

	<b>Re-employment Procedure</b> <b>(Work Injury)</b>	<b>Version No:</b>	1.0
		<b>Issued:</b>	18/12/2015
		<b>Next Review:</b>	18/12/2017

### Introduction & Purpose:

The process outlined by this Procedure will assist both the District Council of Franklin Harbour and the Local Government Association Workers Compensation Scheme (LGAWCS) to meet legislative compliance surrounding the duties under the Return to Work Act 2014 (the Act) relating to:

1. [A written request from a former work injured staff member concerning the provision of suitable employment \(Section 18\(3\) of the Act\)](#)
2. [An application made from a former work injured staff member \(or their representative\) within the South Australian Employment Tribunal \(SAET\) concerning the provision of suitable employment \(Section 18\(4\) of the Act\)](#)
3. [Inquiries from ReturnToWorkSA \(RTWSA – formerly WorkCover SA\) concerning a review on the re-employment of a former work injured staff member \(Section 15\(2\) of the Act, in part\)](#)

The purpose of this Procedure is to identify an appropriate response to the above notifications and to engage relevant stakeholders including the LGAWCS to ensure such notifications are dealt with in a responsive, clear and cost effective manner. A high level flowchart is also detailed summarising the key steps within each process.

### Definitions:

The following key terms within this Procedure hold the below detailed meaning.

<b>Employer*</b>	Means the District Council of Franklin Harbour and also includes the former employer to which the work injury arose from.
<b>Suitable Employment*</b>	In relation to a worker, means employment in work for which the worker is currently suited, whether or not the work is available, having regard to the following: <ul style="list-style-type: none"> <li>(a) the nature of the worker's incapacity and previous employment;</li> <li>(b) the worker's age, education, skills and work experience;</li> <li>(c) the worker's place of residence;</li> <li>(d) medical information relating to the worker that is reasonably available, including in any medical certificate or report;</li> <li>(e) if any recovery/return to work services are being provided to or for the worker;</li> <li>(f) the worker's recovery/return to work plan, if any;</li> </ul>
<b>Worker</b>	Is an employee who has a work injury and has been incapacitated for work as a consequence of that work injury.
<b>Former Worker</b>	Meets definition for a worker as detailed above and is no longer employed by the District Council of Franklin Harbour.

*\* Definition derived from the Return to Work Act 2014 (in part as relevant)*



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**1. Notification for Provision of Suitable Employment – Process Steps:**

The below steps apply whereby a notification for suitable employment is received from a former worker by the District Council of Franklin Harbour and has sustained a work injury.

Step	Role	Action	When
1.	<b>Former Worker</b>	<p><b>Notification of Employment Sought</b></p> <p>The former worker by written notice to the employer confirms that he or she is ready, willing and able to return to work with the employer; and provides information about the type of employment that the worker considers he or she is capable of performing.</p> <p>The written notice may be received using the template form published by the South Australian Employment Tribunal or via a email / fax / written letter.</p> <p>Written notice must be served on the employer and <u>not</u> a recruitment firm acting on behalf of an employer. Notice is deemed to be received from time the employer has been provided with the written notification.</p>	No legislated time limit to make an application.
2.	<b>Human Resources Manager / Consultant</b>	<p><b>Review of Notification</b></p> <p>The HR Manager / Consultant receives the written notification and confirms that the notification is complete and complies with the above requirements.</p>	Within 2 days of receiving application
3.	<b>Human Resources Manager / Consultant</b>	<p><b>The LGAWCS Claims or Return to Work Consultant is notified</b></p> <p>The LGAWCS Claims or Return to Work Consultant is contacted to advise of the written notification received by the former worker or their representative. A copy of the notification is faxed or emailed to the LGAWCS for review.</p>	Within 2 days of receiving application
4.	<b>Human Resources Manager / Consultant / Manager or Business Partner &amp; LGAWCS</b>	<p><b>Consult with the LGAWCS</b></p> <p>Following provision of the notification to the LGAWCS, arrangements are made to discuss the response. Agreement is reached concerning the provision of any relevant medical information to the employer in order to adequately respond to the application.</p>	Within 10 days of receiving application
5.	<b>Human Resources Manager / Consultant / Manager or Business Partner</b>	<p><b>Response Drafted</b></p> <p>Following the exchange of any required medical / other information at step 4 above a draft response is developed to the notification and forwarded to the LGAWCS for further consideration. The response will either indicate whether suitable employment will be offered or alternatively where not offered the basis on which employment is not offered in accordance with Section 18(2) of the Act.</p>	Within 15 days of receiving application
6.	<b>LGAWCS</b>	<p><b>Draft Response Finalised</b></p> <p>LGAWCS reviews the draft response provided by the employer and</p>	Within 20 days of receiving



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		submits any recommended changes to the correspondence back to the employer.	application
7.	<b>Human Resources Manager / Consultant / Manager or Business Partner</b>	<b>Forward Response to Former Worker</b> Written response is forwarded to the former worker and/or their representative by the employer.	Within 28 days of receiving application
8.	<b>Former Worker</b>	<b>Former Worker Accepts or Rejects</b> The former worker receives employer's correspondence and decides whether to accept or reject the response provided to their application for employment. Where a former worker intends to continue pursuing suitable employment they can make an Application to the South Australian Employment Tribunal (SAET) seeking an order that the employer provide employment to the former worker. Refer to separate process detailed below in this instance.	Within 28 days of receiving the correspondence forwarded at Step 7 above.



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**1. Notification for Provision of Suitable Employment – Flowchart:**





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**2. Application to the SAET Requesting Provision of Suitable Employment – Process Steps:**

The below process only applies whereby an Application for Review is received by the District Council of Franklin Harbour or the LGAWCS from the South Australian Employment Tribunal (SAET) following the above process being initiated by the former worker.

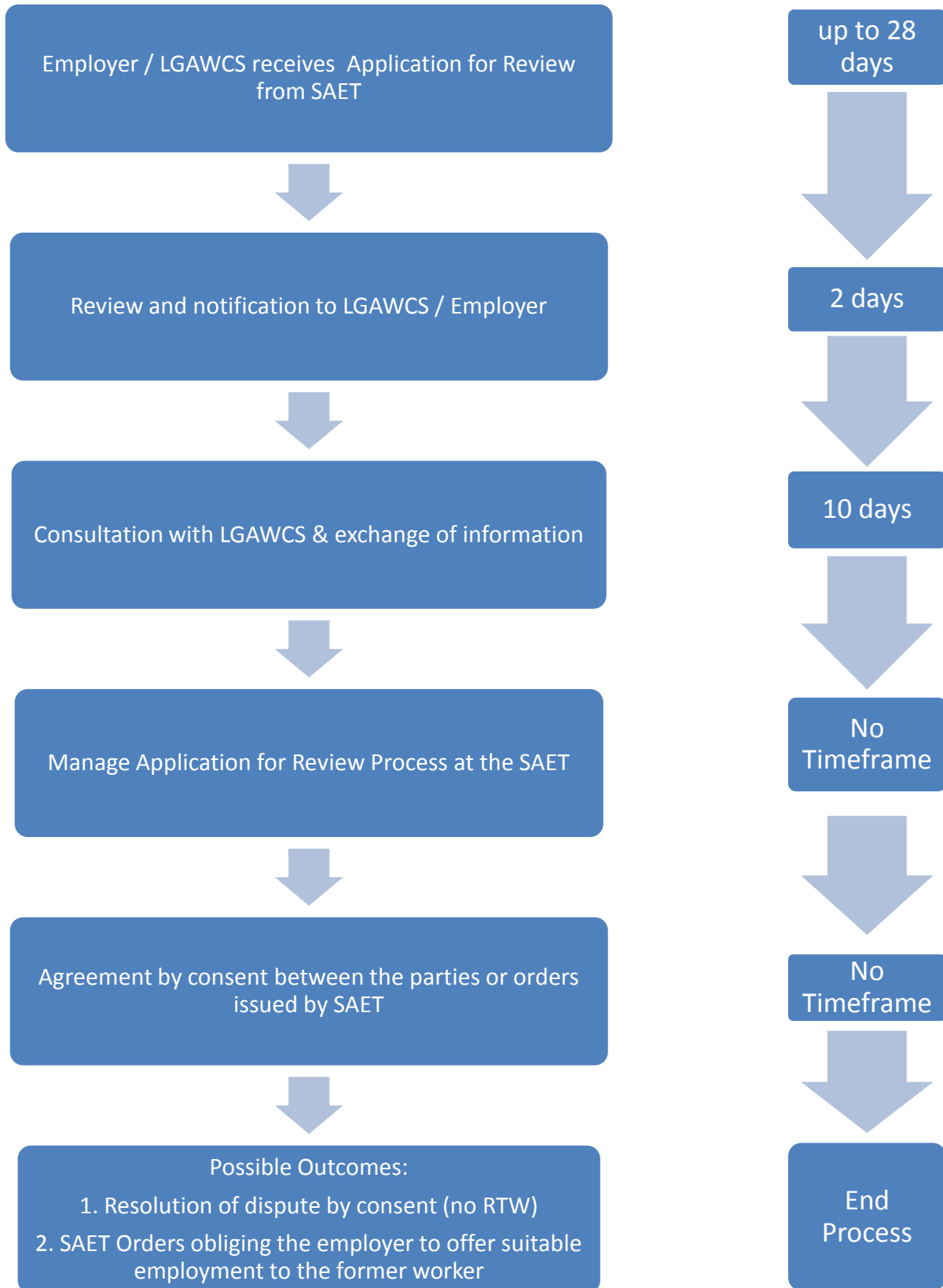
Step	Role	Action	When
1.	Human Resources Manager / Consultant / Manager or Business Partner & LGAWCS	<b>SAET Application for Review Received</b> Where an Application for Review is received from the SAET concerning the provision of suitable employment to the former worker by the employer a copy of this application is provided to the LGAWCS.	Within 2 days of receipt of Application
2.	Human Resources Manager / Consultant / Manager or Business Partner & LGAWCS	<b>Consult with the LGAWCS</b> Following notification of the Application for Review to the LGAWCS an arrangement is made to discuss the response. Agreement is reached concerning the appropriate initial response to the Application.	Within 10 days of receiving application
3.	Human Resources Manager / Consultant / Manager or Business Partner	<b>Manage Application Process at SAET</b> Participate and engage in legal proceedings before the SAET and consult with the LGAWCS throughout the process. LGAWCS is to support and engage with the employer in the management of the application until resolved.	Until matter finalised (i.e. Orders made by the SAET)
4	Employer	<b>Outcome of SAET Proceedings</b> Where SAET Orders have been issued requiring the employer to provide suitable employment and these are not complied with, further review with the LGAWCS concerning the particulars of such a finding is to occur.	Until matter finalised



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**2. Application to the SAET Requesting Provision of Suitable Employment - Flowchart:**





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### 3. RTWSA Re-employment of a Former Worker – Process Steps:

The following process is to be followed in relation to a former worker whereby a request from ReturnToWorkSA (RTWSA) has been received by the District Council of Franklin Harbour or the LGAWCS concerning the re-employment of the former worker. Where a request is made from RTWSA concerning the retention or employment of a current worker refer to the Suitable Employment Procedure.

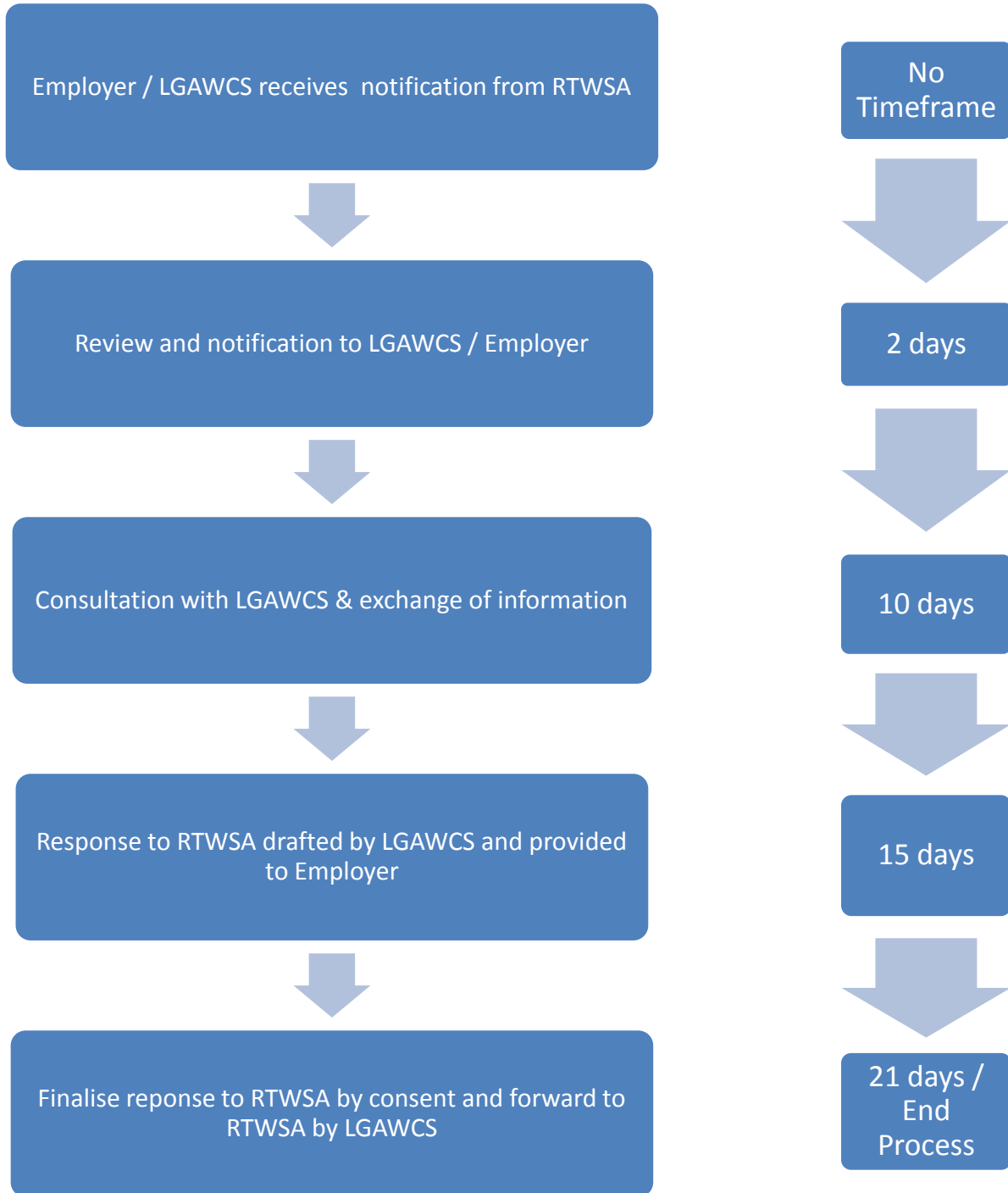
Step	Role	Action	When
1.	<b>Employer or LGAWCS</b>	<b>Notification Received from RTWSA</b> Employer or the LGAWCS receives verbal or written notice from RTWSA concerning the re-employment of a worker and notifies each other accordingly.	Within 2 days of receiving notice from RTWSA
2.	<b>Employer &amp; LGAWCS</b>	<b>Consultation</b> Both the employer and LGAWCS will arrange a time to review the verbal or written notice received from RTWSA and consider an appropriate response. Exchange of any necessary information occurs where required to adequately respond to the application.	Within 10 days of receiving application or earlier where a response is required to RTWSA at an earlier date
3.	<b>LGAWCS</b>	<b>Response Drafted</b> Following the exchange of any required information at step 2 above a draft response is developed to the notification from RTWSA by the LGAWCS and forwarded to the employer for feedback.	Within 15 days of receiving application or earlier where a response is required to RTWSA at an earlier date
4.	<b>LGAWCS</b>	<b>Finalise Response to RTWSA</b> Following consultation of the draft response at step 3 above a final written response is provided to RTWSA by the LGAWCS.	Within 21 days of receiving application or earlier where a response is required to RTWSA at an earlier date
5.	<b>Employer &amp; LGAWCS</b>	<b>Manage and Cooperate with further RTWSA Enquiries</b> LGAWCS in conjunction with the employer will consult and respond to any further notifications received from RTWSA and comply with any information requests within specified timeframes.	As required and within designated timeframes as specified by RTWSA




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**3. RTWSA Re-employment of a Former Worker – Flowchart:**





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Owner:	Version No:	Issue Date:	Description of Change:
LGAWCS	1.0	18/12/2015	New Procedure