

Rehabilitation Program Guidelines and Procedures for a Work Trial Placement

1. Introduction

One of the broad principles that underpin the Safety Rehabilitation and Compensation (SRC) Act 1988, and occupational rehabilitation, is the safe and early return to work of injured employees.

Comcare has developed a model with workplace based rehabilitation at its core. The focus is on early intervention, and the aim is to return injured employees to their pre-injury employer, performing their pre-injury duties and hours. However, this is not always possible and the rehabilitation provider and case manager may need to pursue other options. Generally this will occur through exploration of other return to work possibilities. The possibilities should be explored in sequence, usually referred to as the "Return to Work Hierarchy".

Where a worker is unable to return to the pre-injury employer the case manager may need to look to alternative strategies, in order to affect a return to work. One such strategy involves placement of the injured employee with a host employer (a Work Trial).

The aim of doing so is to ensure that rehabilitation is able to continue through the use of a more suitable work environment. This process may offer the opportunity to explore other placement options whilst giving the employee the opportunity to build new skills and establish a sound working relationship with a potential new employer.

This guideline offers a process which case managers and rehabilitation providers are encouraged to adopt when developing a RTWP involving a work trial.

2. Reasons for using a work trial may include

- Rebuilding work skills, self confidence and establishing work routines following a long absence from the workforce and/or loss of work skills due to sustaining a work related injury.
- Work hardening; whereby an injured employee is offered a program aimed at improving physical or psychological work tolerances so as to allow a return to pre-injury work and pre-injury employer, or placement with a new employer.
- Learning alternative work skills; when an employee is unable to return to work with the pre-injury employer and requires the opportunity to build new work skills in order to improve the injured employee's employment potential and increase the opportunity for placement with a new employer.
- The employee has located a new potential employer where an employment vacancy exists, and there is a need to establish a working relationship with the potential new employer.

3. Guideline notes

When considering a Work Trial, regard must be given to the following issues:

3.1 Engaging a suitably qualified Comcare approved rehabilitation provider to co-ordinate and monitor the placement.

A rehabilitation provider has the specialised skills required to undertake a comprehensive workplace or workstation assessment, determine the injured employee's needs, set-up a rehabilitation program with a graduated return to work plan in consultation with all parties, monitor progress closely, and ensure that the injured employee and employer are working within the agreement for the duration of the placement.

3.2 Medical concurrence.

The medical practitioner plays a central role in the co-ordination of the injured employee's overall injury management program and must be consulted regarding the return to work plan. Therefore it follows that the medical practitioner must be in agreement with, and have input into the planning or development of the Work Trial. The Work Trial cannot proceed without medical approval.

3.3 Provision of a current medical certificate which covers the period of the Work Trial placement.

It is a requirement that a medical certificate is obtained to cover the duration of the placement, and medical approval must also be given for the employee to perform the identified duties. The medical practitioner should review the employee shortly after the commencement of the Work Trial, and continue to review their progress regularly throughout the placement, providing the necessary certificates. Modification to the Work Trial agreement may be required during the placement, to ensure the successful achievement of goals, and should be negotiated with all parties.

3.4 Completion of a comprehensive rehabilitation assessment.

A comprehensive workplace assessment must be completed and documented prior to signing the Work Trial agreement. A work visit should be undertaken and a meeting with all parties arranged including the new supervisor. The assessment not only aims to identify potential suitable duties and graduations in hours and duties, and any ergonomic equipment needs, but it also aims to reduce the risk of exposing an injured employee to any potentially hazardous situation where they may sustain a new injury, or an aggravation of a pre-existing injury.

As part of the assessment it is important to identify any training needs the injured employee may have. Training may include informal strategies such as coaching or mentoring, or formal courses provided by the host agency or an external provider. The liable agency should give consideration to payment of any short courses particularly if they are relevant to the stated goals of the return to work plan. Training costs should be included as part of the return to work plan (and approved by the RCM). Payments under section 37 can only be made to approved rehabilitation providers (and not the training institution).

3.5 Gaining the signatures of all key parties for a Work Trial agreement.

A negotiated work trial agreement is an essential requirement for ensuring the success of a placement. It should outline the expectations of each party, the duties, medical considerations/restrictions, work hours, and timeframe of the agreement. Such an agreement ensures all parties share a common understanding of each other's role in the process, in addition to the direction and aim of the placement. This agreement is specific to each placement.

3.6 A Work Trial placement must not disadvantage an injured employee.

Consideration must be given to the pre-injury hours and days of work when considering suitable work duties, hours and days for placement. The maximum hours that a worker can work when placed in a Work Trial should not exceed the pre-injury hours.

3.7 Monitoring of the Work Trial.

It is a requirement that all key parties meet to monitor progress at least once per month and more often if required. It can be useful to hold the workplace meeting following the medical review appointment.

3.8 Ergonomic equipment.

The host employer has responsibility for providing a safe and hazard free workplace under the relevant OH&S legislation, including the provision of standard ergonomic equipment. The liable agency is responsible for providing any additional or specialised ergonomic equipment unless otherwise negotiated with the host employer.

3.9 Travel.

If required, reasonable travel costs can be included on the RTW plan and this requires the case manager's approval. In general, travel costs can only be paid to an approved rehabilitation provider. It is not possible to reimburse the claimant directly for work-related travel costs.

3.10 The injured employee's privacy is to be maintained at all times in line with the Privacy Act 1988 which addresses collection, storage and release of information.

The case manager and rehabilitation provider must ensure that:

- The injured employee's consent is obtained prior to the release of any information to the host employer.
- The host employer is provided with information regarding an injured employee on a "needs to know basis", and the information provided is limited to that which is relevant to the placement, and the role each party plays.

For example, a supervisor needs to know the nature of the injury, the medical restrictions in place, the work hours recommended, and the duties to be performed, and will require a copy of the Work Trial agreement. The co-workers do not require such detailed information, however may need to be informed that the worker has an injury and therefore cannot be directed to assist with any tasks prior to discussion with and permission from the supervisor.

3.11 Active job seeking should commence during the placement.

In most cases in order to facilitate a return to paid work, active job seeking should commence during the Work Trial placement. The provider should provide coaching as necessary in order to promote independent job seeking by the injured employee. The employee must be actively involved in activities such as Resume preparation, preparation of job applications as well as other job seeking tasks.

3.12 Worker's compensation coverage during Work Trial.

The host employer will not be liable for Worker's Compensation for the employee for the period of the Work Trial. In the event of an injury/accident the necessary action should be taken, and an incident report should be immediately completed and all parties informed.

3.13 Incapacity entitlement during Work Trial.

The duties performed on the Work Trial form part of a rehabilitation program. The duties are provided by the 'host' employer in lieu of the pre-injury employer. The duties provided would have been assessed as medically suitable by treating practitioners or assessed as suitable under Section 36 of the SRC Act, therefore considered suitable duties provided by the pre-injury employer. The employee is paid for hours worked by the pre-injury employer. Any reduced rate compensation entitlements "incapacity" are reimbursed by Comcare under the relevant section of the Act.

4. Recommended timeframe for a work trial placement

It is recommended that a Work Trial placement have a fixed time frame and generally not exceed a period of three months.

Three months offers a reasonable time frame for an injured employee to progress through the individually tailored program objectives, which are reviewed with all key parties and modified accordingly over the course of three months, without the worker being disadvantaged.

A specified timeframe also provides guidance and structure for the injured employee and host employer, and establishes the placement within the context of a temporary placement.

If progress has not been made as detailed in the Work Trial agreement within the prescribed time frame, then a review of the program objectives is required. The barriers preventing achievement of these objectives and a more realistic return to work goal should be identified.

If a further period of time is indicated for the placement:

- The benefits and goals of placement for a further period of time must be clearly identified and communicated to all key stakeholders.
- Modifications to the Work Trial agreement and an updated medical certificate are then required.

5. Monitoring a work trial placement

The following questions are a guide for case manager's and rehabilitation provider's when reviewing the Work Trial.

- 1 Is the injured employee actively participating in the Work Trial?
- 2 Has the host employer been consistently able to offer the necessary suitable duties that meet the needs of the injured employee?
- 3 Is the injured employee continuing to progress towards the established agreed goals?
- 4 Have the goals of the Work Trial been achieved prior to the end date of the agreement?
- 5 Should the Work Trial be extended beyond the original dates or cease?
- 6 Is this placement likely to end with the injured employee being offered employment with the host employer, (only to be pursued if unable to return to the pre-injury employer in the future)?
- 7 What will the injured employee gain from continuing with this placement and with this host employer? Should a new host employer be investigated?
- 8 Has the injured employee reached a level of work capacity that would allow him/her to return to the pre-injury employer?
- 9 Has the injured employee's medical certification changed, allowing them to return to the pre-injury workplace following a medical review?

It is important that the injured employee is involved in the process of coming to a decision regarding cessation or continuance of a Work Trial placement.

6. Roles and responsibilities of parties in a placement

6.1 Rehabilitation Case Manager

- The Rehabilitation Case Manager is the rehabilitation authority's representative and retains the delegation and responsibility for rehabilitation for the injured employee at all times. Therefore, the case manager must be involved in each step of the process, overseeing the development and implementation of a RTWP involving a Work Trial.
- The case manager works with the rehabilitation provider and injured employee as well as other key stakeholders where appropriate, to facilitate implementation of and progress through a Work Trial. The case manager oversees the overall return to work plan, which encompasses this placement, in order to ensure progress towards the final rehabilitation goal of a return to gainful employment, using the return to work hierarchy as a guide.
- The case manager as the rehabilitation authority monitors the rehabilitation provider's involvement in the development and implementation of the rehabilitation program involving a Work Trial, as well as the worker's participation in the program.

- The case manager should make themselves available to the injured employee, should the injured employee need to discuss any aspect of the Work Trial placement.
- The case manager can recommend cessation of the Work Trial placement, however must first consult the rehabilitation provider and the injured employee as well as any other relevant parties prior to actioning a cessation of the program

6.2 Approved Rehabilitation Provider

The Approved Rehabilitation Provider, where agreed to by the case manager, is responsible for:

- Implementing and co-ordinating the Work Trial placement. More specifically, the provider is responsible for ensuring the workplace identified for the placement is safe in terms of work environment, workstations, work processes etc.. for the injured employee, from both a psychological and physical viewpoint, and takes into account any medical restrictions.
- The rehabilitation provider is responsible for the monitoring of the RTWP and Work Trial, and therefore requires access to the workplace with the approval of the host employer. The provider should actively monitor the Work Trial to encourage upgrading.
- The rehabilitation provider should provide progress reports to the case manager as negotiated in the RTWP, (usually monthly).
- As negotiated with the case manager, the rehabilitation provider is required to liaise with all parties including the treating medical practitioner, host employer, injured employee and case manager to ensure the placement is monitored, remains appropriate and continues to meet the objectives of the Work Trial and the return to work plan.
- The rehabilitation provider maintains the responsibility of ensuring the work being performed by the injured employee remains within the signed agreement and is modified as necessary in accordance with the Work Trial goals, following consultation with all key parties.
- The rehabilitation provider must ensure that the worker is not being disadvantaged by participation in the Work trial.
- The rehabilitation provider may recommend that a Work Trial be ceased following consultation with the case manager, injured employee and other relevant parties.

6.3 Host Employer

- The host employer is required to provide induction and training as per any employee of their organisation.
- The host employer is required to meet the same OH&S obligations as per any employee of their organisation.
- The host employer is expected to manage performance issues including absences as they would for employees within their organisation, with the additional requirement of advising the case manager and rehabilitation provider of any absence.
- The host employer is expected to make the workplace available to the rehabilitation provider for monitoring purposes as negotiated between the two parties.

- The host employer is expected to provide feedback to the employee, case manager and rehabilitation provider regarding the employee's performance, and inform of any concerns or barriers as perceived by them. The employer must be available to discuss or review progress with key parties in relation to the Work Trial placement as appropriate.
- The host employer is expected to adhere to the set agreement and work within this agreement at all times. The host employer can negotiate changes to duties, times or days, however the case manager or rehabilitation provider should seek medical approval.
- An injured employee undertaking a Work Trial will be supernumerary to established staff numbers except where the Work Trial has been arranged in response to an existing vacancy. The presence of a Work Trial employee does not indicate the creation of a permanent position.
- The host employer is not expected to pay the injured employee for any work completed for the duration of the placement.
- Whilst the host employer is not obligated to provide ongoing employment for the injured employee, if a suitable job vacancy becomes available all encouragement should be given by all parties to the injured employee to apply for the position.
- The host employer may recommend termination of the placement at any time in consultation with the case manager and rehabilitation provider.

6.4 Injured Employee

- The injured employee is required, as per the agreement, to attend the host employer's workplace and engage in their duties according to their work schedule and Work Trial agreement.
- The injured employee is required to adhere to the host employer's work policies, including OH&S policies, work procedure policies etc, and act in a manner commensurate with an employee of the host employer.
- The injured employee is required to make contact with the case manager or rehabilitation provider to discuss any issues that may arise during the course of their placement and if any absences or changes occur during the course of the placement.
- The employee must be actively involved in activities detailed in the RTWP and Work Trial agreement. This can include activities such as resume preparation, preparation of job applications, interview preparation, as well as other job seeking tasks.
- The injured employee may request termination of the placement, however is required to consult the rehabilitation provider and/or the case manager, as well as the treating medical practitioner. Withdrawal from the rehabilitation program without reasonable cause may result in suspension of benefits and an informed decision is encouraged.

Definitions

Work Trial

A Return to Work Strategy where the injured worker is placed with a host employer for a defined period of time but continues to be employed by the pre-injury (liable) employer. The Work Trial can only be undertaken as part of a Return to Work Plan (RTWP).

Pre-Injury employer (Liable agency)

This is the employer at the time of the injury, and remains responsible for the compensation and rehabilitation of the injured employee. The delegation for the RTWP (including the work trial placement) rests with the rehabilitation authority (usually rehabilitation case manager) of that department/agency.

Host Employer

The employer that the worker is being placed with; not the pre-injury employer. The host employer does not pay the injured employee for the work they perform and is not responsible for workers' compensation for the period of the work trial.

Rehabilitation Case Manager (RCM)

The case manager from the pre injury agency holds the delegation for approval of the RTW plan and work trial services.

Approved Rehabilitation Provider (ARP)

Refers to rehabilitation providers who are approved by Comcare under section 34 SRC Act 1988.

Return to Work Plan (RTWP)

Is the plan which forms the agreement between the employer (through the RCM), the injured employee and the rehabilitation provider (ARP). The RTWP is a determination under S37 of the SRC Act, for which the Rehabilitation Case Manager is usually the delegate. This plan outlines the overall goal, the injured employees obligations and rights, and stipulates the plan activities and time frame.

Work Trial Agreement

An agreement signed by all parties which outlines the details of the work trial such as; suitable duties, work hours, time frame and medical restriction/considerations. The work trial agreement should be an attachment to the RTWP and forms part of the rehabilitation authority's determination under section 37 SRC Act 1988. A description of the goal(s) of the work trial should be included as part of the stated goals on the RTWP document.