

Important Return to Work Information

Heartland Support services return to work obligations under Victorian Workers' Compensation legislation

Heartland Support services return to work obligations	How Heartland Support services will meet its obligations
<p>Make return to work information available and consult about how the information is made available</p>	<p>Heartland Support services will make return to work information available to its workers about:</p> <ul style="list-style-type: none"> (a) the obligations of Heartland Support services 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 - <p>by providing workers with this document after consulting with them about how the information will be provided to them.</p>
<p>Provide employment</p>	<p>To the extent that it is reasonable to do so, Heartland Support services 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, Heartland Support services 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>
<p>Plan return to work</p>	<p>From the time that Heartland Support services 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), Heartland Support services 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, Heartland Support services 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 • 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>
<p>Consult about the return to work of a worker</p>	<p>Heartland Support services 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>Heartland Support services 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>Heartland Support services 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>
<p>Nominate and appoint a Return to Work Coordinator</p>	<p>Heartland Support services will nominate and appoint a Return to Work Coordinator for the duration of our return to work obligations to an injured worker. They will have an appropriate level of seniority and be competent to assist Heartland Support services meet our obligations under Victorian workers' compensation legislation.</p>
<p>Cooperate with labour hire employers</p>	<p>If Heartland Support services 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>Heartland Support services will attempt to resolve return to work issues in accordance with:</p> <p>Our agreed Return to Work Issue Resolution Procedure. Details regarding this procedure are available in Heartland Office and our website www.thehss.com.au If you have any questions or queries regarding this procedure, please contact Josh Peter on 0434448380</p>
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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 **Heartland Support services** 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 **Heartland Support services** 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 **Heartland Support services** 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 **Heartland Support services** and the Agent, to make reasonable efforts to actively participate and cooperate in planning for their return to work.
- In co-operation with **Heartland Support services** 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 **Heartland Support services** 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: Josh Peter

Phone: 043 444 8380

Email: Josh@thehss.com.au **Postal Address:** 13/2-14 Station place Werribee VIC 3030

Our Authorised Agent :

Name: Allianz Australia Workers Compensation (Victoria) Ltd

Phone: 1300 788 946 **Web:** <https://www.allianz.com.au>

Postal Address: Allianz Australia Limited
GPO Box 4049 Sydney NSW 2001

WorkSafe

Phone: free call 1800 136 089 **Web:** worksafe.vic.gov.au **Email:** info@worksafe.vic.gov.au

Workplace Injury Rehabilitation and Compensation Act 2013

MINISTERIAL DIRECTION

Return to Work Direction

Issue Resolution Process

I, Robin Scott MP, Minister for Finance, make the following direction under section 118(b) of the **Workplace Injury Rehabilitation and Compensation Act 2013** and hereby revoke the ‘Ministerial Direction Return to Work Direction No. 1 of 2010’, Victoria Government Gazette, No. G 25, 24 June 2010, 1304.

Dated 6 June 2016

ROBIN SCOTT MP
Minister for Finance

1. Purpose

The purpose of this direction is to set out the procedure to facilitate the resolution of issues that arise at a workplace between an employer and a worker concerning the worker’s return to work if there is no relevant agreed procedure for resolution of those issues.

2. Authority

This direction is given pursuant to section 118(b) of the **Workplace Injury Rehabilitation and Compensation Act 2013** (the Act).

3. Commencement

This direction comes into operation on the day after it is published in the Government Gazette.

4. Definitions

Unless the context otherwise requires, or the contrary intention appears, terms in this Ministerial Direction have the same meaning as defined in the Act.

In this Direction:

‘**the Act**’ means the **Workplace Injury Rehabilitation and Compensation Act 2013**.

‘**Return to work co-ordinator**’ means the person nominated by the employer to assist the employer to meet the employer’s obligations under Division 2 of Part 4 of the Act, as required by section 106 of the Act.

‘**Return to work issue**’ means an issue about a worker’s return to work but excludes a complaint about the Authority (unless the Authority is the employer of the injured worker), the authorised agent, claim liability, payment of a benefit or entitlement, termination or suspension of a claim, reimbursement of an expense, a conciliation application or outcome and also excludes general matters of policy and practice applying across the workplace and not directly and particularly related to the worker’s return to work.

5. Persons who can raise return to work issues

A return to work issue may be raised for resolution at the workplace in accordance with the procedure set out in this direction by –

- a) the worker;
- b) a representative of the worker;
- c) the worker's manager or supervisor;
- d) the return to work co-ordinator;
- e) the provider of occupational rehabilitation services to the worker; or
- f) the worker's treating health practitioner.

6. Procedure for reporting issues

1. A worker who wishes to raise an issue for resolution in accordance with the procedure set out in this direction may do so by reporting the issue to the employer, the worker's manager or supervisor, or the return to work co-ordinator.
2. A worker's representative, treating health practitioner, return to work co-ordinator, manager, supervisor or provider of occupational rehabilitation services may raise an issue on behalf of the worker by reporting the issue to the employer.

7. Procedure for resolving issues

1. As soon as possible but no longer than 20 days after a return to work issue has been reported the following persons must meet and try to resolve the issue –
 - a) the employer;
 - b) the return to work coordinator; and
 - c) the worker.
2. If a person referred to in clause 6(2) raises a return to work issue, the employer must also invite that person to participate in the issue resolution process.
3. The issues resolution procedure must be conducted in a manner and in a language that is agreed by the parties referred to in clause 7(1) to be appropriate.
4. For the purpose of resolving the return to work issue, the parties referred to in clause 7(1)(a) and 7(1)(b) must liaise directly with the worker, however a worker may be represented, assisted and supported during the return to work issue resolution process, including at all meetings referred to in clause 7(1).
5. For the purpose of resolving the return to work issue as quickly and effectively as possible the persons referred to in clause 7(1) and any person referred to in clause 7(2) who is participating in the issue resolution process must have regard to –
 - a) return to work planning for the worker;
 - b) the worker's progress in recovering from the injury;
 - c) the employer's return to work obligations as set out in the Act; and
 - d) the worker's return to work obligations as set out in the Act.
6. If a person referred to in clause 6(1) or 6(2) requests the employer to set out in writing details of the return to work issue, and matters relating to its progress, resolution or outcome, the employer must do so, within 14 days of the request, in a manner and a language that is agreed by the parties referred to in clause 7(1) to be appropriate and must provide a copy of the document to each of the parties referred to in clause 7(1)(b) and (c) and to each person referred to in clause 6(2) who has raised the return to work issue or any part of it.

8. Other procedures

Nothing in this direction limits the rights of any worker or employer under the Act to pursue other dispute resolution mechanisms.

ROBIN SCOTT MP
Minister for Finance