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| POLICY/PROCEDURE NAME & REVIEW PROCESS | VICTORIA-RETURN TO WORK POLICY <p>This policy and procedure have been created to provide our stakeholders with clear guidelines and transparency to our practices.</p> <p>We welcome feedback and input from all our stakeholders at any time and this policy is subject to review based on feedback or due date of annual review.</p> |
| NATIONAL QUALITY STANDARD | QUALITY AREA 2- CHILDREN'S HEALTH AND SAFETY 2.2 Safety 2.2.2 – Incident and Emergency Management |
| NATIONAL LAW AND REGULATIONS | 170-Policies and procedures to be followed 171-Policies and procedures to be kept available 172- Notification of change to policies or procedures |
| RELATED POLICIES and RECORDS | <ul style="list-style-type: none"> Incident, Injury, Trauma and Illness record -employee Privacy and Confidentiality Policy Record Keeping and Retention Policy Work Health and Safety Policy |
| SCOPE OF POLICY | This policy applies to the approved provider, nominated supervisor, educators, staff, volunteers, and students and they will adhere to the process outlined below in regard to returning to work after injury. |
| AIM OF POLICY | To ensure that our service has strong guidelines, procedures, and practices in place regarding return to work for all staff who attend our service in order to support their safety, wellbeing, and protection. Our aim is to provide a clear policy, implement the policy, support practices relating to the policy, train staff regarding the policy and maintain and update the compliance of the policy for all our stakeholders. |
| SERVICE IMPLEMENTATION | <p>When a worker in Victoria is injured and unable to work, employers have legal obligations to facilitate their safe return to work. This process should begin promptly upon receiving the worker's claim for weekly payments or a WorkSafe certificate of capacity. WorkSafe Victoria.</p> <p>Employers must consult directly with the injured worker and, with the worker's consent, engage with their treating health practitioner and any involved occupational rehabilitation provider. This collaboration ensures that return-to-work planning is tailored to the worker's specific injury, capacity, and workplace circumstances. WorkSafe Victoria.</p> <p>This policy outlines our commitment to supporting childcare employees who have been injured or become ill, facilitating their safe and sustainable return to work in compliance with Victorian Workers Compensation Legislation and WorkSafe Victoria guidelines.</p> <p>Every step will be taken to ensure that follow the procedures outlined by Worksafe Victoria to ensure all staff are supported and protected when recovering from an illness or injury and facilitating a successful return to work.</p> <p>We are committed to:</p> <ul style="list-style-type: none"> Supporting employees in their recovery and return to work following an injury or illness. Ensuring a safe environment for both staff and children. Complying with legal obligations under WorkSafe Victoria guidelines. Encouraging a culture of care, inclusion, and teamwork. <p>Initial response and documentation</p> <ul style="list-style-type: none"> The primary responsibility of approved provider/nominated supervisor when a worker sustains an injury or becomes ill at work is to ensure they receive appropriate medical care. Injured workers have the right to select their preferred healthcare practitioner for treatment. Additionally, it is advisable to inform the worker of their potential eligibility to lodge a WorkSafe claim and direct them to the WorkSafe fact sheet titled <i>How to Make a WorkSafe Claim</i>. Approved provider or nominated supervisor will record the details of the injury or illness and report the incident to WorkSafe Victoria if required. A Return-to-Work Coordinator (RTWC) will be appointed and assigned to oversee the process and act as the primary contact. <p>Under the Occupational Health and Safety Act 2004, employers are required to report specific workplace incidents to WorkSafe. If a notifiable incident occurs, the employer must promptly contact WorkSafe by calling 132 360.</p> <p>Notification is mandatory when a workplace incident results in:</p> <ul style="list-style-type: none"> Fatality. |

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- Serious injury, including:
- Cases where medical treatment is required within 48 hours of exposure to a hazardous substance.
- Immediate treatment as an in-patient at a hospital.

Immediate medical treatment for:

- Amputation.
- Serious head injury.
- Serious eye injury.
- Separation of skin from underlying tissue (e.g., de-gloving or scalping).
- Electric shock.
- Spinal injury.
- Loss of bodily function.
- Severe lacerations.

Employers must ensure the scene of a notifiable incident remains undisturbed unless actions are necessary to:

- Assist an injured person.
- Protect individuals whose health or safety is at immediate risk.
- Prevent further injury.

Additionally, employers are required to submit a written record of the incident to WorkSafe within 48 hours and retain a copy for a minimum of five years. The most straightforward method for compliance is completing an Incident Notification Form and submitting it to the nearest WorkSafe office.

Employers must ensure that a copy of this form is available at the workplace at all times.

Employees rights

The principal rights of an injured worker are as follows:

- The right to choose a treating healthcare practitioner.
- The right to select an occupational rehabilitation provider from a list of at least three available providers, where such services are offered.
- The right to have their confidential information maintained in privacy.
- The right to request a review of decisions related to their claim.

In the event of an injury or illness (employee)

- All employees must ensure the situation is not dangerous or a high risk to others. Call 000 in the event that the situation is dangerous. Clear the area of employees and children. Help the injured party if possible.
- Employees must notify their approved provider or nominated supervisor of any work-related injury or illness as soon as practicable.
- The approved provider/nominated supervisor must notify WorkSafe immediately by calling 13 23 60.
- Details of the incident will be lodged by WorkSafe, and an email will be sent with a link to an online incident notification form.
- WorkSafe will then advise if an inspector will make a site visit and whether the incident scene can be disturbed before the inspector's attendance.
- In the event that incident is unable to be lodged online approved provider/nominated supervisor can email or post lodgement to the following: **EMAIL:** info@worksafe.vic.gov.au
POST: WorkSafe Victoria PO BOX 279 Geelong VIC 3220.
- Employee must submit a WorkSafe Certificate of Capacity and any supporting medical documentation including an **Incident, Injury, Trauma and Illness record -employee**.
- The have the right to be represented, assisted, and supported throughout the return-to-work process, including during consultation.
- The employee may designate any individual (other than a legal practitioner) for this role. If a worker has appointed a representative, the employer should communicate with this person throughout the return-to-work process; however, the representative cannot assume the worker's responsibilities.
- Employee will be provided with information about their return to work and be consulted regarding how this information will be put in place.

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- Temporary or permanent changes to work tasks, hours, location, or equipment may be made to support the employee's return. Examples include reduced hours, alternative duties, or working from home arrangements.
- Employee's will be to the extent reasonable, offered suitable employment if they possess a current work capacity, or their pre-injury employment, should they no longer be incapacitated for work, for a period of up to 52 weeks as stipulated by legislation.
- They will be consulted regarding the planning of their return to work, and they will receive clear, accurate, and up-to-date details of their return-to-work arrangements as part of the planning process.
- They will be consulted and provided with relevant information regarding their return to work, and to be given a reasonable opportunity to consider and express their views on the matter.
- These views should be taken into consideration in the return-to-work planning process.

Appointment of a return-to-work coordinator

- Approved provider must appoint a return-to-work coordinator RTWC.
- Approved provider must ensure that the return-to-work coordinator RTWC is competent to assist the employer meet their return-to-work obligations.
- Additionally, they should have knowledge of the Victorian workers compensation scheme, the role of WorkSafe Victoria.
- A Return-to-Work Coordinator is not personally liable for any act or omission done or omitted in good faith in the course of acting as a Return-to-Work Coordinator. Instead, the liability falls on the employer.
- It is important to note that this protection does not extend to circumstances where the Return-to-Work Coordinator is also the employer.

A Return-to-Work Coordinator will be appointed to:

- Assist the injured employee in the return-to-work process.
- Ensure compliance with legislative requirements.
- Act as a liaison between all stakeholders.
- The RTWC will consult with the injured employee to understand their capacity, concerns, and limitations.
- With the employee's consent, liaise with their treating health practitioner and any occupational rehabilitation provider involved.

Development of a return-to-work plan

A tailored plan will be created to support the employee's gradual and sustainable return.

This plan will include:

- Assessment of the employee's work capacity and limitations.
- Identification of suitable duties and adjusted hours.
- Necessary workplace modifications or additional support, such as a buddy system.
- A timeline for progress and reassessment.

Implementation of the plan

- Ensure the necessary accommodations, such as ergonomic adjustments or reduced physical tasks, are in place before the employee's return.
- Maintain open communication between the employee, supervisors, and colleagues to ensure a smooth transition.

Monitoring and adjustments

- Conduct regular check-ins to assess the employee's progress and update the plan as necessary.
- Provide additional support or training if required.
- Ensure the work environment remains safe for both the returning employee and the children.

Completion of the process

- Once the employee resumes their duties fully, conduct a final review to ensure the transition was successful.
- Gather feedback from the employee and stakeholders to identify areas for improvement.

Dispute resolution

- Address any disagreements through open communication facilitated by the RTWC.
- If disputes persist, seek assistance from WorkSafe Victoria or an external mediation service.

Record keeping

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- Management and Employees will complete, maintain full, accurate, and honest records as required by the Education and Care Services National regulations and Worksafe Victoria.
- Managers have a responsibility to ensure that employees comply with their record keeping obligation outlined in the *Record Keeping and Retention Policy*.
- Employees must not destroy records without permission from management.
- Records must be retained and stored securely as per our *Record Keeping and Retention Policy*.

Duty of care

- Management and employees have a responsibility to take reasonable care for the health and safety of themselves and others at the workplace to enable compliance with the work health and safety legislation outlined in the *Work Health and Safety Policy*.
- Duty of Care relates to both physical and psychological wellbeing of individuals.

Our service return to work obligations under Victorian Workers Compensation legislation and how our service will meet their obligations.

Make return to work information available and consult on how the information is made available.

Our service will make return to work information available to its workers about:

- the obligations of **our service** under the legislation and how the employer is meeting the obligations.
- the rights and obligations of workers under the legislation and how workers can obtain further information about their rights and obligations.
- the name and contact details of the authorised Agent selected by the employer.
- the name and contact details of the Return-to-Work Coordinator, if applicable; and
- the procedure for resolving return to work issues in the workplace -by providing workers with this document after consulting with them about how the information will be provided to them.

Provide employment

To the extent that it is reasonable to do so, **our service** will provide suitable employment to an injured worker if they have a current work capacity and provide pre-injury employment to them if they no longer have an incapacity for work.

To the extent that it is reasonable to do so, **our service** will provide pre-injury or suitable employment to an injured worker for a period of 52 weeks of the worker's incapacity. This will commence from the date a *Certificate of Capacity* or a *Worker's Injury Claim Form* in which weekly payments are claimed is received from the worker or from when the authorised Agent notifies us of receipt of same (whichever is the earliest).

Plan return to work.

From the time that **our service** receives a *Worker's Injury Claim Form* in which weekly payments are claimed or the initial *Certificate of Capacity* from the worker or the authorised Agent notifies us of receipt of same (whichever is earlier), **our service** will, to the extent that it is reasonable to do so, commence return to work planning for that injured worker.

As part of that planning, **our service** will:

- obtain relevant information about the injured worker's capacity for work.
- consider reasonable workplace support, aids or modifications to assist the worker's return to work
- assess and propose options for suitable employment or pre-injury employment.
- engage in consultation about the return to work of the worker; and
- provide the worker with clear, accurate and current details of their return-to-work arrangements; and

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- f) monitor the worker's progress as often as is necessary to enable the worker to return to work in employment which is consistent with the worker's capacity for work.

Consult about the return to work of a worker.

Our service will, to the extent that it is reasonable to do so, consult with the worker, the worker's treating health practitioner (with the consent of the worker) and occupational rehabilitation provider (if one is involved) in relation to the injured worker's return to work.

Our service will consult with the parties listed above by:

- sharing information about the worker's return to work
- providing a reasonable opportunity for them to consider and express their views about the worker's return to work, and
- taking those views into account.

Our service will consult directly with the worker about their return to work, but the worker may be assisted by a representative during any consultation (except for a legal practitioner). The worker may be represented, assisted and supported during the return-to-work process.

Nominate and appoint a Return-to-Work Coordinator.

Our service has nominated and appointed at all times a Return-to-Work Coordinator who has an appropriate level of seniority and is competent to assist **our service** meet our obligations under Victorian Workers' Compensation legislation.

Cooperate with labour hire employers.

If **our service** hires labour hire workers and the worker suffers an incapacity for work resulting from or materially contributed to by an injury arising out of working with us, we will, to the extent that it is reasonable to do so, cooperate with the labour hire employer in respect of action taken by the labour hire employer to provide employment, plan a worker's return to work and consult about the return to work of a worker to facilitate the worker's return to work.

Resolution of return-to-work issues.

Our agreed Return to Work Issue Resolution Procedure. Details regarding this procedure are available from **Believe Early Learning Head Office**.

If you have any questions or queries regarding this procedure, please contact enquiries@believeel.com.au.

Each member of the team plays an important role in the implementation of each policies guidelines, and they are outlined as below but not limited to the following:

The Approved Provider

- Must display the WorkSafe "If you are injured poster" at their workplace (available in treasure chest or can be downloaded at worksafe.vic.gov.au).
- Will support employees throughout the process and facilitate workplace adjustments.
- Will ensure a safe environment for all staff and children during the transition.
- Will ensure RTWC is put in place immediately or is already in place in the service.
- Will ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Will ensure they take reasonable steps to ensure that the nominated supervisor, educators, staff and volunteers follow the policy and procedures.
- Will ensure they provide the nominated supervisor, educators, staff and volunteers the documentation to perform their role, follow policy, procedure, and document according to regulatory and service requirements.
- Will ensure that adequate induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure.
- Will ensure that the nominated supervisor and staff are equipped with ongoing professional development and training they require to comply with this policy

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| | <ul style="list-style-type: none"> Will encourage feedback from stakeholders regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. Will ensure the policy is kept up to date with current legislation, research and best practice. <p>The Nominated Supervisor</p> <ul style="list-style-type: none"> Will inform Approved Provider as soon as possible in the event of an injury or illness of a staff member. Will support employees throughout the process and facilitate workplace adjustments. Will ensure a safe environment for all staff and children during the transition. Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations. Will ensure they take reasonable steps to ensure that the educators, staff and volunteers follow the policy and procedures. Will ensure they provide the educators, staff and volunteers the documentation to perform their role, follow policy and procedure and ensure they are checking the documentation according to regulatory and service requirements. Will ensure that a rigorous recruitment process is completed, and a thorough induction process is provided to all staff to ensure they have time to read and understand policies and procedures and seek further information if unsure. Will ensure that the staff are supported with ongoing professional development and training they require to comply with this policy. Will encourage feedback from stakeholders and staff regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. Will ensure the policy is kept up to date with current legislation, research and best practice. Will conduct regular staff meetings to address policy compliance with legislation, policy implementation, changes to policy and or collect feedback for annual review of policy. <p>Educators</p> <ul style="list-style-type: none"> Must report any injury or illness promptly to the approved provider/nominated supervisor and complete an incident, injury, trauma and illness record -employee as soon as is possible after the injury. Must be mindful of their duty of care towards themselves and others, do not take risks or cut corners regarding procedures or guidelines. Will provide accurate medical information and participate actively in the return-to-work process. Will adhere to and implement the obligations under the Education and Care Services National Law and National Regulations. Will ensure they take reasonable steps to follow the service policy and procedures and seek advice or further support if unsure. Will ensure they complete and document any related records regarding the implementation of this policy and practice requirements of the service. Will attend any ongoing professional development, staff meetings and training they require to comply with this policy and practice requirements of the service. Will provide feedback to the nominated supervisor or approved provider regarding the policy's effectiveness, particularly in relation to identifying and responding to child safety concerns. Will provide feedback regarding policy review when required. |
| REGULATION IMPLEMENTATION | The following procedures outline and support all stakeholders to understand and implement the regulatory guidelines of this policy. |
| In regard to regulation 170- Policies and procedures to be followed. | <p>Approved Provider will</p> <ul style="list-style-type: none"> Ensure that all staff and volunteers are made aware of Regulatory policies and procedures by ensuring that this forms a part of the induction process. Ensure probationary reviews will be conducted once new staff are appointed at the 3- month and 6-month mark to ensure that they are following policy and procedure and to review and revise regulatory policies. Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure and further training and revision of procedural practices in relation to policy and procedure. Ensure annual review and revision of policies and procedures will be conducted, and all educators will be given the opportunity for input. |

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| In regard to Regulation 171- Policies and procedures to be kept available. | Approved Provider will <ul style="list-style-type: none"> Ensure that policies and procedures are available to all staff and the location and availability will form a part of the induction process. Ensure policies will be available on request for all staff members to have access when required. Ensure policies will be available when required for staff members to download copies and/or print out if required in order to complete assignments or to form part of their research and/ or update their knowledge. Ensure policies will be available for all stakeholders when requested and when updating. |
| In regard to Regulation 172- Notification of change to policies or procedures | Approved Provider will <ul style="list-style-type: none"> Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure, provide further training and allow for input if required in relation to policy and procedure. Ensure stakeholders will be invited to provide feedback for policies and procedures at any time, not just on annual review but will also be invited to add feedback at review time or after an event that may require change to policy or procedure. Policies and procedures will be emailed or put on display in the foyer for stakeholders to have the ability to provide feedback. Feedback will be considered from stakeholders and educators and may result in a change in policy. Policy and procedure may be changed at any time if there has been an incident in the service that has required a change to be implemented for the safety and health of children and or educators. In the event of a change to a policy after feedback or a situation that occurs, we will provide 14 days' notice to all stakeholders before the change takes effect. |
| CONTINUOUS IMPROVEMENT | <p>We are dedicated to the ongoing improvement of our practices and procedures through the following actions:</p> <ul style="list-style-type: none"> Conducting regular reviews and updates of this policy with all stakeholders. Actively seeking feedback from children, families, and staff members. Providing targeted skill development and training for staff when areas for improvement are identified or when gaps in policy and procedure implementation are observed. |
| KEY TERMS | <ul style="list-style-type: none"> Stakeholder - a person or group of people who have an interest in a business, a person such as an employee or customer. They have a sense of responsibility toward it and an interest in its success. |
| WE GRATEFULLY ACKNOWLEDGE THE FOLLOWING SOURCES | <ul style="list-style-type: none"> Australian Children's Education & Care Quality Authority. ACEQCA Education and Care Services National Law Act 2010. Education and Care Services National Regulations. Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. Guide to the National Quality Framework. National Quality Standard. Worksafe Victoria https://www.worksafe.vic.gov.au/report-incident Work Health and Safety Act 2011 (Cth). Workplace Relations Act 1996 (Cth). WorkSafe Victoria WorkSafe Agents Agent contact details are all available at worksafe.vic.gov.au/agents. Advisory Service Phone Toll-free Email (03) 9641 1444 info@worksafe.vic.gov.au Head Office 222 Exhibition Street, Melbourne 3000 Phone Toll-free Website (03) 9641 1555 worksafe.vic.gov.au. Work safe Victoria -Additional details regarding the rights and obligations of an injured worker are available in WorkSafe's <i>Return to Work Obligations – Information for workers</i> fact sheet available from worksafe.vic.gov.au or via the WorkSafe Advisory Service ph.: (free-call) 1800 136 089 or (03) 9641 1444. |

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