SEACARE CONFERENCE

2006

SUMMARY

IMPROVING REHABILITATION AND RETURN TO WORK OUTCOMES
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Preface

The Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) is the regulator of Australia’s national industry based OHS and workers compensation scheme for the maritime industry.

The Seacare Authority convened a conference, in October 2006 in Melbourne, with the theme of **Improving Rehabilitation and Return to Work Outcomes**. This choice of theme stemmed from the identification by the Seacare Authority of rehabilitation and return to work performance to be an area requiring significant attention. This does not involve any consideration by the Authority of separating rehabilitation from accident prevention. The Authority believes that these elements should always be approached in an integrated manner.

However, in determining the theme for the conference, the Members of the Authority thought that it was important to closely examine rehabilitation and return to work because of the unique issues that confront this industry in this area. Rehabilitation and return to work are important issues, not the least because of the potentially high risk and high injury nature of the work in the maritime environment, but also because of structural difficulties associated with return to work which presents unique challenges to both seafarers who sustain injury and to their employers.

This is not the first time that the Seacare Authority has focused on rehabilitation and return to work. In 2000 and 2001 it ran a series of symposia and round table discussions that resulted in the development of the Authority’s Rehabilitation and Return to Work Guidelines. The learning gained from this conference may assist the Authority to reappraise its guidance material and to amend and enhance it.

The conference began with an overview by the Chairperson of the Seacare Authority followed by three keynote addresses which addressed the issue of ‘Maintaining Workplace Safety in a Globalised Environment’. These three keynote addresses provided insights from three different perspectives by senior and respected figures in the Australian maritime industry. First, David Parmeter, acting Managing Director of Teekay Shipping (Australia) Pty Ltd analysed the challenges faced by the bluewater sector and how that sector is responding. Secondly, Captain Duncan Telfer, Director and General Manager of Swire Pacific Offshore Pty Ltd outlined the advances made in both technological developments and occupational health and safety performance in the offshore sector of the industry. Thirdly, Mick Doleman, Assistant National Secretary of the Maritime Union of Australia provided a cautionary tale of sub-standard international vessels and cases of poor treatment of seafarers and the need to protect Australian seafarers from such conditions.
Overview
Geoff Gronow, Chairperson, Seacare Authority

The theme of the October 2006 conference was Improving Rehabilitation and Return to Work Outcomes. As is noted in the Preface to this document, the Seacare Authority identified the rehabilitation and return to work performance of the Seacare scheme to be an area which is requiring significant attention. In large part the significance of this topic stems from unique features of the seafaring environment and the structural difficulties associated with it. These include the 24 hour nature of employment, the distance of vessels from land and the full range of medical assistance, the exposure to the elements, the rigorous fitness requirements for shipboard employment which all combine to make injury prevention and return to seafaring a challenging issue for the industry. The Seacare Authority, of course, is mindful of all these issues.

Rehabilitation and return to work is a major issue for the maritime industry. The costs of workers’ compensation weighs down the competitiveness of this industry and greater attention needs to be paid to getting injured seafarers off workers’ compensation payments and safely back into work in an effective and durable manner, and in a way that avoids risk of re-injury. So rehabilitation and return to work performance is essential to improving the scheme’s costs, as the long duration of some claims is a significant driver in insurance premiums.

On this front, I’m pleased to be able to say that the performance of the scheme has showed good improvement of late. The number of injured seafarers being assessed by their employers with the capacity to undertake rehabilitation programs has increased markedly in 2005-2006 compared with previous years, as did the percentage of those being assessed within the twenty-eight days statutory timeframe.

Also the number of seafarers who commenced a rehabilitation program and who returned to work successfully has risen significantly. Seacare’s data shows that when seafarers return to work after injury the vast majority return to the same position on full duties. In fact, the rate is the highest of any scheme in Australia. This is obviously the preferred outcome but in some cases return to work at sea may not be possible so we also need to look at alternative approaches.

However, there are areas where significant improvement is still needed. While more injured Seacare scheme employees are having a return to work plan developed, compared with previous years, the current level at just thirty per cent of injured seafarers with a return to work plan lags well behind the national average. Also, the percentage of injured seafarers who benefit from a rehabilitation program is much lower than the national rate.

Rehabilitation and return to work programs are vital in securing employee commitment to returning to work and such programs should be developed by employers and their rehabilitation providers in consultation with unions and seafarers. More effort needs to go into plan-
ning for rehabilitation with programs being more than just a statement of intent. Programs must incorporate elements that are going to assist and encourage the injured seafarer in their efforts to get back to work. In some cases, this might entail a stronger focus on vocational retraining. The longer it takes for injured employees to get back into the workforce the harder it is. People lose confidence, self-esteem, work fitness and so on. They are at risk of social isolation and depression and long term psychological problems. For these employees we need to foster their attachment to the workplace and they need to be shown that they belong at work. Injured seafarers need the assistance of employers to see that this is done.

I would like to broadly outline some of the Authority’s recent initiatives and the achievements of the scheme over the last year. In terms of our primary objectives it’s highly gratifying that there have been no work related fatalities involving seafarers covered by the scheme for many years. It is eleven years since there was a workplace death in the maritime industry covered by the Occupational Health and Safety (Maritime Industry) Act 1993 (OHS(MI)Act) and of course we will continue to strive hard to ensure that remains the case. It’s also pleasing to be able to say the scheme is maintaining its positive performance across a range of key injury prevention and workers’ compensation indicators. Importantly, Seacare remains on track to meet its targets under the National OH&S Strategy 2002-2012, specifically zero fatalities and a 40% reduction in the incidence of injuries.

The Seacare scheme’s positive performance has also been demonstrated by some encouraging improvement in terms of rehabilitation and return to work programs for injured seafarers as I have mentioned and the rate of disputed claims has also declined. Workers’ compensation insurance rates for 2004-2005, the latest year for which figures are currently available, also fell.

The Seacare Authority continues to manage the Seafarer’s Safety Net Fund to ensure that compensation benefits are available for injured seafarers even when there is no employer available against whom a claim can be made. The Authority revised the target reserve level of the Fund having had appropriate actuarial advice involving the likelihood of future default events as well as potential liabilities. We were able to recommend to Minister Andrews a reduction in the rate of the levy payable by employers from 1 April 2006.

Also, following the approval of the Minister, the Seacare Authority introduced a new Permanent Impairment Guide in March 2006. The new Seacare Guide, which is aligned very closely to the Comcare Guide, modernises the processes for assessing permanent impairment and keeps the jurisdiction in step with other Australian workers’ compensation schemes.

The Seacare Authority continued its work to progressively adopt national OH&S standards to the extent that they are applicable to this industry and its conditions. Last month the Minister approved the Code of Practice for Manual Handling in the Maritime Industry under the OHS(MI) Act and complementary regulations are also proposed. Substantial work has also been done on developing proposed confined spaces regulations.

In 2005-2006 the Seacare Authority determined that there were just short of 5,000 Seafarers covered by the Seafarers Rehabilitation and Compensation Act 1992 (Seafarers Act) working for some 30 employers on 182 ships. Seacare is Australia’s national industry based OHS and workers’ compensation scheme for the maritime industry. But it is also a range of working relationships between seafarers and employers, ship operators, insurers, seafarers’ representatives and unions, industry associations, rehabilitation providers, trainers, legal representatives, as well as government agencies and authorities. It is very pleasing for the Seacare Authority to see so many representatives from these various groups here today. This reaffirms to me that the Seacare scheme continues to be robust and effective.
The Bluewater Sector – Hope in an Industry Under Stress

David Parmeter, Teekay Shipping (Australia) Pty Ltd

The most striking thing about the bluewater sector has been its dramatic contraction over the last twenty years or so. In short, the bluewater industry could be charitably described as an industry under stress. Twenty years ago the bluewater sector was the dominant employer and the dominant force in the maritime sector. Since then, there has been a significant growth in the offshore oil and gas sector and a continuing level of activity in the port and towage services sector, while the bluewater sector has declined. Historically, the bluewater sector did the lion's share of the training, in fact, arguably all training for the industry. Now the bluewater industry will only be training for its own needs.

Notwithstanding the fact that this is an industry under stress, there are business opportunities. However, if I had to identify the biggest single barrier to business growth it is the shortage of qualified seafarers and an overall decline in the availability of marine skills. There are a number of factors contributing to the shortage of sea staff. The first is a very ageing demographic. There is a generation of seafarers on ships today who have risen to senior positions in their disciplines who will retire in the near future. We will struggle to replace them, despite no lack of interest from young people who want to go to sea. Secondly, our experience and that worldwide is that life at sea is not as appealing as it once was. There is much greater domestic pressure on seafarers, notwithstanding the leave conditions that now operate.

There have been a number of developments that have made the task of securing safe environments on our ships easier. These include the introduction, and ramping up, of medical standards for seafarers. Policies and requirements in terms of management of alcohol, in particular, and a regime of unannounced drug and alcohol testing have all been factors in assisting effective management of OHS. The introduction of enterprise bargaining and the advent of company employment for all seafarers has made the operating environment easier than was the case years ago. In fact the biggest single factor in improving the safety performance on our vessels is engaging with the sea staff and enabling them to understand the systems that we’re operating and what we are trying to achieve as well as getting them to do the business of the ships day in and day out.

The radically different communications environment of today compared to twenty years ago has assisted OHS management but it has also made it more complex. The instantaneous worldwide communication that is a core feature of our business toady is relatively new. Twenty years ago telex was the key means for electronic communication. Faxes were recent technology and the web upon which we now rely was not available to business. There were no e-mails until 1988 and it was a year later that Australia was connected to the internet. In some ways, that was an easier environment in which to operate. We had time to try and manage difficult situations, and often they’d resolved themselves before the office had even heard about it.
At the same time there’s a growing pressure on companies, particularly those that are listed on the stock exchange, to perform financially. As a global group listed on the New York Stock Exchange with both international and national fleets operating in 17 countries and a diverse range of ships, Teekay regards OHS management as an opportunity to differentiate the company in the eyes of our customers, employers, investors, and other stakeholders such as regulators, unions and port authorities. We have a commitment to adopt the highest global OHS and environmental standards across all our fleets regardless of local requirements. Increasingly our customers are requiring these standards from all their suppliers and adherence to them is a condition of business. In a competitive employment market people are attracted by a company that they believe will look after them. To help remedy the shortage of seafarers we also have a cadet programme focused on broadening skills and where appropriate, offering career opportunities.

So how do we maintain our standards in this environment? First, we have one management system across all our operations. ISM, ISO9001, OHSA18000 and ISO14000 are accepted practice for us. Indeed in many cases we have upgraded our standards above the accepted level. Our safety management system is based on global KPI’s, sharing near miss reports across our fleets.

In Australia our practices involve regular audits of OHS procedures by the HSE coordinator on every ship. In addition the HSE coordinator repeats our three safety presentations every six months. These are Take 5, Getting Home Safe and Hand Injuries. All near misses which could have resulted in injuries are investigated in detail and then reviewed with the crew. Our Near Miss Reporting Booklet has won an award from BlueScope Steel emphasising the importance that this customer places on safety. We have adopted a rule that all equipment that is being overhauled should be isolated. These initiatives have had two tangible results. First, our Australian operations have been free of LTI’s for eight months this year. Secondly, there’s been a significant growth in reports of near misses. Those two statements are connected.

I’m confident that adoption of these OHS procedures has also had a positive impact on the financial performance of our business. Customers have been impressed by our focus in maintaining the highest health, safety and environmental standards. Our employees regard us as a preferred employer, thereby reducing recruitment and retraining costs. As well there has been a significant increase in accountability amongst our crews and in their motivation and loyalty to the company while Teekay’s reputation amongst our stakeholders has strengthened.
The offshore industry is a dynamic one which is at the forefront of technological change and innovation. This affects all involved with the industry including oil companies to marine support providers such as Swire Pacific Offshore.

In terms of technological development, the industry has had to adapt from drilling water depths of around 100 feet in the 1950s to the demands of deep water drilling; this year Chevron Oil drilled in over 10,000 feet of water. This has required an increase in the specifications and sophistication of oil rigs and platforms; for instance from the standard jack-up rigs characteristic of the 1960’s and 1970’s to the semi-submersible rigs of deep water drilling of today. These require a new generation of vehicles, towing techniques, mooring and health and safety considerations.

It is also an industry in which an international standard in relation to health and safety and environmental protection and other regulatory concerns has emerged, largely driven by the demands of a number of parties. These include international oil companies and oil rig owners who wish to keep their assets safe, national bodies such as the National Offshore Petroleum Safety Authority (NOPSA) in Australia, environmental pressure groups, marine flag states, classification societies and many others, not least of all, employee representative bodies such as the MUA.

Under the Standards of Training, Certification and Watchkeeping Convention (STCW 95) every person aboard an offshore supply vessel has to be properly trained and certified. However, many offshore marine operators provide additional training over and above the statutory minimum; for instance in areas such as the use of dynamic positioning, helicopter rescue and the use of fast rescue craft. Swire Pacific Offshore is establishing a specialist training facility, complete with simulators, which will help prepare seafarers for scenarios offshore including anchor handling.

The International Marine Organisation (IMO) has also been active in the area of standard setting. The International Safety Management Code 2002 (ISM) provides an international standard for the safe management and operation of ships and for pollution prevention while the International Ship and Port Facility Security Code (ISPS) provides a comprehensive set of measures to enhance the security of ships and port facilities.

The move towards the establishment of a safety culture in the offshore industry has also been driven by disasters such as the Ocean Ranger, off Newfoundland in 1982, which left 84 dead and Piper Alpha, in the North Sea in 1988, resulting in 167 deaths. Standard setting in this globalised industry following these disasters has resulted in companies such as Shell and Woodside having the same safety standards in all their operations regardless of location.

As a result of all these events and pressures, the offshore industry is a heavily regulated one from international bodies such as the IMO, from domestic bodies such as NOPSA and Seacare, from internal industry pressure and from labour unions and interest groups. There is also regulatory oversight from flag state authorities and from classification societies. In Australia, if there is a marine incident, this could be investigated by five or more bodies, from State authorities such as Marine Safety Victoria, to the Australian Maritime Safety Authority (AMSA), to NOPSA, to the Australian Transport Safety Bureau (ATSB) and also authorities in the vessel’s flag state.

The task may be how to take advantage of the insights and developments arising from the international nature of the offshore oil and gas industry in order to improve standards still further in Australia. This is the goal of NOPSA in demanding adherence to world class standards. It makes sense for this experience, this expertise and the pressure of technical change to filter more widely through the Australian industry.
The Savage World of the Globalised Shipping Environment

Mick Doleman, Maritime Union of Australia

Shipping is the first globalised business. It was also the first business to be deregulated and we saw the advent of sub-standard ships, flag of convenience (FOC) vessels, tax havens, and the lack of accountability for those vessels and the treatment of their crew. That, in my mind, is the international environment or the globalised environment in a shipping context to which we apply the word ‘safety’.

The globalised environment for Australian shipping, or that of the shipping with which we have to compete, in relation to occupational health and safety is one in which in April 2006, a 24 year old AB on an FOC vessel was decapitated by a mooring line that snapped while the vessel was alongside. The shipping company refused to pay any compensation to the boy’s mother and it was the union movement, and the International Transport Workers Federation (ITF) in particular, that got a US$75,000 payment for that tragic loss. Similarly, a 19 year old Australian beauty therapist on a cruise ship operating out of Miami, working for tips only, severed her achilles tendon when a door slammed on it. She was put ashore with only a $300 payment and it was the ITF who supported her, got her back to Australia and got medical treatment to fix her leg. Two PNG seafarers, also on an FOC vessel, were ordered to secure mooring lines in atrocious weather; one was washed over the side and never found and the other sustained severe head injuries. The company is still refusing to pay compensation in either case.

During the 1980s an enormous amount of work was done, in a tripartite approach between the Government, unions and employers to modernise our industry and to benchmark it. The benchmark in those days was the OECD. Today the benchmarks would be different. Today, the influences upon new benchmarks in the global environment are more likely to come from the insatiable economies of China and India. China is the emerging market and emerging operator in LNG vessels. They want to buy equity in every business they hold. What pressures will they bring to bear on our sector, our areas?

I don’t believe self-regulation is the answer, which is basically what we have as a reaction to events such as deaths rather than being a proactive arrangement. It is a tragic truism that quantum leaps in safety have generally come on the heels of some major disaster. What is needed is regulation and regulation requires good government which exists in sparing quantities in this area of the globe. The result of this self regulated environment is that a Filipino seafarer, in a labour supply pool of 200,000 or more, has no real choices. In order to feed his family or starve he has to accept employment on a shitty ship, shitty wages, and the possibility of never coming home.

The problem of this globalised environment is that the economic pressures in a free market system have a corrosive effect on good operators as well as bad. The market driven economy in which we operate needs to satisfy shareholders demands, needs to protect the company from takeovers and the like, and creates a savage world. It is a world in which seafarers recruited in Singapore are expected to work for US$35 to US$40 a day to feed their family in the Philippines or elsewhere. Given the shortage of officers, things may be better there in terms of conditions and treatment. However, this is not the case with ratings.

I personally believe that Australian shipping is under enormous economic pressure from the global environment, hence the fact that we hardly have any international ships left now, and the fact that there is enormous pressure even on our coastal trade for foreign intervention. If we are to protect Australian shipping, and particularly OH&S conditions on Australian ships, shipowners will need to take a balanced approach in terms of costs on the one hand and the care of their workers and the credibility and respectability of their company on the other. That will be a difficult task given the pressures of the international environment. In the Australian environment, with the opting in and opting out that can occur in relation to OH&S and workers compensation, the same temptations for flagging out in the world shipping fleet will now be brought to bear on Australian shipowners in their attention to OH&S and seafarers’ compensation. This will be an important question for the various unions having coverage of seafarers in order to see the application of a suitable, decent, workers’ compensation system and to ensure that the very real examples that I have described will not apply to Australian seafarers in the Australian context.
Early Intervention and Return to Work in Practice
Paul Baulch, Coles Group Ltd

The Coles Approach

The current approach at Coles aligns prevention to our safety system, claims management, injury management and our internal customers. Its components include the in-house management of injuries with exceptional expertise. We have an integrated case management approach, because our businesses are different. We have a hybrid customer alignment and complexity case duration model because we have to. Getting someone back to work in a Coles Express Service Station is somewhat more difficult than getting them back to work in a supermarket because there’s only two jobs in a service station and there are about 30 or 40 jobs in a supermarket.

We have a single standard of service and operating system. Case managers have a joint accountability not only to manage the claim but to get the person back to work. We have teams led by a team leader. Normally there’s six in a team, with a couple of senior claims officers, a couple of less senior claims officers, an injury manager and an administrative person, because we don’t want the claims people and the injury manager getting bogged down with the paperwork.

Claims and injury managers get to know the business and the business environment because we have them aligned by brand, by business and geographically. They know the managers, so they can ring up, turn up at a site and actively start getting people back to work with full knowledge of what the tasks and the work environment involve.

The central focus of our return to work approach is the injured worker and the manager. The effectiveness of this approach shows in our satisfaction survey data. The success stems from a Coles employee who knows the business looking after another Coles employee rather than the involvement of a faceless insurance company or the involvement of faceless consultants.

We have dedicated teams that focus on long-term claims and we’ve started breaking down the systems so that we have a more strategic approach. We’ve worked with our HR colleagues to ensure there’s a whole employment approach with knowledge of what jobs are available or what tasks are available. We can start plugging people in, particularly when they’re returning to work after an injury no matter how debilitating it may be. This team structure allows us to focus our resources in the right places rather than having different approaches in different jurisdictions to comply with the different legislation.

The Coles Model

The Coles model itself has six components, all of which are aligned to our safety system.

**Injury Care** – Injury Care is an early intervention medical treatment and injury management programme that makes available to all the employees reporting a work related injury access to a national network of independent, specially trained doctors. Unless the doctor understands the nature of the workplace it’s difficult to get the person back to work effectively. There are around 2,500 doctors and physiotherapists within this network which is put together by an external organisation, although Coles Myer had the foresight to provide the seed money to establish it.

The take-up rate of this injury care by injured employees is around 60% and it’s growing. It’s surprisingly that people have responded so favourably to it. Our business case was predicated on getting a take-up rate of 35% so we’re delivering income back into the organisation.
The next step in the process is called **Early Care**. It is the first response to an injury and enables us to commence the injury management intervention at the incident reporting stage. It means that we can initiate immediate action rather than waiting days or a week. This is a total turnaround from a few years ago in the organisation where it was seen as a HR process, burdened by heavy administration.

The next step is called **Extra Care** and that’s a systemic process and approach to dealing with more complex cases. It’s a multi-stage triage approach involving reassessment at every stage in that triage. We flag cases. White flags are where there are no risk factors, pretty straightforward, pay the bills and get the worker back to work. Yellow flags are whether there are psycho-social issues and we all know the complexities associated with those cases and the difficulties in return to work. We have blue flags for psychological factors and black flags for obstructive behaviour. Red flags are for people with a serious underlying illness while purple flags are for people who are totally and permanently incapacitated.

The next step is called **Extended Care** and it’s directed at cases which have been identified as being long-term in nature and requiring specialist involvement. We have a body that works with us and their focus is on specific case management strategies aimed at vocational direction.

Again, being an employer with 160,000 people if somebody can’t work in supermarkets we may find them a role somewhere else; for instance, working in Vintage Cellars, or K-Mart or Bi-Lo or so on in a different role as we have access to alternative employment within the organisation.

The “Extended Care” approach also applies to those cases involving litigation and impairment benefit management. While these can be quite complex matters, we’ve trained our people in how to manage those matters.

The next component is **Essential Care** – These are serious injury and total and permanent incapacity cases. They are costly and difficult to deal with because the injury has often destroyed the person’s life and that of their family and it is consequently very difficult to get such people back to a position of having social independence and the ability to easily integrate back into work.

The final component is **Effective Care** – This component involves a number of strategies to make sure that the treatment that the individual is getting is appropriate. Many of us would have seen over the years that people become addicted to painkillers etc. and develop dependencies normally because their medical treatment hasn’t been as effective as it could be. The ‘Effective Care’ component addresses those cases. It involves empowering the worker to start managing their own issues and their own injury and their own medical treatment through ongoing guidance. Sometimes there are blockers particularly from the legal fraternity and others, sometimes with regulators, sometimes with unions.

I hope that this overview is beneficial and that people can make some links to their own operations, particularly those links to the fact that if we do hurt someone, not only are we obliged by the regulators, but also are morally obliged to get them back to work.
Return to Work Hypothetical
Facilitated by Peter Leslie, Middletons Lawyers

Panellists: Martin Byrne, Australian Institute of Marine & Power Engineers; Melanie Parker-Doney, MP Safety Management; John Trungove, Marsh Risk Consulting; Robert McCartney, Health Services Australia; Mark Eldon-Roberts, Australian Maritime Safety Authority; Michael Clinch, ASP Ship Management.

The hypothetical concerned the case of an integrated rating who suffered serious injuries during a storm off the north-west coast of Australia. It highlighted a range of issues concerning both the environment in which the Seacare scheme operates and also the constraints within the Seacare scheme itself, particularly with regard to return to work for partially incapacitated seafarers. However, it also demonstrated how quality outcomes could be achieved even within these formal constraints.

The environmental issues included:

- the difficulties and complications of communication and informed decision making in the case of significant shipboard injuries
  - contact with the next of kin – who should make this contact (company or union representative) and when (as soon as the accident is known or later when clearer details are available)
  - formal contact details may be complicated by informal contact from fellow seafarers by either mobile phone (if in coverage) or otherwise
  - to which port should the vessel proceed given the nature of the seafarer's injuries (Wyndham being the closest port but with basic hospital facilities only) involving a trade off between immediate treatment versus more comprehensive treatment

- other constraints of distance
  - the logistics of getting the seafarer to more specialised treatment in Darwin
  - issues of getting the seafarer's wife to Darwin and who should bear the travel and accommodation costs
  - logistical and other issues concerning the involvement of experienced, professional rehabilitation personnel at an early stage

The Seacare return to work issues included:

- the importance of early, quality rehabilitation intervention
  - the involvement of an experienced and competent rehabilitation provider early in the case (even before a formal section 49 assessment (Seafarers Act)) who can assist in discharge planning from Darwin and begin to put in place elements of ongoing treatment and ancillary programmes when the seafarer returns to his home port, Newcastle
  - the ongoing involvement and assessment when the seafarer returned to Newcastle covered immediate issues (including activities of daily living requirements and community nursing requirements when he is discharged from hospital) and later issues such as participating in a TAFE course
possibilities and limitations of various return to work options

- part-time work in the shipowner's/employer's office not practicable because of the distance from the seafarer's home
- option of supernumerary onboard or supernumerary alongside
  - fulfilling the seafarer's wish for a graduated return to work at sea however concern that the seafarer in a supernumerary position may re-injure himself or may be a burden on the rest of the crew
  - possible union resistance to this option
  - as additional to the required crew complement, it is an expensive option
  - medical view that best recovery from injury is made in the workplace
  - shipowner not able to offer the option of supernumerary onboard position itself (only two ships and not suitable)
  - option of supernumerary onboard position with another shipowner contingent upon the seafarer's employer (or at least its insurer) furnishing an indemnity and this is likely to be unacceptable to both the shipowner and insurer
  - option of supernumerary alongside (when the seafarer's former ship berths) may be important for the seafarer to get a realistic understanding of the possibilities of returning to sea.
  - issue of an injured seafarer being able to evacuate the vessel in an emergency
- possibility of part-time clerical duties in union office
  - barrier of travel and accommodation may not be insurmountable and may assist in combating depression about not being able to return to sea

termination of employment

- pressure for termination because
  - cost of being on the company's books
  - relief integrated rating wants to know when he can be permanent
- counterbalanced by the lack of control of the employer and the insurer if termination and cost savings if the seafarer can be placed in suitable employment

work trial with another employer

- issues regarding any required indemnity from the new host employer
  - these issues are addressed in some state schemes – for instance, New South Wales WorkCover, where this approach can be a massive incentive to other employers to engage an injured worker
- given the location of the seafarer's residence, engagement in a work trial and any subsequent employment would require relocation to Newcastle with the disruption and cost that this would entail

Facilitator's summary:

The seafarer takes a position with another employer and moves to Newcastle. He wears the cost of that move and that is where our journey ends. On one level, this is a successful outcome for rehabilitation. The seafarer is returned to gainful work. He's being paid $50,000 by way of wages, and he's topped up to $70,000 by way of compensation, but he's not doing what he loves doing, being a seafarer. The industry has lost an experienced IR. The company has lost an employee. The insurers are still paying $20,000 per annum for the next 20 years plus medicals for the rest of Ron's life. As well, things are likely to deteriorate as the seafarer has the distinct possibility of developing complications associated with his injury. In many ways this is the best outcome for someone who's had a serious injury. We can't get him back to sea. There's going to be cost, but we have looked at weighing up both sides and I think at the end of the day the seafarer probably has the best outcome he could get.
Rehabilitation and Return to Work Round Table
Facilitated by Alan Clayton, Bracton Consulting Services Pty Ltd

Introduction
The conference delegates broke into tables of five or six persons to consider the following questions:

- What can the industry do to achieve better RTW outcomes?
- What should your workplace do to achieve better RTW outcomes?
- What should an effective RTW policy say and how could it be presented?
- Does the Authority’s Seafarers Rehabilitation and Return to Work – A Best Practice Guide for the Australian Shipping Industry assist the industry and meet the needs of all users?
- Are the key elements and messages in the Guide accurate and is it comprehensive?
- What could be changed or improved? Should it contain other information?
- Is there other guidance, or forms of guidance, that could assist the industry?

What can the industry do to achieve better return to work outcomes?
Perhaps the major challenge for the maritime industry, in relation to achieving return to work outcomes, is dealing with the constraints upon the ability of shipowners and ship managers to offer suitable employment, in terms of alternative or transitional return to work duties, to injured and ill seafarers. These limitations are compounded by the fact that seafarers often live considerable distance from any on-shore facilities operated by shipowners and ship managers. A number of the groups in the Roundtable discussion offered perspectives upon this issue.

Industry-based and wider perspectives
The most far-reaching initiative was the proposal that the Seacare scheme should move from a system of company-based return to work to an industry-based system managed or overseen by the Seacare Authority. Such a system would involve shipowners, ship managers and others within the industry cooperating in the identification of suitable employment opportunities within their operations that could be offered to injured or ill seafarers employed by other ship owners or ship managers. A number of the groups in the Roundtable discussion offered perspectives upon this issue.

Workplace culture
Groups in the Roundtable discussions also identified the further development and sustenance of a return to work culture within the industry as an important imperative. Some groups pointed to continued scepticism existing within some sections of both management and unions towards return to work. Apart from better education initiatives, overcoming this barrier was
seen to involve greater trust between shipowners and seafarers and entrenching a culture within companies towards proactive return to work, including the early involvement of quality rehabilitation providers. More education and better information was also seen as a necessary component in achieving this cultural change. Some concern was expressed regarding the nature of pamphlets and the fact that existing pamphlets did not appear to be widely used. There was support for further Seacare approved training both in the nature of further forums of this type and for specific training courses relating to return to work obligations and how they could be achieved and maximised in the Seacare environment.

**Other issues**

Some tables raised specific issues concerning the features of the maritime industry and the nature of current practices in the industry and what the industry can achieve in the future in relation to return to work. The ageing demographic of the industry was mentioned and that this complicated return to work initiatives.

The hypothetical sparked issues concerning the use of supernumeraries and the issues that must be addressed in the use of this form of shipboard return to work including the ability of any supernumerary to be able to evacuate a vessel in situations of distress.

The nature and quality of ‘AMSA medicals’ was also raised, with a specific request to review the task analysis section of Marine Orders Part 9.

The necessity for rehabilitation providers to be professional and independent and also not be seen as representatives of, or advocates for, one particular side or party was seen as important.

**What should the workplace do to achieve return to work outcomes?**

Some of the issues that were addressed at the industry level also arose, usually in a more specific and particularised form, in the discussion upon workplace responsibilities. For instance, a geographically dispersed workforce was seen as posing difficulties in maintaining one-to-one communication with injured and ill seafarers in situations where companies do not have offices located around the country. Again, issues of company and workplace culture were also highlighted. Such cultural issues operate at all levels; for instance, there may be resistance from other crew members to take a seafarer on board as a supernumerary due to feelings of responsibility for that seafarer’s safety and well being.

The importance of trust and communication among all parties – employer (or employer representative), seafarer, treating doctor, rehabilitation providers etc. – was a recurring issue among the Roundtable groups, together with the view that ‘ownership’ of effective return to work outcomes was something for which these groups were jointly responsible.

The issue of designated return to work co-ordinators and whether or not there could be some financial subsidy for this role in the case of smaller employers was raised. The need for additional attention to vocational retraining was also put forward.

**Issues concerning the Seacare RTW Best Practice Guide**

There was some comment from groups that the Guide was too long and too complicated for many users with too many references to legislative requirements. The recommendation was that the Guide be simplified. However, it was pointed out that the Guide is just one component – albeit a comprehensive version – of guidance material that Seacare published, and made available via its website, which also included a simplified version of the Guide, together with an encapsulated summary in poster and PowerPoint presentation form.

A number of groups felt that the Guide was both not widely known in the industry and that, where it was known, not widely referred to and used.

One group felt the need for a more prescriptive approach to be outlined in the Guide with clear trigger points that require particular things to happen at certain periods after an injury. It was suggested the twenty-eight day period (reflecting the legislative requirements) mentioned in the Guide may be too long and that return to work policies need to be put in place well before the twenty-eight day period after an injury ideally.
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