



Important Return to Work Information
OzStaff Holdings Pty Ltd's return to work obligations under Victorian Workers' Compensation legislation

OzStaff Holdings Pty Ltd's return to work obligations	How OzStaff Holdings Pty Ltd will meet its obligations
Make return to work information available and consult about how the information is made available	<p>OzStaff Holdings Pty Ltd will make return to work information available to its workers about:</p> <ul style="list-style-type: none"> (a) the obligations of OzStaff Holdings Pty Ltd under the legislation and how the employer is meeting the obligations; (b) the rights and obligations of workers under the legislation and how workers can obtain further information about their rights and obligations; (c) the name and contact details of the authorised Agent selected by the employer; (d) the name and contact details of the Return to Work Coordinator, if applicable; and (e) the procedure for resolving return to work issues in the workplace - by providing workers with this document after consulting with them about how the information will be provided to them.
Provide employment	<p>To the extent that it is reasonable to do so, OzStaff Holdings Pty Ltd will provide suitable employment to an injured worker if they have a current work capacity and provide pre-injury employment to them if they no longer have an incapacity for work.</p> <p>To the extent that it is reasonable to do so, OzStaff Holdings Pty Ltd will provide pre-injury or suitable employment to an injured worker for a period of 52 weeks of the worker's incapacity. This will commence from the date a <i>Certificate of Capacity</i> or a <i>Worker's Injury Claim Form</i> in which weekly payments are claimed is received from the worker or from when the authorised Agent notifies us of receipt of same (whichever is the earliest).</p>
Plan return to work	<p>From the time that OzStaff Holdings Pty Ltd receives a <i>Worker's Injury Claim Form</i> in which weekly payments are claimed or the initial <i>Certificate of Capacity</i> from the worker or the authorised Agent notifies us of receipt of same (whichever is earlier), OzStaff Holdings Pty Ltd will, to the extent that it is reasonable to do so, commence return to work planning for that injured worker.</p> <p>As part of that planning, OzStaff Holdings Pty Ltd will:</p> <ul style="list-style-type: none"> • obtain relevant information about the injured worker's capacity for work; • consider reasonable workplace support, aids or modifications to assist the worker's return to work

	<ul style="list-style-type: none"> • assess and propose options for suitable employment or pre-injury employment; • engage in consultation about the return to work of the worker; and • provide the worker with clear, accurate and current details of their return to work arrangements; and • monitor the worker's progress <p>as often as is necessary to enable the worker to return to work in employment which is consistent with the worker's capacity for work.</p>
Consult about the return to work of a worker	<p>OzStaff Holdings Pty Ltd will, to the extent that it is reasonable to do so, consult with the worker, the worker's treating health practitioner (with the consent of the worker) and occupational rehabilitation provider (if one is involved) in relation to the injured worker's return to work.</p> <p>OzStaff Holdings Pty Ltd will consult with the parties listed above by:</p> <ul style="list-style-type: none"> • sharing information about the worker's return to work • providing a reasonable opportunity for them to consider and express their views about the worker's return to work, and • taking those views into account. <p>OzStaff Holdings Pty Ltd will consult directly with the worker about their return to work, but the worker may be assisted by a representative during any consultation (except for a legal practitioner). The worker may be represented, assisted and supported during the return to work process.</p>
Nominate and appoint a Return to Work Coordinator	<p>OzStaff Holdings Pty Ltd has nominated and appointed at all times a Return to Work Coordinator who has an appropriate level of seniority and is competent to assist OzStaff Holdings Pty Ltd meet our obligations under Victorian Workers' Compensation legislation.</p>
Cooperate with labour hire employers	<p>If OzStaff Holdings Pty Ltd hires labour hire workers and the worker suffers an incapacity for work resulting from or materially contributed to by an injury arising out of working with us, we will, to the extent that it is reasonable to do so, cooperate with the labour hire employer in respect of action taken by the labour hire employer to provide employment, plan a worker's return to work and consult about the return to work of a worker to facilitate the worker's return to work.</p>
Resolution of return to work issues	<p>OzStaff Holdings Pty Ltd will attempt to resolve return to work issues in accordance with The relevant procedure specified in the Return to Work Direction (Ministerial Direction) <i>Issue Resolution Process</i>.</p>

Worker's return to work rights and obligations

Injured worker rights are:

- To be provided with return to work information and be consulted about how that information is to be made available
- To the extent that it is reasonable for **OzStaff Holdings Pty Ltd** to do so, to be provided with suitable employment if they have a current work capacity or pre-injury employment if they no longer have an incapacity for work for a period of 52 weeks in accordance with the legislation.
- To be consulted by **OzStaff Holdings Pty Ltd** about planning their return to work.
- To be provided with clear, accurate and current details of their return to work arrangements as part of planning for their return to work.
- To the extent that it is reasonable for **OzStaff Holdings Pty Ltd** to do so, to be consulted and be provided with information about their return to work. The injured worker must be given a

reasonable opportunity to consider and express their views about their return to work and have those views taken into account.

- To be represented, assisted and supported (except by a legal practitioner) during any stage of the return to work process, including in the consultation process.

Injured worker's obligations are:

- In co-operation with **OzStaff Holdings Pty Ltd** and the Agent, to make reasonable efforts to actively participate and cooperate in planning for their return to work.
- In co-operation with **OzStaff Holdings Pty Ltd** and the Agent, to make reasonable efforts to return to work in suitable or pre-injury employment at their place of employment or at another place of employment.
- To actively use an occupational rehabilitation service where provided and cooperate with the provider of that service.
- To actively participate and cooperate in assessments of their capacity for work, rehabilitation progress and/or future employment prospects at the request of **OzStaff Holdings Pty Ltd** and/or the Agent.
- To actively participate and cooperate with the representative of the Agent in an interview to enhance their opportunities to return to work, as required.
- If an issue about their return to work arises, to attempt to resolve the issue in accordance with the procedure for resolving return to work issues (see above).

If you do not comply with one or more of the above obligations, your weekly payments may be suspended, terminated or ceased and determined in accordance with the legislation by our Agent.

Additional details regarding the rights and obligations of an injured worker are available in WorkSafe's *Return to Work Obligations – Information for workers* fact sheet available from **worksafe.vic.gov.au** or via the WorkSafe Advisory Service ph: (free-call) 1800 136 089 or (03) 9641 1444.

Where to get help

Our Return to Work Coordinator

Name: Terrence Pillay

Phone: 1300 OZSTAFF

Email: Compliance@ozstaff.com

Postal Address: J92, 21 Hall St, Port Melbourne Vic 3207

Our Authorised Agent

Name: CGU **Phone:** 13 24 81

Web: <https://www.cgu.com.au/contact>

Postal Address: 181 William St, Melbourne VIC 3000

WorkSafe

Phone: free call 1800 136 089

Web: worksafe.vic.gov.au

Email: info@worksafe.vic.gov.au

Steps to resolving return to work issues

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Cooperation between the employer, injured worker and other parties involved in the return to work process is important to its success. When return to work related issues arise in the workplace, their quick and effective resolution fosters trust and prevents them from becoming barriers to returning to work. Regular and respectful informal communication and clarification is often the best way to avoid return to work issues arising.

If, however, a return to work issue arises, the employer and the worker must attempt to resolve it. This can be done by either using the workplace's agreed issue resolution procedure or, in the absence of an agreed procedure, the relevant procedure contained in *Ministerial Direction - Return to Work Issue Resolution Process*. Details of the relevant procedure in the Ministerial Direction (the Return to Work Issues Resolution procedure) are outlined below.

Aim of the Return to Work Issues Resolution procedure

The aim of the Return to Work Issues Resolution procedure is to provide guidance to parties involved in return to work activities on how to resolve return to work related issues in the workplace and to provide a clear escalation pathway where the issue remains unresolved. WorkSafe and your WorkSafe Agent can provide further assistance in these matters.

Persons who can raise an issue

The following persons can raise a return to work issue:

- injured worker
- person nominated by the worker – the worker has the option to be represented, supported and assisted in the return to work process by another person
- occupational rehabilitation provider
- Return to Work Coordinator
- injured worker's manager or supervisor
- worker's treating health practitioner

Information about Steps to resolving return to work issues

Return to work issues

The Return to Work Issues Resolution procedure may be used to resolve return to work issues including, but not limited, to where the:

- employer unreasonably delays or refuses to plan an injured worker's return to work
- employer inadequately plans an injured worker's return to work
- injured worker does not agree with the employer's proposed suitable employment and/or return to work arrangements
- employer refuses to offer the injured worker pre-injury or suitable employment
- employer refuses to provide or provides inadequate return to work related documentation to an injured worker
- injured worker's Return to Work Coordinator is not nominated and appointed within the required timeframe
- Return to Work Coordinator is not considered to have adequately performed their functions
- employer breaches the confidentiality of an injured worker's personal information as it relates to return to work
- employer refuses to consult or consults inadequately with other parties about the return to work of an injured worker.

Issues not covered under the Return to Work Issues Resolution procedure

The Return to Work Issues Resolution procedure is to be used for issues arising out of the return to work process.

It is not designed for complaints about:

WorkSafe (unless WorkSafe is the employer of the injured worker)

the Agent

claim liability

payment of a claim or entitlement

termination or suspension of a claim

reimbursement of an expense

a conciliation, court or Medical Panel referral outcome

general matters of policy and practice applying across the workplace and not directly and particularly related to the worker's return to work

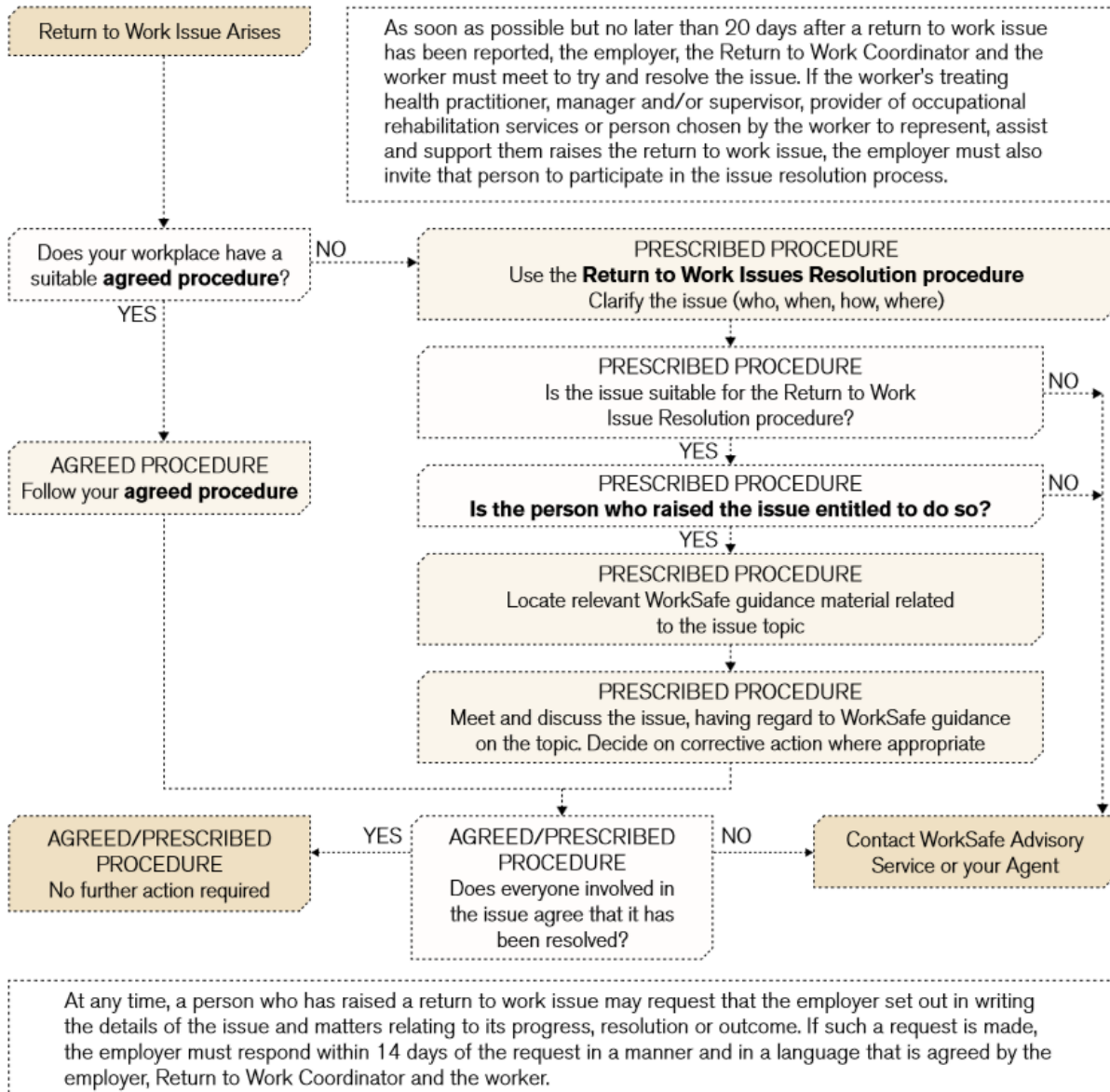
These issues should be addressed using alternative issue resolution processes.

Note: WorkSafe should be notified directly where employers fail to meet their obligations. Agents should be notified directly where workers fail to meet their obligations.

Information about Steps to resolving return to work issues

Issue resolution

When a return to work issue has been identified, the people involved should refer to the workplace's agreed procedure. If one doesn't exist, then the Return to Work Issues Resolution procedure is to be applied (see below).



Important notes

A. Take caution – care should be taken in applying the Return to Work Issues Resolution procedure in circumstances where there may be a risk of causing the worker harm.

B. Assistance or clarification required – if at any stage during the application of the Return to Work Issues Resolution procedure any party involved requires assistance or advice, they should contact their Agent or the WorkSafe Advisory Service.

Information about Steps to resolving return to work issues

What is an agreed procedure?

Ideally, an agreed procedure should outline the steps involved in resolving a return to work issue. It should not be a procedure that exists solely for other purposes, such as a grievance or complaint procedure, unless such a procedure is agreed to be used for return to work issues.

It is recommended that the agreed procedure is in writing and should be clear and accessible to all parties who may potentially be affected by a return to work issue.

The agreed procedure must be agreed to by both the employer and all of their workers. The agreement must be genuinely consensual and incorporate genuine consultation.

The agreed procedure cannot be imposed on one party by another or arise out of a flawed process. A flawed process may be one where:

- only a select group of employees participated and agreed with the employer or,
- agreement is reached through an unrepresentative process.

If either the employer or a majority of employees have concerns about an agreed procedure, they are entitled to withdraw their agreement and, unless or until a new one is agreed, the Return to Work Issues Resolution procedure will apply.

If a workplace's agreed procedure does not meet the above criteria, it is not a valid alternative to the Return to Work Issues Resolution procedure.

Using the Return to Work Issues Resolution procedure

Where a return to work issue has been reported, the employer, Return to Work Coordinator and the worker must meet and try to resolve the issue as soon as possible, but in no later than 20 days.

If the worker's treating health practitioner, Return to Work Coordinator, manager, supervisor, provider of occupational rehabilitation services or person chosen by the worker to represent, assist and support them raises the return to work issue, then the employer must also invite that person to participate in the issue resolution process.

For the purpose of resolving the return to work issue, the employer and the Return to Work Coordinator should liaise directly with the worker, however, a worker may be represented, assisted and supported during the return to work issue resolution process.

The Return to Work Issues Resolution procedure should be conducted in a manner and in a language that is agreed to be appropriate by persons who can raise a return to work issue.

If the person who raised the return to work issue requests that the employer set out in writing the details of the issue and matters relating to its progress, resolution or outcome, the employer must do so within 14 days of the request. A copy of the information also needs to be provided to the worker, Return to Work Coordinator and to the person who has raised the return to work issue.

Employer and worker participation requirements

This issue resolution procedure has been developed to help workers and employers resolve return to work issues before they become disputes. If employers and/or workers do not attempt to resolve return to work issues in accordance with their workplace's agreed procedure or the Return to Work Issue Resolution procedure their failure to participate may be reported to WorkSafe or their Agent.

Further information

For more information about employers' return to work obligations, please:

- Visit our website at worksafe.vic.gov.au
- call the WorkSafe Advisory Service on (03) 9641 1444 or freecall **1800 136 089**
- email info@worksafe.vic.gov.au
- Refer to the WorkSafe publication *What to do if a worker is injured – A guide for employers* and WorkSafe's Compliance Codes:
 - *Compliance Code 1 of 4: Providing employment, planning and consulting about return to work*
 - *Compliance Code 2 of 4: Return to Work Coordinators*
 - *Compliance Code 3 of 4: Return to work information*
 - *Compliance Code 4 of 4: Cooperating with labour hire employers about return to work*
- contact your Agent
- contact your union or industry group representative.

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