



A•S•U
Australian Services Union

Employer's Guide to

BEST PRACTICE RETURN TO WORK FOR A STRESS INJURY

Employers Guide to Best Practice Return to Work for a Stress Injury


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1. Early Intervention
 2. Claim Lodged
 3. Claim Acceptance
 4. Return to Work Phase
 5. Monitoring & Evaluation

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Introduction

Research has found that when claimants believe they are supported by their employer the outcomes are better for both the claimant and the employer.

Stress injuries can be the costliest workplace injuries because of the difficulties experienced by workers returning to work. Workers suffering a stress injury or illness are often unprepared for the complex and at times adversarial processes which might accompany their attempts to return to work. Workers may be subjected to a bewildering round of medical appointments and growing isolation from the workplace due to the length of time recovery from a stress injury can take. They may also fear stigmatisation because they have lodged a claim and because their claim relates to stress. They may also be apprehensive of or, in fact, confront antagonistic work colleagues who have taken on the claimant's workload in their absence.

Research has found that when claimants believe they are supported by their employer the outcomes are better for both the claimant and the employer. There are a number of key principles which if followed can greatly facilitate the achievement of good return to work outcomes to the benefit of both the injured worker and the employer.

PREVENTING WORK-RELATED STRESS

The burden of workplace stress on employers, organisations and individuals is significant and the best strategy for work-related stress focuses on prevention as the most important objective. To minimise the detrimental effects of stress employers should adopt a systematic approach that focuses on addressing the sources of job stress and preventing it from occurring in the future.

For further information or assistance contact the WorkSafe Advisory Service, your Union or Employer Association or visit the WorkSafe website at www.worksafe.vic.gov.au



Principles behind best practice return

Four principles underpin the best practice return to work guidelines for stress injuries:

1. EARLY INTERVENTION

- ◆ An understanding that the best strategy for work-related stress focuses on prevention as the most important objective.
- ◆ A commitment to identifying risks and putting in place preventative measures to prevent injury in the workplace.
- ◆ An approach which encourages early reporting and the support and care of the injured worker.
- ◆ An approach that focuses on building relationships that support the psychological and emotional needs of injured workers.
- ◆ An understanding that rehabilitation should be applied to all work related injuries, whether a claim is lodged or not and regardless of the outcome of the claims process.

2. COOPERATION, COLLABORATION & CONSULTATION

- ◆ A commitment to educating employees and management in good practice early intervention and return to work from a stress injury.
- ◆ A commitment to open, honest and transparent communication between all parties.
- ◆ A commitment to decision making based on consultation with all parties, particularly the injured worker.
- ◆ Active involvement from senior management, particularly in raising awareness of stress injury and adopting policies that address stress in the workplace and support injured/ill workers.
- ◆ A commitment to continuous evaluation and improvement.



to work guidelines for stress injuries

3. WORKPLACE BASED REHABILITATION

- ◆ A commitment from all parties, including the injured worker, to work together to achieve the goals of recovery from injury and a sustainable return to work.
- ◆ A commitment to establishing return to work coordinator positions and providing training.
- ◆ An understanding that all parties, particularly the injured worker, should be provided with information and support in order to clearly understand their roles, rights and responsibilities.
- ◆ A commitment to the provision of sustainable, safe and meaningful duties.

4. EFFECTIVE CLAIMS MANAGEMENT

- ◆ A commitment to implement supportive and responsive systems to reduce disputes and other barriers to return to work.
- ◆ An approach that separates injury management from claims management.
- ◆ A commitment to processing and submitting claims on time and making compensation payments promptly.



The guidelines are designed to be a step by step guide for each stage of the RTW process to facilitate optimal recovery from work-related stress injury and an early, safe and sustainable return to work through better communication between all parties. The model outlined is not designed to be prescriptive, rather a guide to best practice management for employers.



Phase 1: Early Intervention

Research has identified that early intervention is a key to successful return to work after a stress injury.

Step 1: Encourage workers to report injury or illness as soon as possible

- ◆ Encourage workers to report all incidents likely to lead to a work related stress injury or illness, making it clear that they will not suffer discrimination as a result of reporting the injury or lodging a worker's compensation claim.

Step 2: Provide support to injured worker

- ◆ Establish contact with the injured worker as soon as is practicable.
- ◆ Identify the return to work (RTW) coordinator and in consultation with the injured worker, someone who can act as a support person, for example a health and safety representative or union delegate or friend or family support.
- ◆ Arrange a meeting with the injured worker; after consultation with the injured worker it may also be appropriate to invite the manager or supervisor of the worker and the RTW coordinator.
- ◆ Advise the worker they are able to bring their support person with them if they wish.
- ◆ Focus on how the worker is feeling and then move on to asking them to explain what happened and discuss ways to work together to facilitate a positive outcome. The employer should adopt a no fault attitude in all communication and focus on the safety and support of the worker.
- ◆ Outline the support available for the worker, for example the Employee Assistance Program (EAP), mediation or conflict resolution may be appropriate. Ask them what assistance they feel they require.
- ◆ Discuss what assistance is available for paying medical and rehabilitation expenses and weekly compensation. Not having to worry about where their money is going to come from to pay the bills will help reduce the worker's stress.
- ◆ Begin discussing, so that you can begin to address, the underlying issues relating to the claim and ascertain whether other workers might be exposed to the same stress hazards. However you should also inform the worker that you are happy to discuss those issues at a later time, or with their treating practitioner, if they prefer.
- ◆ Advise the injured/ill worker of their entitlement to lodge a claim for workers compensation and their obligation to lodge the claim as soon as possible. Relevant forms should be available at the workplace.

Step 3: Take action in accordance with the Risk Management Program to reduce the risk of the injury happening again.

- ◆ Conduct an investigation of the injury to assess the circumstances and identify the causes of the injury.
- ◆ Through consultation with other employees and their OHS Representatives decide on changes to eliminate or reduce any risks to psychological health that have been identified. This may involve training, counselling or other actions by the Human Resources department and relevant unions.
- ◆ Trial and evaluate the measures needed to prevent injury or illness from work-related stress.

Step 4: Take action in accordance with Occupational Rehabilitation Program

- ◆ Identify whether the injury or illness is likely to result in the injured or ill worker being totally or partially unfit for work.
- ◆ Identify whether the injured or ill worker is likely to require ongoing medical treatment.
- ◆ Identify whether there are any risk factors that could lead to the injury becoming a long term injury or illness.





Phase 2: Claim Lodged

Step 1: Contact the injured worker

- ◆ If a claim is lodged the employer should contact the injured worker as soon as possible and with consideration of the injured worker's situation and injury, a workplace meeting between the worker and the employer should be organised.
- ◆ Although liability on a claim might be denied or investigated it is important to establish and maintain contact with the worker and encourage ongoing discussions for a successful return to work. Regardless of the outcome of any claims process it is in all parties' interests to ensure that the appropriate supports are in place to facilitate a successful return to work.

Step 2: Meet with the injured worker

- ◆ Arrange the meeting with the nominated RTW coordinator; after consultation with the injured worker it may also be appropriate to invite the manager or supervisor of the worker, provided they are not involved directly with the circumstances of the claim.
- ◆ Advise the worker they are able to bring their support person with them if they wish.
- ◆ Focus on how the worker is feeling and then move on to asking them to explain the injury and what treatment they are receiving. The employer should adopt a no fault attitude in all communication and focus on the recovery, safety, and return to work of the worker. Allow the Claims Agent to focus on the claim determination process.
- ◆ Advise the worker that you will be contacting their treating practitioner at intervals to review their progress and to find out how you can assist with their recovery and return to work.
- ◆ Outline the organisation's return to work program and ask them if they have utilised the Employee Assistance Program (EAP), mediation or conflict resolution. Ask them if they require further assistance.
- ◆ Outline the steps that have been taken to address the underlying issues relating to the claim and ask if there are any further steps that need to be taken.
- ◆ Depending on the severity of the injury commence discussion with the worker around the expectation of them returning to work. This should focus on the positive contributions employees can make to the company.



Phase 3: Claim Acceptance

A successful return to work is more likely when everything is ready before the worker returns. A Return to Work (RTW) plan must be prepared within 10 days from the date that the injured worker's claim for weekly payments is accepted. As outcomes for return to work are most successful when you commence planning as soon as possible, it is recommended that preparations begin within 3 days of becoming aware of the worker's incapacity for work.

Step 1: Begin Return to Work Planning

- ◆ The RTW plan is a written action plan that outlines how you will assist your injured worker return to work in a way that is appropriate to their capacity as soon as possible.
- ◆ Develop the goals of the RTW plan in consultation with, and endorsed by the worker and treating practitioner.
- ◆ Advise the worker that they may also choose to involve others, such as medical specialists or their support person.
- ◆ Consider a graduated introduction of working hours and/or duties.
- ◆ Consult with supervisors to ensure that they understand and are committed to the return to work goals.
- ◆ Identify and address barriers that may impede a successful return to work.
- ◆ Explore ways to prevent a recurrence of the injury - is the issue isolated or widespread?
- ◆ Maintain the worker's motivation - a perception of being listened to has been shown to motivate workers to return to work, as does early communication and empathy. Important elements include personal contact, joint planning and the setting of realistic goals.
- ◆ Take the initiative and responsibility for encouraging and motivating the return to work.



Step 2: Develop an Offer of Suitable Employment (OSE)

- ◆ Develop an Offer of Suitable Employment (OSE) including hours and duties, in conjunction with the treating doctor, and if appropriate, an occupational rehabilitation provider (ORP), and the injured worker to ensure that the plan is achievable and meaningful to the injured worker.
- ◆ Consider transitional roles for return to work.
- ◆ Focus on improving/building work capacity – returning to work, even on alternative duties, is more beneficial than waiting until the worker has the capacity for returning to their pre-injury role. It also demonstrates the worker’s capabilities and that their contribution is valued. Appropriate management of return to work helps to build worker confidence.
- ◆ Consider the impact on the safety of the worker and other staff members affected by the modified duties.
- ◆ Set clear timeframes.
- ◆ Identify and set clear roles and responsibilities.
- ◆ If the need arises be flexible to alter the plan within reason.
- ◆ Duties should be:
 1. *Measurable* – ensure targets have a quantitative nature which reflects progress.
 2. *Meaningful* - focus on meaningful, goal focused tasks.
 3. *Achievable* – unachievable, aggressive goals will discourage the worker so consider the language used to describe the duties and expectations.
 4. *Challenging* – goals should encourage the engagement of the worker.

Step 3: Build and gain support of the treating practitioner

- ◆ Consult with treating practitioners about the strategies that can be adopted for the workplace which will assist the worker to achieve their return to work goals. Refer to Appendix 1.
- ◆ Make yourself available to take a phone call at the time the practitioner is attending the worker.
- ◆ If the injured worker agrees, organise a meeting with the treating doctor at their clinic or at the workplace. Advise the worker they can bring along their support person if they wish.
- ◆ Give clear information regarding the availability of alternative duties or modified tasks and details of the RTW plan.
- ◆ Communicate a positive attitude to the return to work process.



Step 4: Consider referral to an occupational rehabilitation provider (ORP)

- ◆ In consultation with the Claims Agent consider a referral to an occupational rehabilitation provider (ORP) with proven experience in psychological injuries.
- ◆ The worker should be given a choice of three ORPs by the employer or the Agent. An early referral to an ORP will assist in the return to work outcome.
- ◆ The ORP will liaise directly with all parties including medical practitioners and can facilitate a return to work that best suits the injured worker's needs.

Step 5: Maintain contact with worker

- ◆ Maintain regular contact with the injured worker whether it is via a phone call, written information about current activities (company newsletters or updates to all staff via emails) and invitations to visit the workplace regardless of whether they have the capacity for work or not.
- ◆ Set clear expectations regarding the return to work process including timeframes, communication and accountability.



Phase 4: Return to Work Phase

During the return to work phase the employer is the key driver of the process and therefore it is extremely important to adopt a supportive, goal oriented and consultative approach.

Step 1: Establish regular contact with the worker and monitor progress

- ◆ Meet with the injured worker on the first day of their return and go over the Offer of Suitable Employment.
- ◆ Organise on going, regular meetings to monitor progress of return to work and to address any issues in a consultative manner.

Step 2: Consult with other employees and health & safety representatives about the worker's changed work capacity

- ◆ Provide an explanation to other workers on the situation of the absence, the length of expected absence (if known) and anticipated adjustments in the workplace as part of the RTW plan.
- ◆ Staff should be given the opportunity to ask questions or voice concerns to prevent any misunderstandings or the development of negative attitudes about the return to work.
- ◆ Consult with the worker regarding how this communication should occur.
- ◆ Ensure that confidentiality is maintained at all times.
- ◆ Consult with the worker if they wish to involve their support person.
- ◆ Model positive behaviour within the workplace.

Step 3: Manage the risk or hazard

- ◆ Address the underlying issues relating to the claim to manage the risk of further injury.
- ◆ Consider any changes that can be implemented to allow the worker to return to work successfully. For example, if there is interpersonal conflict with a manager or supervisor it might be appropriate to provide training and assistance in resolving or avoiding conflict or take other actions to prevent such conflict occurring.
- ◆ Consult with the injured worker and the health & safety representative about any proposed changes.
- ◆ Consider workplace modifications such as changes to the physical environment, putting in place a support team, implementing graduated hours. Availability of alternative and modified tasks can decrease lost time by up to 30%.



Phase 5: Monitoring and revising the



The return to work plan should include strategies for ensuring that the RTW plan remains relevant to the worker and the workplace.

For more information or assistance contact the WorkSafe Advisory Service, your Union or Employer Association or visit the WorkSafe website at www.worksafe.vic.gov.au

Return to Work plan

Step 1: Regular meetings with management, worker, supervisors, and other interested parties

- ◆ Return to work monitoring should take place after the first day, then at a minimum weekly for the duration of the return to work plan for the first month. It may be possible to decrease the frequency of the meetings as the worker gets closer to achieving a successful return to work
- ◆ Prior to each meeting set a clear agenda and during the meeting stay focused on achieving good outcomes for all parties.
- ◆ The worker may choose to involve their support person in these meetings.
- ◆ The supervisor has an important role in overseeing the worker's work and monitoring and reporting back on their progress. With stress injuries they may need coaching in providing appropriate support for the injured worker and recognising any signs of recurrence or aggravation of the injury.

Step 2: Regular communication with worker and treating practitioner

- ◆ Whenever the worker visits their treating practitioner or medical specialist the RTW plan should be reviewed.
- ◆ It is essential that before implementing a change to the plan that you consult with and have agreement from the worker, treating practitioner and ORP if involved.

Step 3: Regular checking of the plan & being alert to the need for changes to the plan

- ◆ It is vital with a stress injury that the employer is attentive and responsive to signs of recurrence or aggravation of the injury and that the worker reports any such signs. Changes to the RTW plan will need to occur immediately where recurrence or aggravation is apparent.
- ◆ It is also important to identify any increased capacity to return to pre-injury duties and modify the plan accordingly.
- ◆ Any change to the RTW plan should be done in consultation with the injured worker, their support person, treating practitioner and ORP if involved.

Step 4: Post Claim evaluation

- ◆ Provide an opportunity for feedback regarding the return to work process to the worker, supervisor, manager and support person.
- ◆ Evaluate the success or otherwise of the return to work process and think about ways of improving the process for the future.
- ◆ Acknowledge the achievement of the return to work goals.
- ◆ Assess whether any ongoing support is required.
- ◆ And particularly with stress injuries continue to assess risk and prioritise action - are other workers likely to be exposed to this risk in the future?



Step by step checklist for the employer to best practice return to work

PHASE 1: EARLY INTERVENTION

- **Step 1:** Encourage workers to report injury or illness as soon as possible
- **Step 2:** Provide support to injured worker
- **Step 3:** Take action in accordance with the Risk Management Program to reduce the risk of the injury happening again
- **Step 4:** Take action in accordance with Occupational Rehabilitation Policy

PHASE 2: CLAIM LODGED

- **Step 1:** Contact the injured worker
- **Step 2:** Meet with the injured worker

PHASE 3: CLAIM ACCEPTANCE

- **Step 1:** Begin Return to Work Planning
- **Step 2:** Develop an Offer of Suitable Employment (OSE)
- **Step 3:** Build and gain support of the treating practitioner
- **Step 4:** Consider referral to an Occupational Rehabilitation Provider (ORP)
- **Step 5:** Maintain contact with worker

PHASE 4: RETURN TO WORK PHASE

- **Step 1:** Establish regular contact with the worker and monitor progress
- **Step 2:** Consult with other employees and health & safety representatives
- **Step 3:** Manage the risk or hazard

PHASE 5: MONITORING & REVISING THE RETURN TO WORK PLAN

- **Step 1:** Regular meetings with management, worker, supervisors, and other interested parties
- **Step 2:** Regular communication with worker and treating practitioner
- **Step 3:** Regular checking of the plan & being alert to the need for changes to the plan
- **Step 4:** Post Claim evaluation



Appendix 1: Example of communication

[insert company letterhead]

FAX CONFIDENTIAL

To

From

Date

Fax

Pages

Re

Dear Dr [practitioner's name]

I am the appointed Return to Work Coordinator for [company name], assisting with [injured person's] return to work.

I have included some questions that would enable me to plan her return to work appropriately. [injured person] is a highly valued member of our office administration team and [company name] is looking forward to assist [injured person] in the most appropriate manner, guided by your recommendations and support. This includes the provision of suitable duties and modified hours should these be required.

Thank you for your assistance in this matter. Please contact me on [contact number] should you have any questions or concerns.

Regards,

RTW Co-ordinator

with treating practitioner

[insert company letterhead]

Re: [injured person]

I would appreciate if you could advise me on how the barriers to a return to work can be reduced or eliminated.

1. Does the worker have a current work capacity? Yes No

2. If not, when do you envisage the worker being able to participate in a return to work?
.....
.....

3. If yes, what are the restrictions, if any?
Duties:.....
.....
Hours:.....

4. If graduated hours are required, how long do you anticipate this will need to be in place?
 4-6 Weeks 6-12 Weeks Please specify:

5. Do you anticipate the worker making a return to full hours and duties in her pre injury employment at the workplace? Yes No

6. If no, please outline reasons:
.....
.....

7. Please outline any workplace barriers that might prevent [injured worker] from resuming work to enable us to address them appropriately.
.....
.....

8. Additional comments/recommendations:
.....
.....
.....
.....

Your signature: Date:

This document can be faxed back to me on [fax number]. Thank you for your assistance in this matter.





Please note that the Victorian Accident Compensation Act 1985 has been reviewed and significant changes to the return to work provisions are being proposed. Consequently once the legislation is enacted some of the steps in the best practice guide will no longer be applicable and will be rewritten.



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