

Presentation Instructions

Who is this presentation for?

The trainer and learners.

What is in this Presentation?

- Course information that matches the Learner Guide content.
- Review questions and model answers.
- Slides contain summarised content, with full notes and information for the trainer, visible when the slide show is shown in "Presenter View" (see instructions on next slide).
- Use this presentation to support and reinforce the training information from the Learner Guide.

What do you need to do before you use it for the first time?

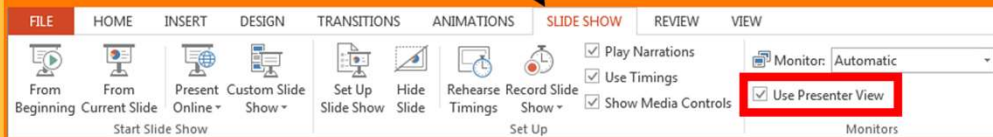
1. Rebrand the presentation.
2. Review the presentation as part of your validation process.

Instructions for Viewing in Presenter View

NOTE: This view is only applicable when the computer is connected to a second screen or a data projector.

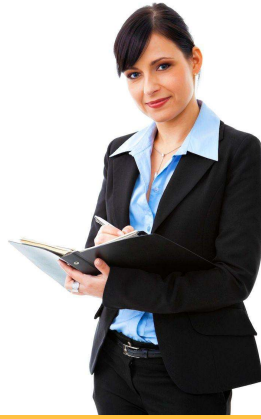
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This is found in the "SLIDE SHOW" tab as shown below.



BSBWHS417

**ASSIST WITH MANAGING WHS
IMPLICATIONS OF RETURN TO
WORK**



**TRAINING
PRESENTATION**

Training Presentation Sections

Click on a box to go to that section.



Section 1:
Return-to-Work Policies,
Procedures and Responsibilities



Section 2:
Return-to-Work Plan



Section 3:
Breach of Return-to-Work Plan

Section 1:
Return-to-Work Policies,
Procedures and Responsibilities



1.1 Introduction

This training course is based on the national unit of competency **BSBWHS417 Assist with Managing WHS Implications of Return to Work.**

This unit applies to individuals who assist with claims management, rehabilitation and return-to-work programs.

It describes the performance outcomes, skills and knowledge required to assist with the management of workers' compensation claims, rehabilitation and return-to-work programs.



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1.1 Introduction

NOTE: The terms Occupational Health & Safety (OHS) and Work Health & Safety (WHS) are equivalent and generally either can be used in the workplace.

The term WHS will be used throughout this training course.



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1.1.1 Key Terms and Definitions

Term	Person Conducting a Business or Undertaking (PCBU)
	Officers
	Workers
	Health and Safety Representative (HSR)
	Rehabilitation Authority
	Reasonably Practicable
	Due Diligence
	WHS
	Duty Holder

Term and Definition

Person Conducting a Business or Undertaking (PCBU)

A 'person conducting a business or undertaking' (PCBU) replaces the term 'employer'. A PCBU includes all employers, sole traders, principal contractors, unincorporated associations, partnerships and franchisees. Volunteer organisations that also employ people will be PCBUs.

Officers

An 'Officer' is a person who makes, or participates in making, decisions that affect the whole or a substantial part of a corporation. This includes Health and Safety Representatives (HSR).

Workers

A 'worker' covers employees, contractors, sub-contractors (and their employees), labour hire employees, outworkers, apprentices, trainees, work experience students and volunteers.

Health and Safety Representative (HSR)

An elected person in the workplace who represents employees in the workplace on WHS matters. May also be referred to as WHS representative.

Rehabilitation Authority

A duty holder required to oversee and make reasonable efforts to ensure the success of the return-to-work program. This is usually the PCBU.

Reasonably Practicable

Reasonably practicable is defined as action that is, or was at a particular time, reasonably able to be done to help ensure health and safety.

Due Diligence

The Work Health and Safety Act 2011 (the WHS Act 2011) imposes a specific duty on officers of corporations to exercise due diligence to ensure that the corporation meets its work health and safety obligations. In short, they have a responsibility to ensure that the PCBU is doing everything it should to ensure health and safety.

WHS

Work Health and Safety. Can also be referred to as Occupational Health and Safety (OHS).

Duty Holder

Any individual who has responsibilities associated with their role as specified by WHS legislation.

Continued...

1.1.1 Key Terms and Definitions

Term	WHS Regulator
	ComCare
	Safe Work Australia
	Work Health and Safety Management System (WHSMS)

Term and Definition ...Continued

WHS Regulator

Government authorities which administer WHS legislation for each state and territory.

ComCare

The national authority for WHS, including workers compensation.

Safe Work Australia

Government body involved in the development of WHS and workers compensation policies.

Work Health and Safety Management System (WHSMS)

A strategic document that details an organisation's approach to health and safety management.

1.2 Return-to-Work Requirements

It is important to be aware of the rights and responsibilities of duty holders and other personnel in the workplace involved in the return-to-work process.

If part of your duties involve helping injured or sick workers return to work then it is vital that you stay up to date on these requirements.



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1.2.1 Legal Framework

WHS legislation influences all the policies and procedures followed by an organisation. The aim is to ensure the safety of everyone in the workplace.

You may need to have a basic understanding of the following nationally applicable WHS legislation, documents and guidelines.

Laws/Rules	Acts
	Regulations
	Codes of Practice
	Australian Standards

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Laws/Rules, Explanation and Example

Acts - These are legal requirements that must be followed. Failure to meet these requirements can lead to prosecution.

Example: Work Health and Safety Act.

Regulations - Regulations support the legislation by providing more detailed information on duties that apply to specific hazards, other procedures and obligations. Regulations cover general requirements for hazard identification, risk assessment and risk controls for risk areas.

Example: Work Health and Safety Regulations.

Codes of Practice - Codes of practice are a set of ethical and safety principles guiding the way the organisation operates. They are not mandatory, like laws, but are voluntary codes. They provide practical guidance on how to meet the standards set out in the WHS Act and the WHS Regulations.

Example:

- ◆ How to manage work health and safety risks.
- ◆ Work health and safety consultation, cooperation and coordination.

Australian Standards

These provide details and guidelines around the minimum requirements for a job, product or hazard control. They set out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to.

Example:

- ◆ AS/NZS 4804:2001, Occupational health and safety management systems - General guidelines on principles, systems and supporting techniques.
- ◆ AS/NZS ISO 31000:2018 Risk Management – Guidelines.

1.2.1 Legal Framework

The information sources within the table are nationally recognised, and applicable to all Australian workplaces. However, specific return-to-work responsibilities are set by the individual states and territories. Each state or territory will have its own WHS regulator, and they will each have specific acts and regulations for employers detailing how to meet their return-to-work requirements.



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1.2.2 Key Elements of WHS Legislation

The legislation you are required to follow in the workplace will vary depending on the industry and the nature of the work. There are a number of common elements within WHS legislation and acts that apply to all workplaces:

1. There is a primary duty of care requiring **persons conducting a business or undertaking (PCBU)** to ensure, so far as is **reasonably practicable**, the health and safety of **workers** and others who may be affected by the carrying out of work.



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Continued...

1.2.2 Key Elements of WHS Legislation

2. A requirement that **officers** of corporations and unincorporated bodies exercise **due diligence** to ensure compliance.
3. **Workers** must exercise reasonable care that their acts or omissions do not adversely affect the health and safety of persons at a workplace.



...Continued

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1.2.2 Key Elements of WHS Legislation

Officers may exercise **due diligence** by implementing a workplace health and safety management system (WHSMS) to ensure the workplace is safe and compliant with safety legislation. They must proactively enforce safe systems of work to protect the safety of others in the workplace and actively monitor these to ensure they are effective.



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1.2.2 Key Elements of WHS Legislation

Safety measures are considered **reasonably practicable** when they are in alignment with what is or was at a time reasonable action to take to eliminate or minimise risk in the workplace. When assessing what would be a reasonable safety measure, it is helpful to first consider what can be done to mitigate the risk, and then whether that is reasonable.

Essentially, whatever can be done to make the workplace a safe place should be done unless it is **unreasonable**, and the implementation of a less involved process would be sufficient to reduce risk to an acceptable level.



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1.2.2 Key Elements of WHS Legislation

Many of these concepts are considered to be part of an organisations 'duty of care'. Duty of care is a legal responsibility to adhere to a standard of reasonable care when performing acts that have the potential to harm others.

Everyone in the workplace has a legal responsibility under duty of care to do everything reasonably practicable to protect others from harm. This is done by complying with safe work practices, including activities that require licences, or certificates of competency as well as any other relevant state and territory WHS requirements.



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1.2.2 Key Elements of WHS Legislation

It is important that you speak with your health and safety representative (HSR) or supervisor for more information on how these elements will affect your day-to-day operations, or if you have any concerns relating to health and safety.



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1.2.3 Duty Holders

A duty holder is any person in an organisation with WHS duties as specified in federal or state legislation. People can have more than one duty and more than one person can have the same duty at the same time.

It is essential that everyone in the workplace is aware of their WHS duties and responsibilities.

Clear understanding of these ensures that processes, such as return-to-work run smoothly and efficiently.



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1.2.3 Duty Holders

WHS responsibilities vary depending on the job role of the individual in question.

Stakeholder	Organisation (PCBU)
	Managers & Supervisors
	Workers
	Health and Safety Representatives (HSR)
	Rehabilitation Case manager (RCM)

WHS responsibilities vary depending on the job role of the individual in question. As a guideline, the following table shows some general responsibilities for duty holders in a workplace setting.

Stakeholder and WHS Responsibilities

Organisation (PCBU)

A PCBU has a primary duty of care to maintain a safe working environment for workers and to ensure work activities do not pose a risk or hazard to others. Amongst other things, the PCBU is required to promote a workplace culture that embraces safe work practices, provide support to workers injured at work, report workplace incidents or injuries and establish a return-to-work programs.

Managers & Supervisors

Managers and supervisors are required to implement and monitor the effectiveness of required WHS policies and processes within their work area. They must also provide adequate safety information and training to all staff reporting to them.

Workers

Workers must cooperate with WHS process and procedures and take reasonable care to ensure their actions do not impact the health and safety of others in the workplace.

When it comes to the return-to-work process workers have a responsibility to notify their PCBU of an injury as soon as possible, participate in and cooperate with the implementation of return-to-work plans and follow measures put in place to protect their safety such as using and caring for PPE or following safe operating procedures.

Health and Safety Representative (HSR)

Workers may request the election of a HSR to represent them on matters of WHS. A HSR can streamline the consultation process by having a single official advocate on behalf of workers to the PCBU. The HSR may undertake targeted WHS and consultation training to optimise their performance. Having an elected HSR may be of benefit to those working in large organisations where there would otherwise be many stakeholders to engage with when making WHS decisions.

Rehabilitation Case Manager (RCM)

The RCM's main purpose is to work closely with the worker to ensure they can return to work as soon as possible. This may include coordinating services and resources for the injured worker, acting as a singular contact point for the injured worker, maintaining return-to-work documentation and ensuring the PCBU meets their return-to-work legal requirements. The RCM may be a nominated staff member or hired externally to organisation.

1.2.3 Duty Holders

If you are ever unsure of your own WHS duties and responsibilities or those of someone else, talk to your supervisor, manager or HSR.



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1.2.3.1 Compensation Claim Duties

If an employee is injured at work it is the duty of a PCBU to submit a claim for compensation.

Compensation allows the injured worker to receive payments which cover any costs associated with their injury. This may include support for if they require time off work to recover, or medical treatment.



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1.2.3.1 Compensation Claim Duties

There are specific processes and timeframes to be aware of when it comes to lodging a claim. These will depend on the legislation and procedures followed by your state or territory. However, as a rule it is good to act as fast as possible in order to get the claim approved quickly.



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1.2.4 Organisational Procedures

Organisations should have standard procedures in place that concentrate on workplace injuries and illnesses.

Employees should be informed of these processes and where they can locate the supporting documentation. This is usually done as part of the induction process.



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1.2.4 Organisational Procedures

Workplace injury or illness and return-to-work procedures should:

- ◆ Inform workers how to notify their PCBU of an injury or make a compensation claim.
- ◆ Provide the name and contact details of the return-to-work coordinator.
- ◆ Be in a readily accessible place.
- ◆ Encourage the injured worker to see their doctor for a diagnosis and to confirm the relationship of the injury to the workplace.



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1.2.4 Organisational Procedures

It is the PCBU's responsibility to record all the details of the injury or illness, and any events prior that may have contributed to their occurrence. They must also make sure the injured worker receives appropriate medical treatment.



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1.2.4.1 Return-to-Work Program

Every workplace will have a return-to-work program in place, this is produced by the designated 'rehabilitation authority' (usually the PCBU).

A return-to-work program is a document that summarises the key system an organisation has in place to manage workers with injuries or illnesses.



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1.2.4.1 Return-to-Work Program

The program outlines relevant policies and procedures and should be established in consultation with workers.

It should reflect the culture, business practices and environment of the workplace. It must also be consistent with the insurer's injury management program.



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1.2.4.1 Return-to-Work Program

The return-to-work program needs to cover the following topics:

- ◆ How to prevent occupational injuries and illness.
- ◆ Consultation processes with workers and their representatives.
- ◆ Injury management and return-to-work planning.
- ◆ Provision of suitable duties, vocational retraining and job placement assistance.



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1.2.4.1 Return-to-Work Program

If you are required to assist with the writing of the return-to-work program, make sure it is written using clear language that is easy for others to understand. You may need to consider making it available in other formats to meet the needs of workers. This may include braille, alternative languages, or videos which use AUSLAN (sign language).



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Section 1 Review Questions

1. What are codes of practice?



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