

## NON WORK RELATED INJURIES GUIDELINES

### Introduction

Charles Sturt Campus Services (CSCS) is obligated under health and safety legislation to provide a healthy and safe workplace and to monitor the health of their employees. CSCS will proactively manage the return to work process and/or monitor employees who are absent for a period of extended sick leave.

CSCS is not obligated to allow employees to return to work after a non-work related injury or illness, until the employee has presented a medical certificate demonstrating that they are fit for pre injury duties/tasks, responsibilities and hours and it is safe for them to do so.

### Guidelines

These guidelines will assist in applying a consistent approach in managing non- work related injury or health conditions for employees, which may have an impact on their ability to perform the inherent requirement/s and demands of their position. Charles Sturt Campus Services (CSCS) does not have an obligation to allow workers to return to work after a personal injury or illness, until they have provided a clearance certificate, demonstrating that they can return to their pre-injury full duties including pre- injury hours.

CSCS will only consider providing alternate duties for a non-work related injury or illness where there is the operational capacity to accommodate it and can be satisfied that returning the worker to the workplace will not place the worker at risk of aggravating and/or exacerbating the injury during the course of the employment or pose a risk to others in the workplace. This is at the discretion of CSCS and the CSCS reserves the right not to allow workers to return to work until they have the full capacity to undertake their pre-injury duties.

A risk assessment is to be conducted to identify the risk of aggravation or exacerbation. The risk assessment is to be coordinated by the CSCS Authorised Representative, with advice from the Manager/WIO where required, and may include utilising external resources, such as a rehabilitation provider, and will be conducted in consultation with the CSCS Authorised Representative and General Manager.

Where alternate duties are provided, the worker will be informed that the alternative duties, (lesser duties may be assigned), will not be a replacement of the pre-injury position. Both parties shall agree to the alternative duties, the commencement and the termination date of the alternative duties and will be documented and signed off by the nominated treating doctor.

### Objectives

The objectives of these guidelines are to:

1. Provide clarity in respect of the action to be taken where a worker's non-work related injury or health condition impacts on their ability to safely perform the inherent requirements and demands of their position.

2. To set out rights and obligations of CSCS and workers when taking action in respect of the worker's non-work related injury or health condition.
3. To minimise costs associated with a worker's non-work related injury or health condition and to assist such workers to be able to safely perform the inherent requirements and demands of their position.
4. To provide a transparent and consultative process that supports the employer, the worker and consulting medical practitioners in deciding the most appropriate course of action to ensure the worker can safely perform the inherent requirements and demands of their position.

## Initiating a Medical Assessment

The type of medical advice requested may relate to a worker's:

- ability to safely carry out the inherent requirements and demands of the position for which they were employed, in the short or long term
- safe return to work
- medical restrictions that may apply in the workplace
- temporary or permanent adjustments that may need to be made in order to facilitate a safe return to work or to remain safely on duty

## Worker's Nominated Treating Doctor

The CSCS Authorised Representative should obtain a signed Authority to Release Medical Information Form from the worker to enable appropriate advice to be sought from the worker's medical practitioners. Failure to sign the release form may result in CSCS not authorising the workers return to work. CSCS is to provide the treating doctor with the contact details of the CSCS Authorised Representative who will be available to be contacted if clarification is required of the questions being asked. If the information is not made available from the worker's treating doctor or is inconsistent with other available evidence, or inadequate, or would result in an unreasonable delay, then CSCS may seek independent medical advice from a practitioner of its choosing. (It should be noted that appointments with specialists may take time, depending on the availability of the specialist)

CSCS is liable to pay for the cost of any required medical reports and / or any Independent Medical Assessment that may be undertaken as well as any reasonable associated costs including travel, meals, and wages.

## Responsibilities

### *Injured or Ill employee*

An employee who has developed a non-work related injury or health condition is responsible for:

- Advising their CSCS Authorised Representative of the non-work related injury or health condition as soon as possible;
- Giving their CSCS Authorised Representative a medical certificate with details of:
  - the nature of the injury or health condition,
  - the recommended date of return to work, and
  - recommended adjustments, if necessary, to aid the return to work;
- Confirming with their CSCS Authorised Representative the expected date of their return to work;
- Actively engage with their CSCS Authorised Representative and the return to work process;
- Working with their CSCS Authorised Representative to develop a return to work plan;
- On the employees return to work, tell their CSCS Authorised Representative immediately if there are any issues or concerns.

### *CSCS Authorised Representative*

CSCS Authorised Representatives are responsible for:

- Remaining in contact with the employee to understand:
  - the nature of the injury or illness,
  - the likely time frame off work and what to expect when the employee returns to work;
  - identifying the resources available through CSCS and assistance that is available to the employee;
  - taking all reasonable steps to return the employee to their substantive position;
  - making the employee aware of the process and possible outcomes of their return from injury or illness;
  - managing the employees return to work and providing necessary support.

The CSCS Authorised Representative will liaise with the employee at least every week, depending on the nature of the injury/illness and the length of time required off. A written record of all meetings and planned actions to be kept and maintained in the work area and provided to WIO when required.

The CSCS Authorised Representative will consult with the relevant Manager for all employment related matters.

## The process

A written record of all meetings and planned actions shall be recorded and signed by all parties and maintained in the employees HR file.

The CSCS Authorised Representative in consultation with the Manager, will review the medical certificate supplied and determine if sufficient information has been provided to enable the employee to safely return to work. If the medical information is insufficient CSCS can direct the staff member to undergo a functional capacity assessment with an employer nominated

occupational physician. Failure to comply with this directive may result in the termination of their employment.

CSCS is liable to pay for the cost of any required medical reports and / or any Independent Medical Assessment that may be undertaken as well as any reasonable associated costs including travel, meals, and wages.

NB: The type of medical advice requested may relate to an employees:

- ability to safely carry out the inherent requirements and demands of the position for which they were employed, in the short or long term
- safe return to work
- medical restrictions that may apply in the workplace
- temporary or permanent adjustments that may need to be made in order to facilitate a safe return to work or to remain safely on duty

If the information in the medical certificate is sufficient the CSCS Authorised Representative and the employee will commence discussions about developing a suitable Return to Work Plan.

If an employee doesn't agree with the outcome of their health assessment, the employee should detail why they disagree with the assessment, and include any evidence that supports their claims. CSCS will need to take this into account when considering the case.

Where a case for alternate duties is being investigated, a risk assessment, in accordance with CSCS Procedures, will be conducted to identify the risk of aggravation or exacerbation. The risk assessment will be coordinated by the CSCS Authorised Representative, with advice from the Manager/WIO where required, and may include utilising external resources, such as a rehabilitation provider, and will be conducted in consultation with the CSCS Authorised Representative and General Manager.

The final decision about whether duties will be offered lies with the General Manager and the employees CSCS Authorised Representative (with advice from the CSU WHS Unit as required) and will consider not only the risk of aggravation but whether there is the operational capacity to accommodate the employee's request

**Please note:**

- ***Before returning to work it is the employee's responsibility to provide evidence to demonstrate that they have completely recovered from the injury or illness and are fit for work and as such, fit for their pre injury or illness/ substantive duties.***
- ***It is at the discretion of Charles Sturt Campus Services to provide alternative duties and Charles Sturt Campus Services reserves the right not to allow employees to return to work until they have a full capacity clearance.***



- *All sick leave entitlements should be exhausted before the employee is provided with access to annual leave/LSL entitlements.*

## Documentation:

A written record of all meetings and planned actions shall be recorded and signed by all parties and maintained in the workers HR file.