

**SECTION C (NAG 3) PERSONNEL MANAGEMENT**

**POLICY:** Return to Work

**DATE OF REVIEW:** September 2022

**REVIEWERS:** Ants Cotton, Isa Tausa, Gayna Hine, Suzanne Grivelle,  
Mark Shanahan, Personnel Sub-Committee

**GOALS**

To assist Waitakere College employees with a safe, early and effective return to work following an injury or illness.

**OBJECTIVES**

1. To promote the return to work following an injury or illness as a normal part of an employee's rehabilitation.
2. To assist with optimum recovery, early return to work, and resumption of normal life-style without undue delay, in accordance with medical advice.

**GUIDELINES**

1. This policy applies to the following situations:
  - a) Illness, in which case the sick leave provisions of the relevant employment contracts apply.
  - b) Accident, whether work-related or non-work related. When ACC is involved there are different provisions for teacher and support staff.
2. The 'Return to Work' process will apply when an employee is absent because of injury or illness for a period of one week or more, or when an employee is having difficulty maintaining their pre-injury or pre-illness duties.
3. An early return to work may involve a modification of the employee's working environment, alternative duties for a temporary period, and/or changes to the normal hours of work.
4. The Return to Work Co-ordinator for teachers will be the Deputy Principal: High Quality Teaching and for support staff will be the Principal's PA or Business Manager. The Co-ordinator's role is to facilitate the return to work of employees, with support from, and in liaison with the School Nurse. This will include liaison where relevant with ACC, medical staff and treatment providers.
5. The Return to Work Co-ordinator will maintain contact with the injured or ill employee to support a safe return to work.
6. The employee must also stay in regular contact with the employer, and advise of any changes in their state of health.
7. Written consent will be sought from all employees, as part of the incident process, to allow the employer to retrieve any relevant medical information from the treatment provider, doctor, medical specialist or ACC including diagnosis, rehabilitation programme, medical assessment or certification regarding fitness to resume work. This will help the employer in developing an appropriate return to work plan with the employee, and enable suitable duties to be offered.
8. Separate written consent must be obtained from the employee before Waitakere College releases information it holds about them to any other party.

9. Relevant rehabilitation and return to work records will be maintained and accessible only to the parties involved in the return to work process. Employees have the right to view and seek copies of any information held about them.
10. If appropriate, a written return to work plan will be developed by the Return to Work Co-ordinator in liaison with the injured employee and their Supervisor.

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Signature of Chairperson

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Signature of Principal

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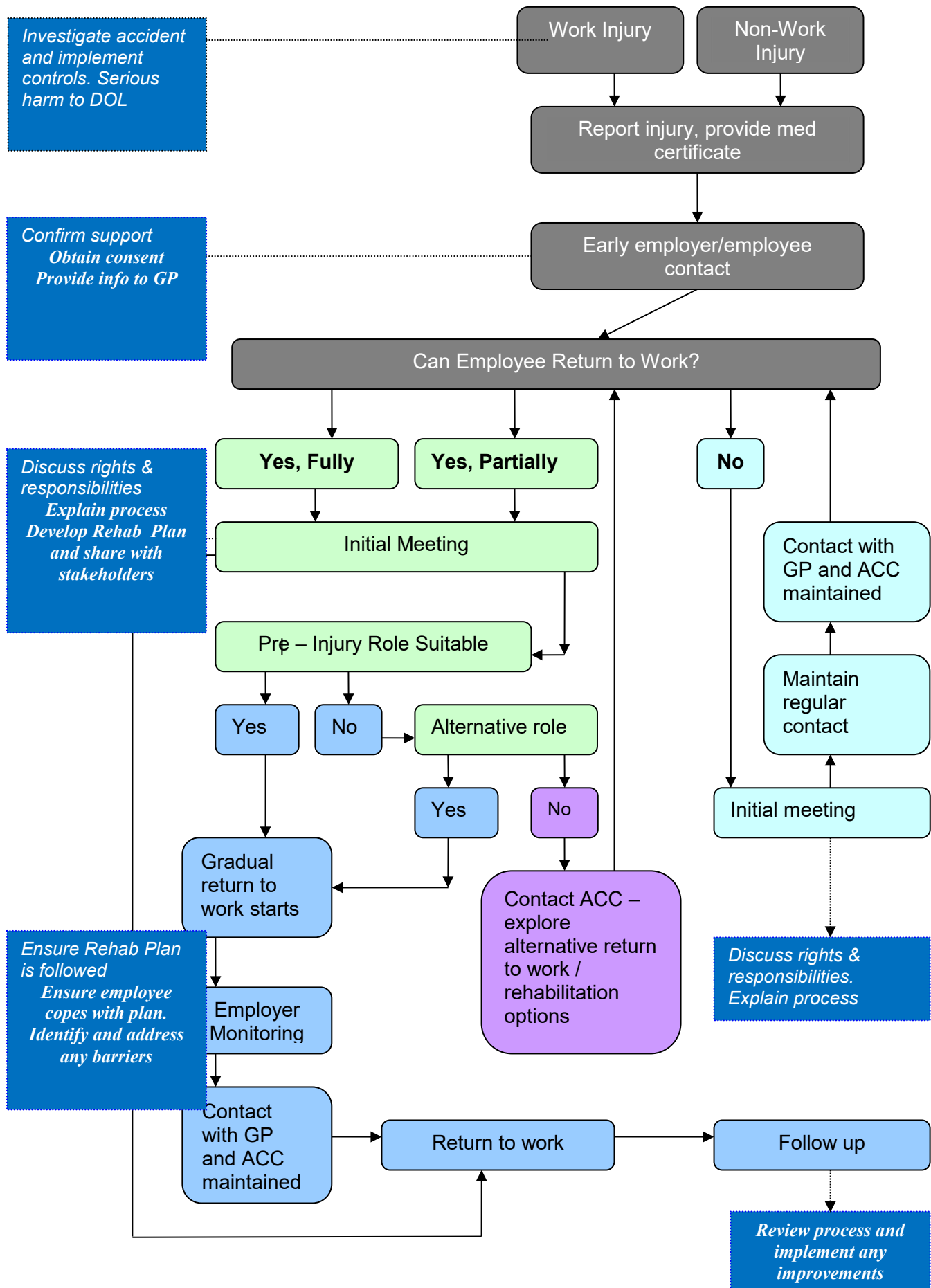
Date

# APPENDIX 1: RETURN TO WORK PROCESS



Diagram Source: ACC Aug 2015

## Stay at / Return to Work Flowchart



### Reporting of Injury

Work accidents are to be reported on the prescribed form and forwarded to Waitakere College Business Manager within 2 days. Failure to do this could result in a dispute over the acceptance of the injury being work related and/or the disciplinary process being followed.

### Non-Work Injury

Waitakere College has a commitment to work with all staff who have sustained a non-work-related injury. Staff are to report non-work-related injuries to the Waitakere College Business Manager within 2 days, if the injury-related incapacity has an impact on the staff member's ability to maintain their usual job and related hours.

### Work v Non-Work Injury

If, for some reason, an employee claims to have a work injury but there is doubt over whether the injury did indeed occur at work, Waitakere College reserves the right to dispute the claim based on evidence they have. Where a dispute arises, ACC will be contacted (0800 101 996)

### Paying for the first week of Injury

In accordance with the relevant employment agreement and where it is a work-related injury, payment of salary before ACC kicks in is dependent on the employee's sick leave entitlement at the time of injury. This situation is dealt with in accordance with the provisions of the relevant employment agreements.

### Salary payment once ACC takes over

For teaching staff and support staff different provisions apply with regard to the proportion of salary paid by ACC and the implications for sick leave. This should be discussed with the relevant Return to Work Coordinator, who will liaise with the ACC Case Manager.

### Support staff

During subsequent weeks the employee may choose to 'top-up' the 80% ACC payment with 1 day's sick leave per week to make up the full 100% usual salary or wage. Where it is a non-work related injury, the employee may choose to take 'sick leave' so that they are paid for the first week of injury which ACC does not fund. '

### Teachers

Teachers continue to receive 100% of their salary, but for each 5 school days of absence they lose 1 day of sick leave. In some cases they may opt to receive an 80% payment in order to maintain their sick leave intact. ACC contributes by making payments which cover the cost of relief teachers for the agreed proportion of time.

### Graduated Return to Work

Where a graduated return to work plan is determined, the Return to Work Coordinator will liaise with the ACC Case Manager to determine a shared payment solution in terms of funding the employee's salary/wage.

### Alternative Duties

The Return to Work Co-ordinator may develop a schedule of 'Alternative Duties' for employees who are injured, where this is feasible. This will enable employees to be allocated alternative duties reasonably early if this is an option. It is understood that for teachers 'light duties' are not always achievable – the more common solution is for the teacher to teach fewer classes or to come in only for some days, in which case ACC needs to fund a relief teacher to cover the rest of the teacher's work-load.

### Assessing the Needs of the College

As part of the return to work Process it may become necessary to assess the needs of the school and its students in terms of whether the employee's position can be held open for the required length of rehabilitation, or indefinitely until a return to work date can be determined.

How long can Waitakere College reasonably tolerate the period of incapacity? This will be dependent on:

- ☐ The employee.
- ☐ The nature of their position and its practical requirements.
- ☐ The impact on students' learning and the work-load of colleagues.
- ☐ Whether others can cover in the role and, if they can, for how long (existing staff, or a fixed term vacancy?).
- ☐ The length of previous service by that employee.
- ☐ The likely length of future service.
- ☐ The nature of the illness/injury.
- ☐ The prospects for recovery.

### **Non-Compliance with Return to Work**

Employees are required by law to co-operate and participate in the return to work process which is established through a consultative approach. The Injury Prevention Rehabilitation and Compensation Act allows for statutory entitlements to be suspended or declined where this does not occur. Prior to taking any such action every effort will be made to involve the employee in the return to work process by:

- ☐ Outlining the employee's responsibilities in the return to work process in writing.
- ☐ Contacting the employee and asking them to clarify the reasons for non-compliance in writing.
- ☐ Revising the return to work plan if appropriate.
- ☐ Giving written notice of a proposed suspension of entitlements with a reasonable notice period.

### **Finalisation of the Return to Work Process**

Waitakere College's return to work process will conclude when the employee:

- ☐ Resumes usual job and hours (with appropriate medical clearance and monitoring); or
- ☐ Returns to their original position with agreed modified duties and/or hours of work; or
- ☐ Is appointed to a suitable alternative position; or
- ☐ Does not comply with the return to work process and has entitlements suspended; or
- ☐ Ceases to be employed by Waitakere College

### **Measures of Effectiveness**

- ☐ Waitakere College's health and safety statistics on work-related personal injury (held by Business Manager).
- ☐ Feedback from employees who participate in the return to work process.
- ☐ Employee retention