



Australian Government

Seafarers Safety, Rehabilitation
and Compensation Authority



SHORT VERSION
BEST PRACTICE GUIDE

Seafarers Rehabilitation and Return to Work

Seacare Authority – October 2007



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1

How to use this supplementary guidance material

This booklet is a short version of the Seacare Authority's *Seafarers Rehabilitation and Return to Work Best Practice Guide 2007*. It has been prepared to assist seafarers, employers, rehabilitation providers, medical practitioners and other parties involved in seafarers' rehabilitation and return to work processes. It includes:

- an outline of the minimum statutory requirements for rehabilitation under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act); and
- guidance for the parties on how to do better than the minimum requirements established by the Seafarers Act — it aims to provide a best practice approach to rehabilitation and return to work in the maritime industry.

Both the guide and this shorter version are available on the Seacare Authority website at www.seacare.gov.au.

2

Rehabilitation and return to work in the maritime industry

Best practice involves early intervention

The Seafarers Act requires an employer to assess an injured seafarer who has been absent from work for 28 days or more (or who is expected to be absent for 28 days or more) for his/her capability of undertaking a rehabilitation program. If the seafarer is assessed as being capable of undertaking a rehabilitation program the employer must make arrangements with an approved rehabilitation provider for the provision of an appropriate program.

This statutory provision is a minimum. It is now widely accepted that best practice rehabilitation requires intervention earlier than 28 days. The earlier that intervention commences the greater the chances of a successful and durable return to work.

A supportive workplace culture assists rehabilitation and return to work

Successful rehabilitation relies on a consultative, cooperative and supportive workplace environment. It is important that the employer takes preparatory steps in the workplace to ensure that a seafarer returning to work from injury is fully supported.

3

The rehabilitation program and the return to work plan

To support a successful return to work, it may be appropriate that the rehabilitation program include a specific return to work plan. In this context the return to work plan is a set of specific and agreed steps that aim to achieve a return to work.

4

When and how is the rehabilitation process initiated?

For successful and durable outcomes, the employer's involvement in the rehabilitation process should commence immediately the injury occurs. Ideally it should be formalised by allocating a company officer or company representative to the case as soon as the injured seafarer returns to shore.

5

Choosing an approved rehabilitation provider

When an employer chooses to use a rehabilitation provider, the rehabilitation provider must be one approved by Comcare and acknowledged by the Seacare Authority.

Provision of rehabilitation services by an approved rehabilitation provider:

- ensures the parties receive a high quality service; and
- provides expert advice that can assist seafarers recover from the injury and achieve a successful return to work.

6

The role of treating medical practitioners in rehabilitation and return to work

The treating medical practitioner is a vital part of the recovery, rehabilitation and return to work process — roles include: ongoing assessments of the injured seafarer's treatment regime; assessment of fitness to return to pre-injury duties; assessment of opportunities to undertake graduated return to work (including restrictions — perhaps required initially to ensure duties do not aggravate the injury); and, if necessary, participation in rehabilitation services.

Medical practitioners should:

- define the nature and extent of the injury and provide a medical prognosis;
- provide advice on and deliver/monitor medical treatment;

- assist in the preparation of, and endorse, the rehabilitation program;
- identify the ability of the injured seafarer to undertake suitable employment identified by the employer and/or rehabilitation provider;
- identify, in consultation with the rehabilitation provider, the medical implications of any return to work options that are available; and
- monitor the progress of the injured seafarer's rehabilitation program and return to work plan.

7

Role of the Medical Inspector of Seamen

Before returning to work at sea, a seafarer must be certified medically fit for the duties to be performed in employment. The seafarer will need to obtain a certificate of medical fitness from a medical inspector of seamen. Details are provided in *Guidelines for the Medical Examination of Seafarers and Coastal Pilots* set out in *Marine Orders, Part 9 Health – Medical Fitness* (contact the Australian Maritime Safety Authority (AMSA) and see the AMSA website www.amsa.gov.au).

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Role of the insurer

The Seacare rehabilitation and compensation scheme is supported by private sector insurance companies that write workers' compensation insurance policies for scheme employers. Seacare scheme insurers play an important role in the compensation, rehabilitation and return to work process.

Employers should establish a strong working relationship with their insurer by:

- advising the insurer when an employee lodges a workers' compensation claim; and
- seeking advice from insurer's that could result in adoption of rehabilitation and return to work strategies that had not previously been considered, the net result being an earlier or more durable return to work and ultimately lower insurance premium costs.

Once the claim cost reaches the limit of the policy excess Seacare scheme insurers are committed to take a leading role in the case management process, supervising the rehabilitation process from that point onwards in consultation with the employer, the treating medical practitioner and rehabilitation provider.

9

Role of the employer

The employer role in ensuring a quick and full recovery of the insured seafarer and an early return to work will be greatly assisted by:

- developing and encouraging a workplace and corporate culture that supports rehabilitation and early return to work;
- practicing early intervention commencing on return to shore of the injured seafarer;
- supporting a positive approach to rehabilitation and return to work where rehabilitation programs and return to work plans are developed with seafarer involvement and with their agreement; and
- taking a strong coordination role ensuring the key parties cooperate and by closely monitoring the rehabilitation process.

10

Role of the seafarer

The seafarer's role in ensuring a quick and full recovery and return to work will be greatly assisted by the seafarer:

- accurately completing a compensation claim form and providing a medical certificate to the employer (noting that it is an offence to provide false information);
- participating in treatment and in a rehabilitation program that enables the fullest possible recovery and facilitates a return to work (noting that compensation benefits can be suspended if the seafarer does not cooperate with a rehabilitation program);
- participating in an appropriate rehabilitation and/or return to work plan tailored to the seafarer's individual circumstances; and
- maintaining communication with the employer, rehabilitation provider and work colleagues.

11

Return to work plan

As part of the rehabilitation process it is recommended that the transition in returning to work be planned. Such a return to work plan means that all key parties understand the process to ensure a safe return to work. The plan should:

- identify suitable employment which will be available to the injured seafarer when they are partially fit so that they may have greater involvement with the workplace before returning to pre-injury duties;
- include an outline of the steps that will be taken by the employer or on the employer's behalf as part of the transition back to work; and
- specify a start and review date.

12

Returning to work — inside or outside the industry or on board a ship

Employers have a duty to provide suitable employment for a seafarer who has undergone or completed a rehabilitation program. The employer must take steps to provide the employee with suitable employment or assist the seafarer to find employment.

12.1

When the seafarer is expected to return to sea

The injured seafarer may be advised to spend some time either in a shore job or on a vessel in a supernumerary capacity to assist recovery and assist a return to pre-injury duties.

12.1.1

Supernumerary position on board a ship

Where a supernumerary position is identified the employer should consult the master of the vessel, the crew (particularly the supervisor/s) and the approved rehabilitation provider regarding identification of suitable employment.

12.1.2

Employment on shore

A similar consultation process should occur in relation to placement in an on shore job and where all the key parties agree an offer of employment from a current or alternative employer may be made.

12.2

Return to work for severely injured or long term injured seafarers – where return to sea is unlikely

If the injury is severe and there is no clear indication that the seafarer will return to work at sea, then meaningful on shore work options or retraining opportunities should be explored.

13

What happens when declared medically fit?

Once the seafarer is declared and certified fit by the treating medical practitioner and an AMSA medical inspector of seamen, they should return to their pre-injury duties ideally the same job in which the seafarer was engaged before injury.

14

Evaluation of the rehabilitation program

The effectiveness of the rehabilitation program and return to work plan, as well as the approved rehabilitation provider, needs to be regularly evaluated and reviewed to ensure ongoing success and to facilitate refinement of the rehabilitation program.

15

Company rehabilitation and return to work policies

If your company has a rehabilitation and return to work policy you should familiarise yourself with its provisions and with the rights and responsibilities of those involved in the rehabilitation and return to work process.

The effectiveness of return to work strategies, impacts directly on the duration and cost of workers' compensation claims. It is therefore a priority in any workers' compensation insurance premium management strategy.

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A summary of key actions employers can take to assist recovery, rehabilitation and return to work of an injured seafarer

SCENARIO

Injury occurs on board a ship (the principles and processes set out in this key actions document apply equally if the injury occurs during travel, while attending training or any other location covered by the Act)

The injured seafarer is evacuated from the ship (or awaits return to port)

On arrival at port, airport or at seafarer's home base

When the seafarer's condition stabilises

ACTION

Immediate assessment of medical condition and action to stabilise, and commence the recovery process.

Employer representative meets seafarer on arrival at Australian port or airport. Employer ensures seafarer is transferred initially to a local medical facility for diagnosis/treatment or, if possible, to the seafarer's home base for diagnosis/treatment. Employer to ensure seafarer's family is notified/visited, if possible, to explain the situation.

Employer or employer's representative (usually an approved rehabilitation provider) to accompany the seafarer to the medical facility or to visit the seafarer as soon as practicable (on stabilisation if major injury). Employer makes arrangements to ensure the seafarer's family is assisted to visit/accompany the seafarer at the medical facility. Employer should provide the employee with a compensation claim form and ensure it is promptly lodged, as well as the appropriate Seacare brochures explaining rehabilitation and compensation (Seacare Authority brochures #3 and 5).

At this point, the employer should be in a position to ascertain the approximate period of time the injured seafarer is likely to be off work. This is the time at which the employer should decide on whether to engage an approved rehabilitation provider for the case (if not already arranged).

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A summary of key actions employers can take to assist recovery, rehabilitation and return to work of an injured seafarer (Continued)

SCENARIO

Initial role of approved rehabilitation provider

Injury expected to last more than 28 days and employee cannot work

ACTION

As soon as practicable after initial treatment or stabilisation, the employer or approved rehabilitation provider (if already selected or retained by the employer) should arrange to meet with the seafarer, including their family (and, if requested, the seafarer's representative) to explain the company's approach to assisting the injured seafarer and to outline the type of support and assistance the seafarer can expect during their recovery. The role of the approved rehabilitation provider at this stage is to ensure they are fully apprised of all aspects of the injury and actions to date, both medically and administratively – and to make initial contact with the seafarer's treating medical practitioner and family.

The employer must arrange for a formal assessment of the employee's capability of undertaking a rehabilitation program. The assessment must be made by a legally qualified medical practitioner or other suitably qualified person nominated by the employer, or by a panel. The employer should meet with the injured seafarer to reassure the seafarer that they will be supported during their recovery that the company has a genuine concern for their welfare and their full recovery to medical fitness and a desire to see them return to sea (or if the prognosis suggests a return to sea is unlikely, to suitable employment). The employer (or the approved rehabilitation provider) should then arrange a meeting between the seafarer and the treating medical practitioner to discuss a prognosis, the proposed treatment plan and any rehabilitation opportunities and appropriate duties (in suitable employment) that might assist recovery and return to work. The employer should at this point commence a dialogue with the insurer, advising the insurer of the claim for compensation and actions taken to date.

16

A summary of key actions employers can take to assist recovery, rehabilitation and return to work of an injured seafarer (Continued)

SCENARIO

Employee assessed as capable of undertaking a rehabilitation program

Rehabilitation program developed, including assessment of opportunities for graduated return to work

Rehabilitation program commenced

ACTION

When an injured seafarer who is likely to be off work for more than 28 days is assessed as capable of undertaking a rehabilitation program, the employer must arrange for an approved rehabilitation provider to develop an appropriate rehabilitation program. This step should be taken after the employer has consulted with the injured seafarer in relation to the selection of a provider and after consulting on the development of an appropriate program. Once an approved provider has been selected, it may be appropriate for that provider to arrange to visit the seafarer's ship (or a specified supernumerary ship) when next in port to make a full workplace assessment to help the treating medical practitioner understand the work conditions, work environment and on board procedures as part of developing a rehabilitation program.

One consideration for the employer, in consultation with the approved rehabilitation provider, is whether there are partial or graduated return to work opportunities available within the enterprise — either on board the seafarer's ship, on a specified supernumerary ship or in an on-shore job.

Once the rehabilitation program is designed and either before or upon commencement, the employer may need to consult the insurer (if reimbursement of compensation costs are being sought under the workers' compensation insurance policy) to discuss aspects of the rehabilitation program such as retraining or alternative treatment regimes. The aim is to ensure the insurer will reimburse the employer for the proposed treatment and rehabilitation program. The employer may wish to visit the injured seafarer at work and/or home to provide support. Services that could be included in a rehabilitation program are medical, psychiatric, physical training, physiotherapy, occupational therapy, vocational training or alternative treatment regimes. The key parties need to assess what type and frequency of service/s best suit the needs of the injured seafarer and are aimed at facilitating injury recovery and return to work.

A summary of key actions employers can take to assist recovery, rehabilitation and return to work of an injured seafarer (Continued)

SCENARIO

Return to work—a key stage of the rehabilitation program

Rehabilitation program and return to work plan monitored

Rehabilitation program and return to work plan completed

ACTION

During the rehabilitation program, the key parties, in consultation, may determine that the injured seafarer's recovery from injury and return to pre-injury duties may benefit from partial or graduated return to work. At this point, the employer should arrange for a return to work plan to be prepared which sets out the agreed plan for returning the seafarer to work. The plan should be agreed upon and signed off by the key parties. If the graduated return to work is on board a vessel in a supernumerary capacity, then the master of the vessel and the crew, as well as the returning seafarer's supervisor, also need to be consulted. A successful return to work is also assisted if the crew is fully aware of it and any details regarding any special work requirements of the returning seafarer. If the return to work is on shore, the management team and supervisor of the area need to be consulted and, as with work on a vessel, other staff should be advised of the return to work. If the return to work plan involves on shore work, there may need to be a work cycle or roster similar to that of the seafarer's previous vessel-based work, as a part of the transition process.

Throughout implementation of the rehabilitation program, the employer, in consultation with the key parties, should ensure the agreed requirements under the program and, where appropriate, the return to work plan are met. It may be necessary to revise the program regularly, depending on its success and the injured seafarer's response to the treatment regime. The insurer should also be regularly informed about the progress of the rehabilitation.

When the seafarer is cleared by the treating medical practitioner and AMSA medical inspector of seamen to return to work the employer needs to implement, monitor, review and revise the rehabilitation program and return to work plan, and to monitor the return to work to ensure it is durable.

