Participate in the rehabilitation process.
- Ensure duties performed on a return to work plan comply with medical restrictions.

### Completed incident report form/s.
- Currency of medical certification recorded in workplace rehabilitation file.
- Records of suitable duties programs on workplace rehabilitation file.

### Line manager

- Notify of workplace injury / illness occurrence, via completion of line manager section of incident report form
- Notify the OHS personnel of an injured worker’s requirement for rehabilitation and return to work support.
- Make available and support suitable duties programs, and ensure duties performed by worker comply with medical restrictions
- Provide the appropriate payroll hub with accurate information pertaining to the worker’s hours of work during the RRTW process to ensure correct payment of wages

### Completed incident report form/s.
- Records of suitable duties programs on workplace rehabilitation files.
- Records of Attendance variation and allowance claim forms submitted to Payroll.

### Queensland Health payroll injury and rehabilitation claims team payroll services

- Pay employees directly whilst they are receiving WorkCover benefits.

### Queensland Health payroll injury and rehabilitation claims team payroll services

### Rehabilitation and return to work coordinator (RRTWC) / OHS personnel

- Implement the work health and safety policy, by ensuring (local) workplace rehabilitation processes and procedures and associated documents are followed.
- Ensure legislative compliance is maintained with respect to rehabilitation file records, confidentiality and use of worker’s compensation information

### Records of workplace rehabilitation files.
- Audit of workplace rehabilitation files to verify rehabilitation file record keeping, and workers’ compensation information use and access complies with the *Workers’ Compensation and Rehabilitation Act and Regulation 2003*.

### Organisational Health unit

- Monitor and review statewide workers’ compensation review and appeal numbers, types of applications and their outcomes, to identify trends and opportunities for improvement in rehabilitation processes.

### Reports and workers’ compensation regulator data records for Queensland Health are current and are reviewed.
### Definitions of terms used in the policy and supporting documents

<table>
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<tr>
<th>Term</th>
<th>Definition / explanation / details</th>
<th>Source</th>
</tr>
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</table>
| ‘Appropriately qualified’ Rehabilitation and return to work coordinator (RRTWC)          | Criteria to be met by current and prospective RRTWCs, under the Workers’ Compensation and Rehabilitation Act 2003, in order to perform the functions of a RRTWC under the Act.  
('Appropriately qualified' is defined in the Acts Interpretation Act 1954 as “…having the qualifications, experience or standing appropriate to perform the function…”) | Workers’ Compensation and Rehabilitation Act 2003 s 41 (as amended 2013).                            |
| Department of Health                                                                        | The Queensland Government’s Health Department, encompassing corporate divisions and the Health Services Support Agency (HSSA) Health Services Information Agency (HSIA) and Queensland Ambulance Service. | Department of Health.                                                                                     |
| Employer                                                                                   | The employer refers to an entity of Queensland Health, such as the Department of Health or a Hospital and Health Service and related HR delegations. When used in relation to financing rehabilitation costs, it means the local work unit of the injured worker. | Department of Health.                                                                                     |
| Event (in the context of workplace injury / illness)                                        | An event is anything that results in injury or illness, including latent onset injury, to a worker. An event includes continuous or repeated exposure to substantially the same conditions that results in injury/ies to a worker, whether the injury/ies happen immediately or over a period.  
(The above definition is utilised by WorkCover Queensland when determining liability / eligibility for workers’ compensation entitlements). | Workers’ Compensation and Rehabilitation Act 2003 s 31 (as amended 2013).                             |
| Host employment placement                                                                  | A temporary rehabilitation program (suitable duties program) conducted in an alternate suitable work environment, when the injured employee’s presenting medical capacity and/or availability of suitable duties in the pre-injury work environment precludes an early return to work.  
A Host Employment Placement may be arranged, for a time limited period, with a different work unit and / or HHS within Queensland Health, or with a different (external) employer, with the aim of returning the injured employee to their pre-injury work unit and position when the host employment rehabilitation program is complete. | Department of Health.                                                                                     |
| Injury / Illness (work related)                                                            | A personal injury arising out of, or in the course of, employment if:  
a) For an injury other than a psychiatric or psychological disorder – the employment is a significant contributing factor to the injury, or  
For a psychiatric or psychological disorder – the employment is the major significant contributing factor to the injury.  
(The above definition is utilised by WorkCover Queensland when determining liability / eligibility for workers’ compensation entitlements). | Workers’ Compensation and Rehabilitation Act 2003 s 32 (1) (as amended 2013).                         |
## Department of Health: Workplace rehabilitation and return to work implementation standard

<table>
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<tr>
<th>Injury / illness (non-work related)</th>
<th>All other injuries or illnesses which do not meet the definition of work related injury / illness.</th>
<th>Department of Health.</th>
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</thead>
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<tr>
<td>Income protection insurer</td>
<td>QSuper, Queensland Health staff’s income protection insurer, or other insurer.</td>
<td>Department of Health.</td>
</tr>
<tr>
<td>Line manager</td>
<td>The manager or supervisor (or delegate) responsible for supervision of the worker in the workplace, and for certain administrative functions, including the provision of accurate information pertaining to the leave taken and hours worked during the injured worker’s return to work program.</td>
<td>Department of Health.</td>
</tr>
<tr>
<td>Reasonable adjustment</td>
<td>Temporary or permanent modifications and adjustments to the workplace to meet the individual needs of people with disabilities, made by the Employer where it is necessary and reasonable to do so.</td>
<td>Anti-Discrimination Act 1991 ss 35, 36.</td>
</tr>
<tr>
<td>The Workers’ Compensation Regulator</td>
<td>The Worker’s Compensation Regulator is appointed under the Public Service Act, must act independently when making a decision under the Worker’s Compensation and Rehabilitation Act 2003. (Formerly known as QCOMP)</td>
<td>Workers’ Compensation and Rehabilitation Act 2003 s 326 (as amended 2013).</td>
</tr>
<tr>
<td>Suitable duties plan / program</td>
<td>In relation to a worker, are work duties for which the worker is suited, having regard to the following matters:</td>
<td>Workers’ Compensation and Rehabilitation Act 2003 s 42 (as amended 2013).</td>
</tr>
<tr>
<td></td>
<td>a. the nature of the worker’s incapacity and pre-injury employment</td>
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<td>b. relevant medical information</td>
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<td>c. the rehabilitation and return to work place for the worker</td>
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<td>d. the provisions of the employer’s workplace rehabilitation policy and procedures</td>
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<td>e. the worker’s age, education, skills and work experience</td>
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<td></td>
<td>f. if duties are available at a location (the other location) other than the location in which the worker was injured, whether it is reasonable to expect the workers to attend the other location, and</td>
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<td>g. any other relevant matters.</td>
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<td>Unjustifiable hardship</td>
<td>Relating to an employer, includes the nature of the special services or facilities, the cost of supplying the special services or facilities and the number of people who would benefit or be disadvantaged, the disruption that supplying the special services or facilities might cause and the nature of any benefit or detriment to all people concerned.</td>
<td>Anti-Discrimination Act 1991 s 35, 36.</td>
</tr>
<tr>
<td>Worker (in relation to workers’)</td>
<td>A person who works under a contract with Queensland Health, and in relation to the work, is an employee for the</td>
<td>Workers’ Compensation and Rehabilitation Act 2003 s 42 (as amended 2013).</td>
</tr>
</tbody>
</table>

Department of Health.

| compensation matters) | purpose of assessment for PAYG withholding under the Taxation Administration Act 1953; who has sustained a work related personal injury or illness. (The above definition is utilised by WorkCover Queensland when determining liability / eligibility for workers’ compensation entitlements). In the context of the Department of Health’s Workplace Rehabilitation System and associated documents, ‘worker’ can also refer to any worker with an injury or illness who requires rehabilitation support to return to work, which may include those workers with a non-work related injury / illness who are not entitled to / are not applying for compensation under the Workers’ Compensation and Rehabilitation Act 2003 or under QSuper Income Protection Insurance benefits. | Workers’ compensation | Compensation for work related injury or illness, that is, amounts for a worker’s injury payable by an insurer to a worker, a dependent of a deceased worker or anyone else. |

| | Rehabilitation Act 2003 s 9 (as amended 2013). |

10. Approval and Implementation

Policy Custodian:
Senior Director, HR Policy, Performance and Organisational Health

Responsible Executive Team Member:
Deputy Director-General, System Support Services Division

Approving Officer:
Deputy Director-General, System Support Services Division

Approval date: 01 June 2014
Effective from: 01 July 2014

Version Control

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<tr>
<td>1.0</td>
<td>30/04/2014</td>
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<td>SMS review project 2013-14</td>
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