

**DECS**

**REHABILITATION**

**&**

**RETURN TO WORK POLICY**

**&**

**PROCEDURES**

## FOREWORD

The Department of Education and Children's Services (DECS) is committed to safe work practices that support the wellbeing of all employees. Where an employee does sustain an injury and requires assistance to return to work, DECS Health & Safety Services will provide tailored rehabilitation services for the injured/ill employee in collaboration with site managers to ensure a prompt recovery and return to work occurs.

This Rehabilitation and Return to Work Policy articulates the principles of current good practice in injury management and provides a procedural framework for rehabilitation management defining the roles, responsibilities and actions required to enable a timely return to work for work injured/ill employees, wherever reasonably practicable.

This policy was developed by the Office of People and Culture in consultation with key parties represented by site managers, employees and union representatives. All levels of management are responsible for ensuring this policy, its objectives, key strategies and procedures are appropriately enacted, within their areas of responsibility.

This policy was endorsed by the Chief Executive on 21 August 2006. The Executive Director of the Office of People and Culture is responsible for overseeing the effective implementation and review of this policy.



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## Contents

	<b>Page</b>
Foreword.....	2
Rehabilitation & Return to Work Policy & Procedures.....	4
Introduction .....	4
Purpose .....	4
Scope, Authority & Compliance .....	4
Rehabilitation & Return To Work Policy Statement.....	4
Rehabilitation Policy Objectives .....	5
Key Strategies for Policy Implementation .....	5
Policy Evaluation, Policy Review and Policy Consultation .....	7
Employee & Employer Rights and Responsibilities.....	7
Rehabilitation and Return to Work Procedures:	
1. Early Notification of Injury, Site Assessment for Rehabilitation & Early Reporting of Claim.....	10
2. Early Intervention .....	11
3. Equipment.....	12
4. Provision of Suitable Duties, Provision of Suitable Employment .....	13

### Attachment 1

Summary of DECS Procedure for Re-assigning Work Injured Employee into Suitable Alternative Employment

## DECS REHABILITATION & RETURN TO WORK POLICY & PROCEDURES

### Introduction

DECS is responsible for funding and administering its own workers compensation and rehabilitation programs. As a self insurer, DECS is accountable to WorkCover Corporation for ensuring the WorkCover Performance Standards for Self Insurers are effectively implemented for the prevention and management of work injuries. These Standards include the need for an effective rehabilitation system to be in place for work injured employees.

### Purpose

This Rehabilitation and Return to Work Policy provides the framework for efficient rehabilitation management in the department. It includes the key elements of current good practice in injury management and the key strategies and procedures required to support sustainable return to work outcomes for work injured employees across the department.

It is to be read in conjunction with the DECS OHSW & IM Policy.

### Scope, Authority & Compliance

This policy applies to all DECS employees and describes the roles and responsibilities of key persons in the rehabilitation process. It is written in accordance with the Department's responsibilities under the following legislations and standards:

*Workers Rehabilitation & Compensation Act, 1986*  
*Occupational Health, Safety and Welfare Act, 1986*  
*WorkCover Performance Standards for Self-Insurers*  
*Government OHSW & IM Performance Targets*  
*WorkCover Corporation Performance Measures*  
*Commissioners Standards 1,2,3,4*  
*Disabilities Discrimination Act*

## REHABILITATION AND RETURN TO WORK POLICY STATEMENT

All DECS managers/supervisors and their staff are responsible for preventing work injuries wherever possible. Should work accidents/incidents occur, all reasonable efforts are to be made to limit the impact of work injury/illness, through timely early intervention management.

It is the policy of DECS to provide prompt and effective rehabilitation assistance for all employees, whose ability to carry out their duties is affected by a compensable work injury/illness.

Managers/supervisors are responsible for ensuring the rehabilitation process is initiated immediately following a report of a serious work injury/illness through early notification to Health & Safety Services. Where a work injured/ill employee requires time away from work for treatment and recovery, a coordinated and structured rehabilitation and return to work program will be provided, in consultation with the injured/ill employee, the site manager and treatment providers.

All work injured employees who lodge a workers compensation claim are required to participate in a rehabilitation and return to work program. As in all good management practices, work injured/ill employees are to be treated fairly and equitably, with regard for the well being of the injured/ill employee and others in the workplace.

## REHABILITATION POLICY OBJECTIVES

1. Support the restoration of work-injured/ill employees to the workplace or the community
2. Provide a consistent and systemic approach to rehabilitation management across DECS, based on knowledge of current best practice in injury management
3. Contribute to the achievement of government performance targets through defined local and system responsibilities and accountabilities
4. Contribute to the prevention of work injuries through data analysis to inform planning and decision making
5. Contribute to continuous improvements in human resource management that support employee safety and well-being.

## KEY STRATEGIES FOR POLICY IMPLEMENTATION

These implementation strategies are the keys to achieving successful return to work outcomes and require collaborative participation by key persons involved in the rehabilitation process.

### 1. Early Notification of Work Injury/Illness

An employee hurt as a result of his or her employment is serious and costly. Immediate actions should ensure no further harm occurs to the injured employee or to others. To minimise impact through early intervention, the injury must be reported through appropriate documentation (ED155) to the site manager as soon as possible. Site/unit managers are to notify DECS Health & Safety Services immediately of any serious injuries that may result in a workers compensation claim.

### 2. Site Assessment for Rehabilitation & Early Claim Reporting

Early formal reporting of a workers compensation claim enables appropriate and timely, medical and vocational rehabilitation assistance to occur. Prompt forwarding of claims information to DECS Health and Safety Services and a site assessment of the need for rehabilitation assistance, ensures tailored rehabilitation assistance can occur in a planned and timely manner for the injured employee.

### 3. Early Intervention

It is understood that following an injury, appropriate and timely medical treatment is more likely to lead to a prompt and durable recovery. Strong medical evidence confirms that with clinically managed care and close communication between the workplace manager, the treating doctor, the rehabilitation coordinator and the injured/ill employee, most people recover from common sprains and strains and temporary psychological injuries, sufficient to enable a return to duties within 2 - 6 weeks of the injury.

### 4. Return To Work Goals

All site/unit managers are to make all reasonable efforts to support the following priorities:

- Priority 1: Maintenance of the work injured employee at work
- Priority 2: An early return to pre injury duties at the pre injury location
- Priority 3: An early return to pre injury duties at an alternative location within DECS
- Priority 4: A return to alternative duties at same/alternative location within DECS
- Priority 5: A return to alternative duties outside of DECS
- Priority 6: A return to the community

## **5. Issue Resolution**

Where there is a non-medical delay for a return to work, an independent occupational stress consultant or conciliator may be engaged to investigate issues impacting on the return to work. This will assist in clarifying issues, evaluating resolution options and when required, make recommendations to the District Director, the Site HR Superintendent, or the Chief Executive regarding an appropriate course of action.

## **6. Provision of Suitable Employment**

Section 58B of the Workers Rehabilitation & Compensation Act requires injured employees be provided with suitable employment where reasonably practicable. The priority placement of work-injured/ill employees at both a system and site level is required prior to open selection processes.

Work injured/ill employees are expected to undertake offers of duties negotiated with site/unit managers. Non-compliance by injured/ill employees may result in a cessation of their weekly payments. Non-provision of suitable duties may be regarded as a breach of Section 58B and result in a penalty by WorkCover Corporation.

## **7. Consultation**

Injured employees and site/unit managers are to be consulted on the obligations required of them in Rehabilitation and Return-to-Work Plans. Authorised Plans need to be read, understood and complied with by the work injured/ill employee, the site manager and departmental personnel as required.

## **8. Confidentiality**

Site/unit managers are to be provided with sufficient medical and vocational information to enable an appropriate level of support and planning for the injured/ill employee's safe return to work. This information is confidential and needs to be managed sensitively. Disclosure of this information to others without the injured person's permission may be regarded as a breach of the WR&C Act (Section 112). Work injured/ill employees are advised to inform the site manager of relevant medical information to allow informed planning and decision-making to occur.

## **9. Accountability and Leadership**

Executive Directors are to ensure managers/supervisors within their area of responsibility demonstrate commitment to this policy by initiating early notification and early intervention where injury to a staff member has occurred.

Site/unit managers are expected to support the rehabilitation and return to work of injured/ill employees by:

- providing an offer of suitable duties when required
- appropriately supervising and supporting the work injured/ill employee at work
- ensuring the obligations of the Return-To-Work Plan are fulfilled at the worksite
- resolving issues wherever possible, in consultation with the work injured employee
- participating in rehabilitation progress reviews, return to work meetings and case conferences
- maintaining regular contact with key parties in the rehabilitation process
- working in partnership with injury management personnel
- ensuring Departmental human resource management principles and processes are appropriately applied.

All DECS sites are to support the rehabilitation and early return to work of work injured/ill employees, through the provision of suitable duties and priority placement

processes. DECS work injured employees are to have priority placement before non-DECS injured employees.

## **10. Financial Responsibility**

Site/unit managers are to take immediate steps to ensure no additional costs are incurred through unnecessary delays in providing suitable duties and or equipment. Equipment costs are funded by the worksite as per the equipment procedure in this document.

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### **Policy Performance Indicators**

1. 90% of newly injured employees who are absent from work because of a compensable work injury return to some form of work within 3 months of the date of their injury
2. 90% of work injured employees who are absent from work for more than 5 days are assessed for rehabilitation within 2 working days of receipt of the claim for compensation in Health & Safety Services
3. 100% of all newly work injured employees with an approved claim are supported through a tailored Rehabilitation And Return To Work Plan
4. 100% of site/unit managers provide duties when requested, wherever it is reasonably practicable to do so.

### **Policy Evaluation**

Evaluation of the effectiveness of this policy will occur through internal and external auditing and reporting processes.

### **Policy Review**

This policy is reviewed every three years to ensure congruence with other related human resource management policies, procedures, systems and practices.

### **Policy Consultation**

Consultation of this policy occurs through existing Departmental OHS&IM consultative processes.

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## **EMPLOYEE & EMPLOYER RIGHTS AND RESPONSIBILITIES**

### **Employee Rights**

Injured employees with an approved claim have a right to:-

- receive treatment if injured in the course of their employment
- choose their own treating medical expert
- have a Rehabilitation Program or a Rehabilitation And ReturnTo Work Plan developed by a Rehabilitation Coordinator, in consultation with themselves and the worksite manager
- receive compensation for lost wages and for all reasonable expenses in accordance with the WR&C Act
- be supported at meetings associated with their rehabilitation (eg. by a colleague, union representative or health and safety representative)

- be consulted in planning and decisions associated with their rehabilitation
- assume that their personal information will be handled in confidence
- have access to claims and rehabilitation files on request
- have access to and be informed of the Rehabilitation Policy and Procedures
- have access to dispute resolution processes in accordance with the WR&C Act
- be provided with safe, suitable alternative duties, if unable to undertake their pre-injury duties wherever practicable
- receive, in accordance with the WR&C Act, payment for any permanent loss of capacity which occurs as a consequence of their injury
- be provided with suitable employment where reasonably practicable.

### **Employee Responsibilities**

Injured employees are responsible for:-

- reporting an injury to their manager as soon as practicable after the injury
- supplying relevant medical certificates to cover any absence from work
- accepting an offer of suitable duties, where these are a part of an agreed Return-To-Work Plan
- constructively and actively participating in the implementation of a Rehabilitation And Return-To-Work Plan
- returning to their pre-injury duties at their pre-injury worksite where possible
- complying with medical restrictions at all times
- utilising appropriate issue resolution processes.

### **Employer Rights**

DECS as an employer, is entitled to:-

- be kept informed of the medical status of employees receiving compensation
- require employees to be examined by employer-nominated medical experts
- have access to dispute resolution processes in accordance with the WR&C Act
- discontinue an employee's weekly payments in accordance with Section 36 of the WR&C Act when an employee unreasonably refuses or fails to participate, or participates in a way that frustrates the objectives of the Rehabilitation Program or a Rehabilitation And Return-To-Work Plan.

### **Employer Responsibilities**

DECS as an employer is responsible for:-

- maintaining confidentiality of medical records
- providing support and assistance to employees injured in the course of their employment
- participating in the development and implementation of a Rehabilitation Program or a Rehabilitation And Return To Work Plan
- compensating employees for all reasonable costs in accordance with the WR&C Act

- ensuring an employee returns to work and resumes pre-injury duties, where possible
- providing suitable alternative duties for employees who are incapacitated and from returning to their pre-injury duties, whenever it is reasonable to do so
- providing Rehabilitation Programs and Rehabilitation And Return To Work Plans in accordance with the WR&C Act Regulations and WorkCover Performance Standards
- modifying work areas and/or duties in keeping with the employee's capacity to work, whenever it is reasonable to do so
- consulting with relevant parties to resolve difficulties at the worksite and systems level impacting on return to work outcomes.

# **RETURN TO WORK PROCEDURES**

### Objective

These procedures enable tailored rehabilitation support for the injured/ill employee to commence without undue delay and government timeframes for notification, assessment for rehabilitation and claim determination decisions to be met.

### **Executive Director/Director**

Executive Directors/Directors are to ensure all managers/supervisors and their staff receive documented induction on these procedures and that the key strategies and procedures are correctly implemented within their area of responsibility as required.

### **Work Injured/III Employee**

Employees who are injured/ill at work are required to notify their site/unit manager immediately after the injury, where possible. Employees lodging a workers compensation claim need to provide their site/unit manager with:

1. *Worker Report Form,*
2. *WorkCover Prescribed Medical Certificate,*
3. *ED155 Incident/Accident Form.*

All injured/ill employees who lodge a claim and are absent from work because of the work injury are expected to participate in a structured rehabilitation and return to work program coordinated by a Rehabilitation Coordinator.

#### **Please note:**

*Names of witnesses included on the Notice of Disability or ED155s should be with the knowledge of the person(s).*

*Injured/ill employees need to advise their treating doctor that DECS is a Self Insurer and all correspondence needs to be sent to DECS Health & Safety Services. It is illegal for Prescribed Medical Certificates to be backdated.*

### **Site/Unit Manager**

As soon as the site/unit manager is aware that a claim is to be lodged and the staff member is absent from work, they need to undertake *Site Assessment For Rehabilitation* and notify the Injury Management Unit in Health & Safety Services (Ph 8226 7555) within two working days, where rehabilitation assistance is required. The *Site Assessment For Rehabilitation* form is kept at the site. The following documentation is faxed to the Injury Management Unit on 8226 1177 as soon as possible after the injured employee has given them to the site supervisor:

1. *Worker Report Form,*
2. *WorkCover Prescribed Medical Certificate,*
3. *ED 155 Incident/Accident Form.*

### **Rehabilitation Coordinator**

On being notified of a claim, the Rehabilitation Coordinator undertakes a needs analysis with the injured/ ill employee, the site manager and the treating doctor.

## Rehabilitation Procedure 2

## Early Intervention

The Worker's Rehabilitation and Compensation Legislation provides for early intervention following a work injury, regardless of the determination status of the worker's compensation claim.

### **Roles & Responsibilities**

#### ***Executive Director/Director***

Executive Directors/Directors are to ensure all managers/supervisors initiate early intervention to limit the impact of work injury on individuals and the workplace.

#### ***Injured/ill Employee***

Work injured/ill employees who lodge a claim and are absent from work because of an injury, are expected to obtain prompt and appropriate medical treatment and participate in an early intervention and return to work program coordinated by an endorsed Rehabilitation Coordinator.

#### ***Site/Unit Manager***

All appropriate action needs to be taken by the worksite to minimise the impact of work injuries. This is at the initiation of the site/unit manager in the first instance. The District Director, or Health & Safety Services may also initiate early intervention strategies, in consultation with work injured/ill employee and the site/unit manager.

Worksite/unit managers are expected to maintain contact with the work injured/ill employee if they are absent from work and to initiate contact with the treating doctor to advise of support and available duties, with the knowledge of the injured/ill employee. The Rehabilitation Coordinator will assist with this.

#### ***Rehabilitation Coordinator***

On notification of an injury, the Rehabilitation Coordinator conducts a needs analysis to determine what additional assistance is needed to support an early return to work, in consultation with the injured/ill employee, the treating doctor and the site/unit manager.

This may include:

- An Occupational Therapist to assist with the identification of equipment and/or modified work practices,
- A Clinical Psychologist to provide self management and strategy assistance,
- A Physiotherapist to assist with a tailored exercise program at work and/or at home, to support conditioning,
- A Conciliator to assist with issue resolution,
- An Occupational Physician to assess the impact of medical conditions in the workplace.

The Rehabilitation Coordinator formalises the actions and responsibilities of the tailored and structured return to work program for the work injured/ill employee and their site/unit manager, initially through a documented Rehabilitation Program. Injury recovery benchmarks provide the basis for return to work reviews.

Clinical medical evidence provides the basis for determining capacity to undertake duties. A second opinion may be obtained where the medical advice is unclear and/or non-evidence based. Non-clinically based medical restrictions will be regarded as a recommendation for consideration.

Refer: *The DECS Psychological Health Procedure; DECS EAP*

This procedure clarifies responsibilities and arrangements for the purchase and cost of equipment required by work-injured/ill employees to ensure a prompt return to duty occurs.

### **Roles & Responsibilities**

#### ***Injured/ill Employee***

1. Injured employees who are provided with equipment will need to sign a form from Special Education Resource Unit, acknowledging receipt and usage. The work injured/ill employee is responsible for ensuring equipment is secure, hygienic and used correctly. Damage or theft is to be reported immediately to the site/unit manager for repair, replacement and, if required, investigation.

#### ***Site/Unit Manager***

1. Site/Unit managers have responsibility for ensuring their work injured/ill staff member has the appropriate equipment when required, to enable a prompt and safe return to work.
2. Site/Unit managers are advised to contact SERU before purchasing equipment, to ensure it is not already available – Ph. 8235 2871. All purchased equipment needs to meet the relevant Australian Standards and OHS&W Regulations.
3. Sites are responsible for maintaining appropriate records of equipment purchased by the site for their staff members. SERU continues to be responsible for recording and managing departmental equipment for people with disabilities.
4. Equipment not available from SERU is to be purchased by the site for their work injured/ill staff member. Sites are responsible for ensuring equipment is repaired or replaced, in consultation with SERU or Health & Safety Services.
5. Where the purchase of equipment or changes to the work area may result in undue hardship to the site, the site/unit manager is advised to contact the Director, Health & Safety Services on Ph. 8226 2433.
6. All worksites need to ensure equipment purchased for work injured/ill employees is correctly used and maintained whilst it is at their worksite.
7. All equipment purchased for a work-injured employee will need to be endorsed by a Departmental OHS Adviser, or a Departmentally approved Occupational Therapist.
8. Where a staff member is at a site on a short-term basis and sustains an injury whilst at that site, equipment (such as chairs and microphones) is to be transferred to the next worksite, at the cost of the worksite where the injury occurred.
9. Equipment no longer needed can be forwarded to SERU, for use by others.
10. Health & Safety Services is responsible for the review of the ongoing need for equipment by a work-injured employee.

*Contact SERU for information regarding SERU Equipment Procedures  
Ph 8235 2871, Fax 8235 1907*

## Rehabilitation Procedure 4

## Provision of Suitable Duties Provision of Suitable Employment

All DECS work injured/ill employees with an approved worker's compensation claim are to be provided with suitable duties/suitable employment, where reasonably practicable.

DECS employees are to be given priority over non-DECS employees for rehabilitation placements and vacancies where there is an appropriate match between knowledge and skills.

The employment contract may be varied whilst an injured/ill employee is on a Rehabilitation and Return-To-Work Plan in order to provide suitable duties.

### Provision of Suitable Duties

#### Roles & Responsibilities

##### *Site/Unit Manager*

As soon as medical advice indicates a clearance to return to work, the worksite/unit manager is to provide suitable duties. Duties need to be in accordance with the doctor's clinical medical restrictions.

Site/unit managers are expected to provide duties on request for work injured/ill employees where it is reasonably practicable.

##### *Injured/III Employee*

Injured/ill employees with an approved claim are required to undertake offered duties. Non-medical recommendations may be considered where it is appropriate. A refusal to undertake duties may result in a cessation of income maintenance payments.

Work injured/ill employees are expected to return to their pre injury worksite to resume their pre injury duties following injury.

##### *Rehabilitation Coordinator*

The Senior Rehabilitation Coordinator is responsible for negotiating rehabilitation placements at alternative work sites with site/unit managers in consultation with Site HR Services. Duties descriptions and timetables are to be attached to Rehabilitation and Return-To-Work Plans and forwarded to the Staffing Officer, when an assessment for paid work is required.

##### *District Director*

Where a permanent non-return to the pre injury site is advised for Education Act employees, the District Director is responsible for negotiating an alternative placement with the Site HR Superintendent within the same District where possible, in consultation with the injured/ill employee and the Senior Rehabilitation Coordinator.

##### *Staffing/Employee Relations*

Site HR Services (staffing) are responsible for the prompt identification of rehabilitation placements for work injured/ill Education Act employees. The HR Superintendent is the responsible officer for decisions regarding applications for compassionate transfers for Education Act employees. Employee Relations assist with PSM Act/other employees as required.

## Provision of Suitable Employment

Section 58B of the WR&C Act requires that DECS provide its work injured/ill employees with suitable employment, the same as, or equivalent to pre injury levels, wherever it is reasonably practicable to do so.

This part of the procedure clarifies responsibilities and processes for the priority placement of work-injured/ill employees into suitable employment, where an independent assessment has medically confirmed the need for long-term alternative duties.

### HR Process Guidelines for Priority Placement

- *Every effort is made to provide the work injured/ill employee with duties/employment consistent with existing knowledge and skills and remuneration, where reasonably practicable,*
- *Consultation with the work injured/ill employee occurs at all stages of transition into suitable alternative employment,*
- *The appointment to alternative duties/employment is effected as soon as practicable,*
- *Appropriate and reasonable levels of assistance, induction and training are provided to support the employee into suitable duties/employment,*
- *Managers are provided with relevant information to enable appropriate and timely levels of support and decision making to occur,*
- *Departmental performance management and development processes are appropriately implemented in keeping with required human resource public sector management practice.*

### Roles & Responsibilities

#### ***Site/Unit Manager***

Managers are to fairly and appropriately consider work injured/ill employees for any vacancies before proceeding to an open selection process. Accountability for decision-making will be required.

#### ***Work injured/ill Employee***

Offers of ongoing suitable employment will need to be taken by the injured/ill employee to prevent a cessation of weekly payments. Deeming provisions may be applied.

A refusal to undertake offered duties/employment may result in a cessation of income maintenance payments (Section 36 of the WR&C Act).

Work injured/ill employees who are medically unable to return to their pre-injury duties and need to be priority placed into ongoing alternative duties/employment are required to:

- attend interviews and meetings in a positive and constructive manner,
- comply with reasonable requests by their case manager,
- comply with departmental protocols and codes of conduct,
- undertake work trials and training as may be required,
- be proactive in seeking appropriate duties.

Work injured/ill employees who have been priority placed into suitable employment are eligible to apply for other positions through merit selection processes.

### **Rehabilitation Coordinator**

Vocational rehabilitation processes identify knowledge and skills and provide appropriate training to optimise transferability. Vocational assessments are used to indicate aptitude and possible job options.

Duties/employment options are determined through:

- Medical evidence of the work injured/ill employee's capacity to undertake required duties,
- Job evaluations,
- Vocational assessments,
- Work trial reports,
- Training records,
- Skills audits.

### **Senior Claims Case Manager**

Senior Claims Case Managers ensure all reasonable efforts have been made to support the injured/ill employee return to pre injury duties. Where there is consistent medical advice over a two year period identifying a non-return to pre-injury duties, alternative employment is to be sought. Where the injured/ill employee is deemed fit for work that is identified as being reasonably available to the injured/ill employee, a reduction or cessation of weekly payments may occur.

### **Relevant Information**

1. Work injured/ill teachers unable to return to classroom teaching duties after two years of consistent medical advice to that fact, may be appointed to non teaching positions. These may be within the Education Act (e.g. school services officers and government services employees) or the Public Sector Management Act (eg. administration officers), or they may be referred to an employment agency for job seeking. Make up pay entitlements to 80% will apply.
2. Sections 9(4) and 17(1) (a) & (b) of the Education Act allows an employee working under this Act to be appointed, transferred or assigned to an alternative position, with the same or different conditions of employment to their pre injury conditions of employment, with the approval of the Chief Executive. Resignation or retirement from teaching will be required for teachers unable to return to teaching. Appeal rights apply.
3. Reassignment will occur in accordance with the Commissioners Standards, the PSM Act and the Education Act. The respective HR delegates (Site HR Superintendent/Corporate HR Manager) have responsibility for advising the employee of their rights and responsibilities.
4. Priority placement processes are managed by State Office and occur prior to open selection processes. This occurs in consultation with the site/unit manager and the work injured/ill employee.

### **References**

*Standards 1,2,3,4*

*Education Act 1972 – Sections 9(4), 17 and 26*

*PSM Act Sections 9(4), 44 (1) 68 (2)*

*WR&C Act Sections 58B, 36, 28, 35(2)*

*Disabilities Discrimination Act Sect 22*

*DECS Performance Management Policy*

*DECS Selection Policy*

# Attachment 1

## SUMMARY OF DECS PROCEDURE FOR RE-ASSIGNING WORK INJURED EMPLOYEE INTO SUITABLE ALTERNATIVE EMPLOYMENT

