



Consultation on the draft guidelines for workplace return to work programs – submission form

Consultation no. WCR 2016/6

Please complete this submission form to ensure the prompt and accurate receipt and processing of your feedback. All submissions should be sent by email to consultation@sira.nsw.gov.au no later than 15 November 2016.

Name of organisation or individual making this submission

Contact person/authorised delegate

Authorised delegate/contact person

Position

Postal address

Suburb

State

Postcode

Telephone number

Mobile number

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I have read the SIRA submission procedure

Do you want your content to be confidential?

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In part (please indicate confidential areas)

Summary of feedback and/or comments provided

| Line number | Feedback/Comments |
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Summary continued over...

Summary of feedback and/or comments provided

Line number Feedback/Comments

Email your feedback to consultation@sira.nsw.gov.au no later than 15 November 2016.

If your feedback doesn't fit in the allocated table you can attach another page to your submission.

Summary of feedback and/or comments provided

| Line number | Feedback/Comments |
|-------------|--|
| 76-77 | Include "and be available in languages other than in English where those languages are represented within that workforce. It is vital that workers who's English is not as strong as a native speakers are able to understand and work within an return to work program effectively. The only way to ensure this is to insist that all documentation is provided in a workers native language. This would increase compliance by employers and employees and ensure that each party knows and understands their rights and responsibilities. |
| 107 | The Regulator must continue to ensure that training provided to return to work coordinators is authorised else it creates a lassie fair situation for the provision of return to work programs within the employers of NSW. With no control or identification of appropriate training courses by the regulator it robs potency from the return to work programs in NSW and causes more harm than good to the workers involved in these programs. |
| 108 | The use of the word "existing" needs to be replaces with "all" otherwise this will create a two tiered level of support for employers and employees involved in return to work programs. It is also likely to provide an impetus to employers to fire existing return to work coordinators and replace them with a less skilled workforce. |
| 114 | "A letter exemption them" must be replaced with "a proof of prior learning". This would cover the return to work coordinators whose prior education & experience has been deemed by a qualified training organisation (or SIRA) as appropriate coverage for the 2-day training course. |
| 134-135 | Add another line "Identify and implement appropriate internal or external training to increase the scope of suitable duties available to the worker within the workplace/company." |
| 152 | Include "& union" after workforce to ensure continuity of consultation practices previously mentioned within the document. |
| 165-172 | Add "commitment to the provision of suitable duties" |
| 200 | This line forgets the right of an employee to choose their rehabilitation provider. To ensure compliance with the current NSW common law right to choose a rehabilitation provider this line must be changed to: "Employers must identify the right of an employee to choose their own nominated approved workplace rehabilitation provider in their return to work program. This right is not adequately highlighted in the proceeding clauses. |
| 215 | These clauses mush include the provision of information in languages other than English. |
| 232 | Add "reasonable" before information and "relating to the workplace injury" to ensure adherence to the legislative requirement that only reasonable information the employer obtains relating to the injury. |
| 257 | Change "The return to work program must detail the organisation's first aid arrangements," adding the word "or attach" after "detail" remove "or refer to these procedures if documented elsewhere" to ensure this vital information is available quickly. |

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| 261-262 | Remove “but, if it is electronic” to ensure training is provided to all workers in recording workplace injuries. |
| 272-257 | Remove “or refer to this procedure if documented elsewhere” replacing with “within the return to work plan or as an attachment to the return to work plan” to ensure this detail is easily accessible. |
| 283-286 | Include after “recovery at work” the words “directly related to the workplace injury” to ensure clarity that the legislative requirement to only request and gather reasonable information is adhered to. |
| 288-293 | Add dot point identifying that only information relating to the workplace injury will be obtained to ensure compliance with the legislative requirement that only reasonable information regarding medical records is adhered to. |
| 301-302 | Add “reference the dispute mechanism if the payments are not prompt or correct.” |
| 306-310 | Comment: this information does not adhere to the legislation. The legislation states that injury management plans are to be written in consultation not, as is displayed in this clause, by the insurer for the affected worker. This passage must therefore be changed to “As soon as possible after being notified of a significant work related injury or illness, the employer must participate and cooperation with the consultation between the insurer, the employee and the employees doctor in the writing or and injury management plan for the affected worker. The return to work program must detail how the employer will work with all three parties to develop this plan, including identification and offer of suitable employment.” |
| 320 | Add after “training opportunities” “to expand the pool of suitable duties available to the worker”. |
| 336-342 | Include “managing the risk of a secondary or re-emergence of the first injury during the return to work plan.” |
| 397 | Replace the word “should” with “must” to ensure compliance with this need. |
| 456 | Replace the word “should” with “must” to ensure compliance with this need. |
| 463 | Add the word “independently” between program and available to ensure that workers are not reliant on their employers good will to access these documents. |
| Appendix | Support for the worker: add, “Describe the employers limited rights to medical information relating only to the workplace injury.” |
| 479-482 | Add sentence that identifies the legislative requirement to only obtain information relating to the workplace injury and its potential impact on the return to work of that employee. There is no mention of limiting access to only that information which is reasonable for the employer to obtain. This obfuscates the legal responsibility to this limitation. As this information stands it is legally incorrect. |
| 508-513 | Add dot point “the requirement that only reasonable information relating to the workplace injury can be collected. |
| 569-570 | Add “in consultation with you and your doctor” between “insurer” and “, meet our obligations..” |