

RETURNING INJURED WORKERS BACK TO WORK – GOOD FOR US ALL

The Victorian *Workplace Injury Rehabilitation Compensation Act 2013* (the Act) sets out the legal obligations of an employer and an injured worker.

Section 103 of the Act identifies Employer's obligations to "Provide Employment"... *An employer must, to the extent that it is reasonable to do so, provide to a worker until the expiration of the employment obligation period— (a) suitable employment, while the worker has a current work capacity; and (b) pre-injury employment, while the worker no longer has an incapacity for work.*

Section 111 describes the worker's obligation to make reasonable efforts to actively participate and cooperate in planning for return to work (RTW), which is consistent with their capacity for work.

The benefits of getting an injured worker back to work, however, go much further than just meeting legislative requirements.

There is multiple and growing evidence and research as to the benefits of getting an injured worker back to work as soon as is safely possible. There is also much

research as to the benefit of being at work in general. Dame Carol Black's "Working for a healthier tomorrow" describes that *...for most people, their work is a key determinant of self-worth, family esteem, identity and standing within the community, besides, of course, material progress and a means of social participation and fulfilment*¹.

It is often not until we are unable to work (or not working) that we understand the importance of us being able to work and the benefits that come from participating in healthy work.

The common detrimental effects observed for workers being off work for an extended period can include:

- **Increased risk of psychological and psychosocial impacts** – including, reduced self-confidence and self-worth; anxiety related to facing the workplace or injury re-aggravation; depression; personal relationship issues; family life affected; social interactions and participation in leisure interests reduced or eliminated, etc.

- **Deconditioning and fatigue** – being at work can increase or maintain a worker's physical and psychological condition. Time off work can have the opposite effect and may impede recovery and loss of job skills.

- **Financial impacts** – whilst an injured worker may be receiving worker's compensation payment for salary and medical expenses, there will be some be reduction of wages and potentially out of pocket medical and like expenses.

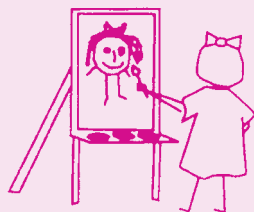
Safe Work Australia, 2014, identified that a typical serious workers' compensation claim involves four weeks absence from work and one-quarter of serious claims required 12 or more weeks off work.

These periods off work can also have high impacts on a workplace. An Employer will suffer financial impacts through workers' compensation premiums, possible loss of productivity and/or staff replacement costs, retraining costs etc. and workplace morale may also be impacted.

Another important impact, and one often not considered or addressed, is the

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impact on other workers. Their concerns may include;

- their colleague's safety upon their return to work
- their own risk of injury
- extra demands on them due to additional work requirements
- extra demands on them due to the modified workload of the returning colleague.

These are common issues seen by co-workers and employers when planning for an injured worker's RTW. Consideration and preparation for the whole workplace is very important. Whilst an injured worker's condition cannot be disclosed, an employer should advise the workplace of a pending RTW and why certain modifications to tasks and duties are provided. Consideration should be given on how this may impact others.

Co-workers also can have an incredibly important role in the success (or not) of getting an injured colleague back to work. Through their demonstrated support and understanding they can significantly impact how a worker may respond when coming back. Frequently, injured workers are very concerned about how their colleagues perceive the legitimacy of their injury (are they believed), how the return to work will impact on the colleagues work load, will they be treated differently, etc.

Employers are required to maintain contact with injured staff when they are off work to plan for a return, but contact with colleagues through this period may also have positive effects for the worker.

Some tips to consider in the planning of a return to work may include:

- invite the injured worker to staff meetings and social events when still off work (provided it's safe to do so for their injury type – consider teleconferencing or Skype)
- send them staff notices, newsletters etc
- employer is to maintain regular contact but also to consider appropriate colleagues that could make contact with the worker
- with a RTW plan, consider if the suitable duties, modifications or reduced work hours are going to impact on others and educate the workplace on the RTW requirements and benefits prior to the injured worker commencing
- ensure that there is a dedicated person to meet the returning staff member and follow the RTW Plan and be a "go to" person
- regularly monitor the RTW plan to identify potential issues and barriers early.

Returning to work is important as it provides opportunities for the employee to stay at work, even if the work may be modified or have hours reduced. In most circumstances an early and supportive RTW will allow the worker to recover to pre-injury duties more quickly. Assisting the worker back to work is also highly beneficial for the employee, employer and workplace through maintaining productivity, improving workforce morale, and lowering Insurance premiums.

In summary, best practice to support an injured worker back to work includes: keeping in touch; preparing the workplace to support the worker, considering all stakeholders, monitoring and reviewing – remember a return to work of an injured worker is good for us all.

Jenny is a child care worker who suffered a workplace injury. Hear Jenny's story about her RTW journey and how the support of her employer and colleagues made a significant difference: <https://www.youtube.com/watch?v=t-OymZcJtk>

For more information on early childhood specific OHS & RTW policies and resources, go to ELAA's OHS website www.ohsinecservices.org.au.

- 1 Dame Carol Black's Review of the health of Britain's working age population – Working for a healthier tomorrow, 17th March 2008

Recovre and ELAA are presenting a series of OH&S seminars during 2015, the first session is on Tuesday, 18 May at Recovre, Level 18/570 Bourke St, Melbourne and in Geelong on 28 July (venue to be advised). Book at the ELAA website, www.elaa.org.au.

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