

RETURN TO WORK POLICY AND GUIDELINES

Welcome
Back 😊



Yarriambiack
SHIRE COUNCIL

Return to Work Policy & Guidelines

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

Objective

The objective of this Policy and supporting Guidelines is to facilitate the return to work of an injured employee in a timely manner. Council will take into consideration the worker's capacity and capability needs to return to work and provide assistance, as far as practicable, the worker may require.

Responsibility

The Council Chief Executive Officer is responsible for implementing the policy and Guidelines. All employees of YSC (Yarriambiack Shire Council) are responsible for adhering to this policy and guidelines.

Council, Managers and Employees have responsibilities for the prevention of injury and illness, and for the development and implementation of a Workplace Return to Work Program.

Scope

This policy applies to all Yarriambiack Shire Council (YSC) employees, including contractors and volunteers.

This policy should be read in conjunction with any provisions of the YSC Enterprise Bargaining Agreement 2021, EEEA 2020 and any other Federal or State Legislation directly or indirectly which affects employees of Local Government.

Policy Statement

YSC recognises its obligations for, and is committed to, ensuring the health and safety of its employees while they are on Council premises and engaged in approved work for Council.

YSC is committed to reporting incidents and applying early intervention in order to enable our employees to remain at work or return to work as soon as possible. This will be achieved through continued improvement of risk management processes, implementation of Return-to-Work Plans as soon as practical and appropriate occupational rehabilitation.

Council will aim to:

- a) Provide a safe and healthy working environment to prevent injury and illness.
- b) Ensure that the Return-to-Work process commences as soon as possible after an injury/illness in a manner consistent with medical advice.
- c) Ensure that Return to Work Plan is actioned as soon as possible after an injury/illness.
- d) Provide appropriate duties and assistance while they recover from injury/illness.
- e) Consult with employees and with YSC's Occupational Health and Safety (OH&S) Committee where necessary.
- f) Ensure participation in Return-to-Work Plans.
- g) Participate and co-operate with the insurer's Injury Management Program and Injury Management Plans.

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- h) Comply with WorkCover guidelines if and when issued and maintain records in line with WorkCover's Confidentiality Guidelines.
- i) Treat injured employees with compassion and respect.

Actions

YSC has developed the following Guidelines to support the objectives to ensure, as far as is reasonably practical, the safe and early return of injured workers:

- a) Return to Work.
- b) Rehabilitation.
- c) Reasonable adjustment for injured employees and new employees with disabilities.

The guidelines ensure Council meets legal obligations set out in the *Workplace Injury Rehabilitation and Compensation Act 2013*.

Definitions

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| YSC | Yarriambiack Shire Council |
| Enterprise Bargaining Agreement 2021 | Enterprise Agreement refers to YSC Enterprise Agreement Number 9 – 2021, which incorporates Part B – Victorian Local Authorities Award 2015 and Part C – Nurses (ANMF Victorian Local Government) Award 2015. |
| EEEA 2020 | Early Education Employees Agreement 2020 |
| Line Manager | Line Manager – Is an employee's direct Supervisor, Coordinator, Manager or Director. |
| Return to Work Co-ordinator | A return-to-work coordinator is the key person in a workplace that assists injured employees to remain at or return to work as soon as safely possible after injury. |
| Suitable Duties; or Suitable work | Work tasks the injured employee is suited to perform based on their certified capacity for work. Suitable work may include modified or different work tasks, altered hours of work, work at a different site, retraining or a combination of these to assist in the recovery from an injury or illness. |
| Return to Work Plan | A written plan outlining the steps to be taken to return the injured employee back to their pre-injury duties. |
| Injured Employee | Refers to a member of staff (includes Councillors) with a work-related injury or illness. |
| Modified Duties | Refers to any changes or restrictions applied to an injured employee's pre-injury duties to allow them to return to work. |
| Pre-injury Duties | Refers to duties undertaken by the injured employee prior to a work-related injury or illness occurring. |
| Certificate of Capacity | Refers to an authorised WorkCover Victoria medical certificate outlining details of a work-related injury or illness, capacity to work and any limitations the employee may have to perform regular work tasks. |

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| Work-related Injury | Refers to an injury or illness where Council employment is a significant contributing factor |
| WorkCover Victoria | Refers to the body responsible for the administration of the <i>Workplace Injury Rehabilitation and Compensation Act 2013</i> (Vic) the <i>Occupational Health and Safety Act 2004</i> and WorkCover scheme. |
| Claim | Refers to a Worker Injury Claim lodged with Victorian WorkCover Authority following a work-related injury or illness. |
| Rehabilitation | The process of getting you back to work. Rehabilitation may involve receiving treatment from a registered person e.g., Physiotherapist, podiatrist, dentist or aids or equipment approved by WorkCover. |
| Health Providers | Provides appropriate immediate and ongoing clinical care to a worker to assist them to recover from their injury as soon as practicable. |
| Rehabilitation Provider | Provider engaged by either the insurer or employer, to provide assistance with injury management. |

References / Legislation / Documents

This policy was developed in accordance with the following legislation:

- a) *Occupational Health and Safety Act 2004*
- b) *Workplace Injury Rehabilitation and Compensation Act 2013*
- c) *Yarriambiack Shire Council Enterprise Agreement No. 9 2021; and Early Education Employees Agreement 2020*
- d) *Charter of Human Rights and Responsibilities Act 2006*
- e) *Equal Opportunity Act 2010*
- f) *Australian Human Rights Commission Act 1986*
- g) *Age Discrimination Act 2004*
- h) *Disability Discrimination Act 1992*
- i) *Racial Discrimination Act 1975*
- j) *Local Government Act 2020*
- k) YSC Human Resources Policy & Guidelines
- l) WorkSafe Victoria

Review

The Council Chief Executive Officer and Manager People & Culture will review this policy for any necessary amendments no later than 3 years after adoption of this current version.

Publication of Policy and Guidelines

A copy of the Return-to-Work Policy and Guidelines will be made available for access via the YSC Website www.yarriambiack.vic.gov.au

A hardcopy of the Return-to-Work Policy & Guidelines may be obtained on request from the Yarriambiack Shire Council Main Office, located at 34 Lyle Street, Warracknabeal Vic 3393.

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1. Guidelines - Return to Work

Objective

The object of this Guideline is to commit to the application of an effective Return to Work Plan in accordance with the Workplace Injury Rehabilitation and Compensation Act and associated regulations. To assist work related injured employees to return to work and achieve the best practicable levels of physical and mental recovery.

Responsibility

It is the responsibility of the Line Manager, Return to Work Coordinator and employee, to work in consultation with the Health Provider to develop and implement a Workplace Return to Work Plan. This will ensure the earliest possible return of an injured employee.

Method

The successful return to work of an employee following an injury usually involves four main factors:

- a) Early, positive contact from the employee's Supervisor or Manager.
- b) An effective workplace rehabilitation program.
- c) Effective and supportive claims management practices.
- d) Cooperation, consultation, and coordination between all parties.

Employers have a legal obligation under the Victorian Worker's Compensation legislation to provide suitable or pre-injury employment to their injured work following a work-related injury or illness. Employers must also plan for their employee's return to work which includes assessing and proposing suitable or pre-injury employment.

YSC will endeavour to propose suitable or pre-injury employment options even before the employee's doctor or healthcare provider has certified that the employee has a capacity for work. The proposed options should be based on the employee's anticipated capacity for work, considering the nature of their injury. By doing this, YSC shows support for the employee's return to work and indicates suitable duties that could be made available when the employee is ready to return to work.

Initial Contact with the Injured Employee

Initial contact with the injured employee should be made, preferably in person or as soon as circumstances permit and be maintained as often as necessary should the injured employee not be able to return to work immediately, or otherwise, as appropriate.

As soon as practicable after the incident or injury the Department Manager the employee's Supervisor and the Return-to-Work Coordinator should communicate to determine what work activities the injured employee may be offered.

Where circumstances may not be possible to speak to the injured employee, the Manager and/or the Return-to-Work Coordinator should endeavour to contact a relevant other person e.g., member of their family.

With the consent and authorisation from the injured employee (Form to be signed by employee – Authority to Release Medical Information) the Return-to-Work Coordinator should also speak to the treating practitioner to determine the

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employee's capacity to work, limitations the employee may have such as body movement, fatigue constraints and length of work periods.

All contact and attempts at contact must be documented.

The Manager and/or the Return-to-Work Coordinator must provide an injured employee with a summary of the roles, activities, and responsibilities. Those employees who can assist in the process for their return to work and what is expected will ensure the employee is better prepared to meaningfully participate with their early return to work.

Planning a Return to Work

Steps taken when planning your employee's return to work:

- a) Obtain relevant information about your employee's capacity for work. Review their current *Certificate of Capacity*; speak to your employee and the doctor or healthcare provider who issued the certificate.
- b) Assess suitable or pre-injury employment options that are consistent with your employee's current or anticipated capacity for work and consider whether there are reasonable workplace supports or modifications that will assist your employee's return to work. Talk to the people who can help, such as the employee's supervisor or colleagues. If necessary, see WorkSafe's *Step by Step Guide to Assessing Suitable Employment Options*. (5.2.2.1 Assess & propose suitable employment – Worksafe Victoria Claims Manual)
- c) Consult with your employee, their doctor or healthcare provider and other key people such as an occupational rehabilitation provider.
- d) Propose suitable or pre-injury employment to your employee, their doctor or healthcare provider and any other relevant person. Where possible it is preferable to achieve agreement between the relevant parties on the return-to-work arrangements and suitable employment as this assist successful return to work.
- e) Provide clear, accurate and current details of the employee's return to work arrangements to the relevant parties. The Employee, Manager and Return to Work Coordinator should sign these arrangements to indicate their support.
- f) Implement your employee's Return to Work arrangements/plan. Ensure relevant people know what your worker can and cannot do.
- g) Monitor your employee's progress and update their Return-to-Work Plan when appropriate.

Other important steps that can help improve the return-to-work planning process

- a) Consider your employee's individual circumstances. A one size fits all approach to return to work may not meet the specific needs of your employee, their injury, their worksite, or their supervisor. Taking these circumstances into account when planning return to work can result in a more successful and sustainable outcome.
- b) Maintain your employee's privacy. Only communicate information that is essential to assist your employee's return to work. For example, the employee's supervisor will need information about the employee's duties, restrictions, and breaks, they should not need medical information relating to the employee's injury.

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- c) Obtain information such as your employee's contact details and their pre-injury job description.
- d) Inform relevant parties of your employee's return to work arrangements and return to work progress.

Monitor and Review your Employee's Return to Work

Return to work planning and arrangements should be continually monitored, reviewed, and updated. This includes consultation with your employee and their doctor or healthcare provider, and occupational rehabilitation provider (where relevant). Ongoing monitoring and review help support your employee and ensures that the return-to-work arrangements that are being implemented are consistent with the employee's capacity. It also ensures adjustments are identified and implemented as required.

Employers are expected to engage in an ongoing process of planning. Return to work planning and any arrangements that are in place would ideally be reviewed at the following stages:

- a) If your employee's condition changes, refer to your employee's next *Certificate of Capacity* for information about their changed condition. This review date will usually be less than 28 days from the last review.
- b) When you are preparing for your employee's recovery, consider the nature of their injury. This will help you indicate duties that could be made available as your employee recovers.

* Refer to Section 4 for Roles and Responsibilities

2. Guidelines - Rehabilitation

Objective

The purpose of the Return-to-Work Policy and Guidelines (including Rehabilitation and Reasonable Adjustment) is to demonstrate, YSC's commitment to providing an effective workplace-based rehabilitation system for our employees.

As part of our system of workplace rehabilitation, YSC is committed to:

- a) Providing a safe, supportive, protective, and healthy working environment.
- b) Encouraging the early reporting of injuries/illness.
- c) Ensuring the rehabilitation process is goal focused and commences as soon as possible following injury/illness.
- d) Ensuring that a suitable duties program is developed in consultation with the injured/ill person and their line managers.
- e) Ensuring the treating doctor's approval is sought throughout the rehabilitation process.
- f) Respecting the confidentiality of our people's medical and rehabilitation information.
- g) Reviewing our workplace rehabilitation guidelines, corporate standard, and procedures at least every three years.

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Responsibility

It is the responsibility of YSC, the Line Manager and Return to Work Coordinator to work in consultation with the Health Providers and External Rehabilitation providers (where applicable) to support and develop Return to Work Plans that support the rehabilitation objectives.

Method

Workplace rehabilitation is a step-by-step process that allows employee to regain control and independence in their life after experiencing an injury or illness. It also ensures the employee's earliest return to work.

Workplace rehabilitation is initiated and managed by the Return-to-Work Coordinator in consultation with the relevant manager. YSC aims to assist their injured or ill employees to return to the workplace and perform work as they get better. This process helps the employee maintain a daily routine, allowing the employee to participate in work activities rather than staying at home.

In addition, to provide better outcomes for the employee's overall health and recovery, supporting employee may participate in workplace rehabilitation at the workplace; benefiting an employer by reducing disruption impacting productivity.

A rehabilitation and Return to Work Plan should include:

- a) Personal details on the employee.
- b) The support person for the employee (where needed).
- c) The workplace Rehabilitation/Return to Work Coordinator.
- d) Start and finish date of the suitable duties program.
- e) The employee's return to work goals.
- f) The medical treatment to be provided to the employee.
- g) The stages of return to work as recommended by the employee's treating practitioner/s.
- h) The employee physical and psychological capacity to perform tasks/duties.
- i) Specific work tasks/duties to be avoided.
- j) The workplace accommodations required to support the employee.
- k) When the plan will be reviewed and by who.
- l) A space for the Employee, treating Doctor, Return to Work Coordinator and Supervisor or Manager to sign and date the plan.

3. Guidelines - Reasonable Adjustment for Injured Employee and new Employees with Disabilities

Objective

The goal of any rehabilitation and Return to Work Plan is to successfully support the employee back to their pre-injury role.

Reasonable Adjustment for injured employee ensures that they maintain their engagement with the workplace and other employees. It assists in routine and purpose for the employee which is important as they recover.

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Responsibility

It is the responsibility of YSC, the Line Manager and Return to Work Coordinator to discuss and plan any reasonable adjustment for injured employee to enable them to return to the workplace in a reduced capacity while they recover from their injury.

Benefits to the Employee

- a) Maintenance of a routine.
- b) Ability to earn an income while they recover.
- c) Positively contribute to the workplace.
- d) Improve their confidence in performing duties.
- e) Develop or expand on a range of skills.

Benefits to the Employer

- a) Maintain skills and expertise within the workplace.
- b) Reduce the impact on the employees' compensation premium.
- c) Have employee with expansive range of skills and abilities.
- d) Eliminates the resources required to train inexperienced staff.

Method

The Reasonable Adjustments Guidelines is applicable to return to work employees and any new employee with a disability.

Disabilities includes:

- a) Physical, psychological, or neurological disease or disorder.
- b) Illness, whether temporary or permanent.
- c) Injury, including work-related injuries.

Under the *Equal Opportunities Act 2010* Council is required to make reasonable adjustment for a person with disabilities.

Examples of reasonable adjustments can include:

- a) Reviewing and, if necessary, adjusting the performance requirements of the job.
- b) Arranging flexibility in work hours (see 'Flexible Work Arrangements' in YSC's Enterprise Bargaining Agreement).
- c) Providing telephone typewriter phone access for employees with hearing or speech impairments.
- d) Purchasing screen reading software for employees with a vision impairment.
- e) Approving more regular breaks for people with chronic pain or fatigue.
- f) Buying desks with adjustable heights for people using a wheelchair, or those unable to sit for extended periods of time.

YSC will make reasonable adjustments for a person with a disability who:

- a) Applies for a job, is offered employment, or is an employee.
- b) Requires the adjustments to participate in the recruitment process or perform the genuine and reasonable requirements of the job.

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- c) Wish to return to work (from work related injuries) but require the adjustments to perform the reasonable requirements of the position.

When thinking about reasonable adjustments YSC will weigh up the need for change with the expense or effort involved in making it. If making the adjustment means a very high cost or great disruption to the workplace, it is not likely to be reasonable.

When are adjustments not reasonable

When considering reasonable adjustment YSC will need to weigh up the need for change with the expenses or effort involved in making it. If making the adjustment means a very high cost or great disruption to the workplace, it is not likely to be reasonable. Therefore, some cases the YSC can discriminate on the basis of disability, if:

- a) The adjustments needed are not reasonable.
- b) The person with the disability could not perform the genuine and reasonable requirements of the job even if the adjustments were made.

YSC will not need to make an adjustment where they can prove that they comply with a Disability Standard made under the *Disability Discrimination Act 1992*, or where Council have been granted an exemption under that Standard.

Provide suitable employment

YSC must provide suitable employment to an employee if they are unable to return to their pre-injury work, for a period of 52 weeks following the injury.

When an employee returns to full capacity, the employer must provide them with employment at the same level as before their injury.

YSC must meet these requirements to the extent it is reasonable to do so. It is expected that it will be reasonable for YSC to fulfil this obligation.

YSC may continue to support their injured employee by providing suitable employment for a longer period, but there is no legal obligation to do so.

4. Roles and Responsibilities

Employees Obligations

- a) Make reasonable efforts to return to work in suitable or pre-injury employment.
- b) Make reasonable efforts to actively participate and cooperate in planning for their return to work.
- c) Keep YSC informed of their progress, treatment and any relevant issues/concerns or problems as they arise.
- d) Report all workplace injuries and illnesses and participate in work related rehabilitation.
- e) Actively use an occupational rehabilitation service if provided and cooperate with the provider of that service.
- f) Actively participate and cooperate in assessments of their capacity for work, rehabilitation progress or future employment prospects.

Line Managers (including Directors, Managers, Coordinators & Supervisors)

- a) Ensure this Policy and Guidelines are communicated, supported, and implemented.
- b) Assist the employee transition back to the team.
- c) Help solve any problems identified.
- d) Maintain positive communication with the employee about their progress.
- e) Find opportunities to keep the worker engaged in the workplace.
- f) Let the employee know how you are addressing the hazards that led to their injury.
- g) Make any changes necessary in the workplace to allow the employee to return.
- h) Inform the worker about the Return-to-Work Coordinator and their role.
- i) If necessary, communicate with other employees about the return-to-work plan and how the returning employee can be supported.

Line Managers – additional rehabilitation responsibilities

- a) Help the Return-to-Work Coordinator to identify suitable duties.
- b) Adjust roster and workflow where possible to make sure you can participate in delivering suitable duties.
- c) Monitor the Rehabilitation and Return to Work Plan to ensure it stays on track.
- d) Proactively supports the employee with their rehabilitation and return to work plan.
- e) Explain the purpose of suitable duties to co-workers and discuss how they can support the return-to-work plan for their co-employee.
- f) Comply with the requirements of the insurer.

Return to Work Coordinator

- a) Assist injured employees to remain at or return to work while they recover from a work-related injury.
- b) Plan the employee's return to work if they require time away from work to recover and make decisions to progress their return.
- c) Monitor the progress of an injured employee's recovery.
- d) Take steps to prevent a recurrence or aggravation of the injury.
- e) Inform employees about the Return-to-Work Policy and Guidelines.
- f) Help to resolve any issues or disputes related to return to work.
- g) Consult with the injured employee, their treating Doctor, occupational rehabilitation provided, WorkSafe agent or employee's representative if they have one.

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Return to Work Coordinator – additional rehabilitation responsibilities

- a) Help employee to complete an application for employees' compensation if required.
- b) Ask employee to sign an authorisation form that gives permission to contact their doctor for guidance for Return-to-Work Plans.
- c) Develop suitable duties.
- d) Liaise with stakeholders involved in rehabilitation of employees.
- e) Remain in regular contact with the employee and WorkCover throughout the rehabilitation process.
- f) Continue to monitor and upgrade the employee's suitable duties plan.
- g) Keep Supervisor or Manager up to date with progress.
- h) Keep details of the employee's rehabilitation files confidential.
- i) Monitor the effectiveness of rehabilitation.
- j) Once claim has ended, ask employee for feedback on process.

Rehabilitation Provider

- a) Consult with insurers to assist with rehabilitation and return to work plans.
- b) Provision of workplace assessments.
- c) Liaise with treating health professionals, ensuring treatment is directed towards rehabilitation goals.
- d) Assist employers in the development of Return-to-Work Plans.

Health Provider

- a) Provide appropriate immediate and ongoing clinical care to an employee to assist them to recover from their injury as soon as practicable.
- b) Assess injuries and identify appropriate medical treatment.
- c) Complete a Work Certificate of Capacity and provide this to the employee.
- d) Provide ongoing medical advice to the worker, insurer, and employer as to the worker's safe level of physical and psychological capacity.

5. Return to Work from Income Protection Claim

The principles outlined in this Return-to-Work Policy and Guidelines will be applied to staff members who have taken leave due to injury/illness and are eligible for Income Protection Cover.

Where this has occurred, the Return-to-Work Coordinator will work with the employee and Health Provider to return the employee to work as soon as practicable.

YSC will require that the employee undertake a medical assessment prior to returning, to ensure they are able to perform the inherent requirements of their position.

A medical clearance from the employee's treating Doctor will be required before they can return to work.

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6. Return to Work from Extended Period of Sick Leave (and or approved sickness related absence).

Each situation will be assessed on its individual merits and situation.

Where an employee has had an extended period of leave due to a medical illness or non-work-related injury the principles outlined in this Return-to-Work Policy and Guidelines will be applied.

The Return-to-Work Coordinator will work with the employee and Health Provider to return the employee to work as soon as practicable.

YSC will require that the employee undertake a medical assessment prior to returning, to ensure they are able to perform the inherent requirements of their position.

A medical clearance from the employee treating Doctor will be required before they can return to work.

7. Consistency with Governance Principles Local Government Act 2020

| Governance Principle | Section of policy where covered |
|---|---|
| (a) Council decisions are to be made and actions taken in accordance with the relevant law; | Section: References/Legislation/Documents |
| (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations; | This policy and guidelines as a whole covers the governance requirements to ensure the best outcome for Staff and Councillors. |
| (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; | Section : Policy Statement |
| (d) the municipal community is to be engaged in strategic planning and strategic decision making; | Not Applicable |
| (e) innovation and continuous improvement is to be pursued; | Section: Review - This policy has a review cycle of 3 years to ensure it is reflective of best practice and legislative requirements. |
| (f) collaboration with other Councils and Governments and statutory bodies is to be sought; | Section: Review - This policy has a review cycle of 3 years to ensure it is reflective of best practice and legislative requirements. |
| (g) the ongoing financial viability of the Council is to be ensured; | This policy and guidelines covers requirements to ensure ongoing financial viability of Council's employees. |
| (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; | Section: Review - This policy has a review cycle of 3 years to ensure it is reflective of best practice and legislative requirements |

| Governance Principle | Section of policy where covered |
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| (i) the transparency of Council decisions, actions and information is to be ensured. | This policy and guidelines as a whole covers requirements to ensure ongoing health and wellbeing of Council's employees. |

Council Policy

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| Policy Reviewed: | Ordinary Meeting [date] | Minute Book Page [number] |
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