

  	<b>Return to Work Program (NSW)</b>	Prepared by:	HFW
		Approved by:	Steve Clarke
<b>Document No: GRP POL HR 034 01</b>		Approval date:	May 2022
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## Application

This program applies to Askin Group Holdings Pty Limited and each of its related bodies corporate (collectively, **ASKIN Group**), (which, for the avoidance of doubt, includes the Bondor NZ and XFLAM businesses) in respect of the employment of employees connected with New South Wales within the meaning of the *Workers Compensation Act 1987* (NSW), as amended, varied or replaced from time to time (**WC Act 1987**) (**Affected Employees**). It also applies to the Affected Employees.

## LEADERSHIP AND COMMITMENT

### *ASKIN Group's Commitment*

ASKIN Group is committed to assisting its employees who are injured in the course of their employment to return to their pre-injury duties in accordance with applicable workers' compensation legislation. To that end, ASKIN Group has promulgated this return to work program (**Program**) in accordance with the WC Act 1987 and the *Workplace Injury Management and Workers' Compensation Act 1998* (NSW) in respect of Affected Employees. This program is connected to, and supplements, ASKIN Group's policies and procedures under the *Work Health and Safety Act 2011* (NSW) and *Work Health and Safety Regulation 2017* (NSW), including the ASKIN Group Occupational Rehabilitation Policy, as amended or varied from time to time.

ASKIN Group aims for a positive culture that promotes recovery at work, including by fostering positive attitudes towards employees recovering at work and promoting the health benefits of work.

### Consultation on this program

ASKIN Group has developed this program in consultation with Affected Employees, including by safety meetings and toolbox talks. ASKIN Group has also taken steps to communicate about this program and provide training on this program to Affected Employees, including by induction training, supplying Human Resources Policies Handbook to all employees and publishing the program on the ASKIN Group Business Management System (**BMS**).

### Related Work Health and Safety Policy

This program should be read in conjunction with ASKIN Group's GRP POL 001 Integrated OHSEQ Policy 2021 – (OHSEQ Policy) and its related documents, located on the BMS. The OHSEQ Policy is provided to employees and contractors in their induction handbook. The OHSEQ Policy and its related documents sets out important information not covered by this program. Related documents include:

- ASKIN Group's first aid arrangements set out in – GRP PRO OHS 1005 01 – Planning for First Aid Resources (**First Aid Procedure**)
- ASKIN Group's register of injuries and records of notifiable incidents set out in – Incident Log (**Incident Log**); and
- ASKIN Group's documented injury and incident management process set out in – GRP PRO OHS 1001 - Injury - Incident Management Process (**Injury and Incident Management Process**)

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## WORKPLACE ARRANGEMENTS

### RTW Coordinator

ASKIN Group has appointed the following person as its return to work coordinator (**RTW Coordinator**) for the purposes of this Program:

Bryan Ashworth  
Group Operations HSE Business Partner  
M: +61 484 535 155  
E: [bryan.ashworth@askin.net.au](mailto:bryan.ashworth@askin.net.au)  
Qualifications:  
Diploma in Occupational Health and Safety  
Certificate IV in Training and Assessment  
WHS Lead Auditor  
Return To Work Coordinator Certificate (QBE)  
Return To Work Coordinator NSW Certificate (SIRA)

In addition to the ASKIN Group's RTW Coordinator, the ASKIN Group has appointed a return to work officer, based in NSW to assist and coordinate with the RTW Coordinator for the purpose of this Program:

Anthony Warren  
Regional Manager NSW  
M: +61 400 111 728  
E: [anthony.warren@askin.net.au](mailto:anthony.warren@askin.net.au)

The RTW Coordinator plays an important role in recovery at work planning, and managing employees with a work-related injury or illness. The RTW Coordinator's duties include the following in respect of this Program:

- compiling the initial notification information following an incident
- coordinating an Affected Employee's recovery at work, including identifying available and suitable work opportunities where possible
- preparing, monitoring and reviewing a recover at work plan (in consultation with key parties) that documents an Affected Employee's capacity and the duties available
- liaising with external stakeholders, such as a nominated treating doctor, insurer, treatment providers, union and workplace rehabilitation provider
- implementing Return-to-Work Programs
- supporting redeployment of Affected Employees (internally or externally) into available, suitable work when they cannot return to their pre-injury duties
- keeping injury and recover at work statistics
- keeping confidential case notes and records in accordance with law
- promoting health benefits of good work to the workforce
- contributing to the improvement of relevant policies and systems.

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The RTW Coordinator has authority to undertake the above duties and has been provided with the resources to undertake those duties, including access to relevant policies and procedures, support from the return to work officer, administrative assistance and other professional support, as required.

### Workplace rehabilitation provider

Following consultation with Affected Employees, ASKIN Group has nominated the following person(s) as its workplace rehabilitation provider (**Provider**):

Rehab Co - <https://www.rehabco.com.au/>

Affected Employees may refuse or request a change in Provider. If they wish to do so, they should please contact the RTW Coordinator. An Affected Employee will be notified in writing of the opportunity for them to refuse or request a change in provider during the injury management process. This process will be managed by the RTW Coordinator.

ASKIN Group is committed to cooperating with the Provider so far as reasonably practicable to ensure that the unique needs and arrangements of ASKIN Group's workplace are understood by the Provider and the Provider has, as applicable and required by law, reasonable access to ASKIN Group's workplace and its injured Affected Employees. To achieve this, ASKIN Group will, subject to applicable law:

- provide the Provider with reasonable access to the workplace, as appropriate
- provide the Provider with relevant background information to the incident
- consult with the Provider to aid in their assessment of an injured Affected Employee's work duties
- allow reasonable access to the injured Affected Worker, as appropriate
- facilitate the agreement to the recovery to work plan, which may be developed by the Provider

## RIGHTS AND OBLIGATIONS

### *Rights and obligations of Affected Employees*

This program notifies ASKIN Group's Affected Employees of their rights and obligations with respect to the recovery at work process, as set out in the table below.

Affected Employees' Obligations	Affected Employees' Rights
<ul style="list-style-type: none"> <li>• Notify ASKIN Group as soon as possible after a work-related injury occurs</li> <li>• Participate and cooperate in establishing an injury management plan</li> <li>• Carry out the actions such a plan requires of them</li> <li>• Authorise their nominated treating doctor to provide relevant information to their insurer or ASKIN Group using the certificate of capacity, claim form or other form of authority</li> <li>• Make all reasonable efforts to recover at work.</li> </ul>	<ul style="list-style-type: none"> <li>• Nominate their own treating doctor</li> <li>• To have employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury employment</li> <li>• Be consulted and involved in identifying suitable work and developing their recover at work plan</li> <li>• Privacy and confidentiality as required by law</li> <li>• Access mechanisms for resolving complaints and disputes.</li> </ul>

These rights and obligations will be communicated to injured Affected Employees throughout the recovery process by providing such Affected Employees with a copy of this Program.

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### **Responsibilities and obligations of an Affected Employee's support team**

In addition, members of an Affected Employee's support team have various responsibilities and obligations. Those responsibilities and obligations are set out below.

Support team member	Responsibilities and obligations
<b>Senior and Middle Management</b>	<ul style="list-style-type: none"> <li>• Communicate with relevant Affected Employees and the RTW Coordinator on a regular basis</li> <li>• Manage changes to the workplace or duties to facilitate an Affected Employee's recovery at work plan</li> <li>• Comply with the requirements of any certificates of capacity and the requirements of any recovery at work plan.</li> </ul>
<b>RTW Coordinator</b>	<ul style="list-style-type: none"> <li>• Communicate with relevant Affected Employees and management on a regular basis</li> <li>• Assist in delivering changes to the workplace or duties to facilitate an Affected Employee's recovery at work plan</li> <li>• Comply with the requirements of any certificates of capacity and the requirements of any recovery at work plan.</li> </ul>
<b>Insurer</b>	Manages workers' compensation insurance claims and helps Affected Employees to recover after workplace injury or illness.
<b>Nominated treating doctor</b>	<p>Supports Affected Employees to optimise their recovery in accordance with the Affected Employee's recovery at work plan. This generally includes:</p> <ul style="list-style-type: none"> <li>• a combination of clinical intervention and injury management</li> <li>• assessing, diagnosing, treating and certifying patients</li> <li>• supporting an Affected Employee's to return to work, and where possible recovery at work, through appropriate clinical intervention and management</li> <li>• contributing to return to work and recover at work planning, in collaboration with an Affected Employee and members of the Affected Employee's support team.</li> </ul>
<b>Approved rehabilitation provider</b>	<p>The approved rehabilitation provider addresses risk factors which may impact the Affected Employee's ability to recover at work. These factors may include difficulty identifying suitable work, complex injury, delayed recovery or communication breakdown. The role of the approved rehabilitation provider will generally include:</p> <ul style="list-style-type: none"> <li>• assessment of risk factors which impact an Affected Employee's ability to recover at work</li> </ul>

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	<ul style="list-style-type: none"> <li>initial workplace rehabilitation assessment</li> <li>assessment of the functional capacity of an Affected Employee</li> <li>creating and monitoring a rehabilitation or return to work plan</li> <li>creating a suitable duties plan</li> <li>job analysis of an Affected Employee</li> <li>providing advice about job modification</li> <li>rehabilitation counselling</li> </ul>
<b>Any union representing Affected Employees</b>	Represent the best interests of Affected Employees who are members of the representative's union.

## **AFTER AN INCIDENT**

### ***First aid arrangements***

ASKIN Group's first aid arrangements are detailed in the First Aid Procedure, as varied or replaced from time to time.

### ***Register of injuries***

The ASKIN Group maintains a register of all work-related injuries and illnesses and each notifiable incident in accordance with work health and safety legislation (**Incident Log**). The Incident Log can be found on the ASKIN Group BMS. The Incident Log is updated by the Group Operations HSE Business Partner based on incident records documented in the NSW Injury Report Book which is located on site. Injured Affected Employees are required, in conjunction with their supervisor or manager, to complete the NSW Injury Report Book. The ASKIN Group informs Affected Employees of the process for completing the NSW Injury Report Book in their safety induction and toolbox talks from time to time. All Affected Employees are advised to promptly complete the NSW Injury Report Book, so as to enable the Incident Log to be updated. Early injury reporting is explained and documented in an Affected Employee's safety induction and is supported by the "If you are injured at work" posters displayed in the workplace. The ASKIN Group will notify its insurer of any workplace injury in accordance with law, and in any case, within 48 hours of the event.

The ASKIN Group informs the WHS regulator of notifiable incidents in accordance with law and the ASKIN Group Serious Incident Reporting Procedure (GRP PRO OHS 1003 - Serious Incident Reporting), as varied or replaced from time to time.

Following an injury, the ASKIN Group will review their WHS policies and procedures to identify gaps and opportunities for improvement in line with the ASKIN Group Risk and Hazard Management Process (GRP PRO OHS 1002 – Incidents – Injury Risk & Hazard Management Process).

## **SUPPORT FOR AFFECTED EMPLOYEES**

### ***Communication with Affected Employees and the RTW Team***

The RTW Officer, with the support of the RTW Coordinator, is responsible for maintaining positive and effective communication with an injured Affected Employee and the RTW team by regularly engaging with them and updating relevant stakeholders on the recovery at work plan.

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### ***Privacy, confidentiality and record keeping***

ASKIN Group will endeavour to obtain the informed consent from Affected Employees as to the gathering and exchange of information about any work-related injury and recovery process. ASKIN Group will generally seek to gain an Affected Employee's informed consent to the release and exchange of information about their recovery at work by way of providing an Affected Employee with an authority to obtain or release personal information. Such personal information may include health information about an Affected Employee, for example, medical reports, and may be exchanged between ASKIN Group, relevant medical professionals, and ASKIN Group's insurer. The Group HR Manager and other members of the Leadership Team may require access to this information to properly discharge their roles and obligations in relation to the Affected Employee.

An Affected Employee will generally be informed of the benefits of exchanging their information, such as the effective management of their return to work, along with their associated rights, obligations and the potential impact for their recovery at work if they do not provide consent to exchange their information. This will, at a minimum, be done by way of formal workers compensation claim forms.

All information obtained from an Affected Employee in connection with their return to work will be kept in a confidential file with limited access on a strictly confidential basis. An Affected Employee's file will be stored securely and access to that file will be restricted to relevant people involved in the Affected Employee's recovery.

More information about how ASKIN Group deals with personal information may be found in ASKIN Group's Privacy Policy, as varied or replaced from time to time.

### ***Payments***

The procedures for ensuring an Affected Employee's weekly payments are prompt and correct are as follows:

- the RTW coordinator will advise the insurer of an Affected Employee's pre-injury average weekly earnings;
- wages will be paid as per normal ASKIN Group payment procedure, with a breakdown of earnings highlighting insurer contributions, if required;
- passing other payments onto an Affected Employee as soon as practicable after receiving them from the insurer; and
- Affected Employees will be advised of the dispute resolution mechanism via letters supplied by the insurer and / or by being provided with the ASKIN Group Issue Resolution Process (GRP PRO OHS 606 - Issue Resolution Process), as varied or replaced from time to time.

### ***Developing an injury management plan with the insurer***

Once ASKIN Group has been notified of a significant injury or illness affecting an Affected Employee, it will, through the RTW Coordinator, participate and cooperate with the insurer, as promptly and effectively as is reasonably practicable, in the development of an injury management plan for the injured Affected Employee, including where appropriate, the development of an offer of suitable work. Further details of ASKIN Group's approach to developing a recover at work plan are set out below. For the purposes of this Program, a significant injury is an injury likely to make an Affected Employee unable to work for more than



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seven continuous days (whether or not those days are work days, and whether or not the Affected Employee's incapacity is total, partial, or a combination of both).

For the purposes of developing an injury management plan with the insurer for an injured Affected Employee who has suffered a significant injury or illness, the ASKIN Group may consider a range of steps and options subject always to applicable law and provided those steps and options are consistent with the ASKIN Group's approach to developing recover at work plans as set out below. Such steps and options may, for example, include, as appropriate and reasonable:

- providing suitable work (if the injured Affected Employee has capacity); and
- considering, as appropriate, any reasonable and available workplace support, aids or modifications to assist the injured Affected Employee to return to work.

## **RECOVERY AT WORK**

ASKIN Group is committed to offering injured Affected Employees suitable work (where reasonably practicable) so that they have the opportunity to recover at work. To that end, ASKIN Group has developed the following processes for providing suitable work, where reasonably practicable:

- in consultation with an Affected Employee's supervisor or manager, the RTW Coordinator will develop a recovery at work plan that outlines duties which can be undertaken within the Affected Employee's documented requirements (including medical restrictions);
- the RTW Coordinator will identify suitable work by discussing the medical restrictions detailed in the certificate of capacity with an Affected Employee's supervisor or manager;
- ASKIN Group will consult with an Affected Employee through in person meetings, emails and/or phone calls;
- in circumstances where an Affected Employee's restrictions substantially limit the ability of the ASKIN Group to provide alternative duties, where recovery has been prolonged or the Affected Employee is not recovering as expected, ASKIN Group may engage a workplace rehabilitation provider; and
- ASKIN Group has a large cross-section of business units. Where suitable work cannot be identified in an Affected Employee's primary work area, there may be opportunities to move them temporarily to an alternative business unit.

In circumstances where there is a disagreement between ASKIN Group and an Affected Employee as to their recovery at work, that dispute will be dealt with in accordance with the dispute resolution procedure outlined below.

### ***Developing a recover at work plan***

When developing a recover at work plan, subject to applicable law, ASKIN Group will endeavour to:

- include the relevant Affected Employee in the development of the plan by consulting with the Affected Employee to seek relevant input from them;
- include details of restrictions and duties in such a plan, among other things;
- manage the relevant Affected Employee's appointments for treatment and rehabilitation;

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- provide a copy of the plan to the Affected Employee, the RTW Coordinator, the RTW Officer, the Group HR Manager, the ASKIN Group Leadership Team, the Affected Employee's supervisor and/or manager and the relevant insurer. In circumstances where the Affected Employee's treating doctor has requested a copy the plan, this will be provided;
- monitor and review the plan on a regular basis;
- notify an Affected Employee, the RTW Coordinator, the RTW Officer, the Group HR Manager, ASKIN Group Leadership Team, the Affected Employee's supervisor and/or manager and the relevant insurer, and the Affected Employee's treating doctor when relevant, of any changes to the plan.

### **Support for Affected Employees who are unable to return to the workplace**

Subject to applicable law, ASKIN Group will endeavour to take the following steps to support an injured Affected Employee who is unable to return to the workplace:

- consult with the Affected Employee and others as applicable, such as the insurer, regarding potential opportunities for retraining;
- consult with the Affected Employee regarding potential opportunities for alternative job placement outside of the workplace; and
- discuss alternative options with the insurer.

In circumstances where an injured Affected Employee is likely to be dismissed because they are unable to return to the workplace, ASKIN Group will endeavour to inform that Affected Employee of their rights regarding dismissal under relevant workers' compensation legislation. This may include, if applicable, notifying the Affected Employee that they may be protected from dismissal because of a work-related injury or illness within six months after the employee first became unfit for work under relevant workers' compensation legislation.

### **DISPUTE PREVENTION AND RESOLUTION**

Although ASKIN Group is committed to preventing disputes connected with this return to work program (including injury management, suitable work, or recover at work planning), if such a dispute arises, ASKIN Group will endeavour to:

- seek help from its insurer or an approved workplace rehabilitation provider if the Affected Employee's recovery at work is difficult or progress has stalled; and
- work with the Affected Employee and their representative to resolve any disputes, and seek help from the insurer if necessary.

If there is a dispute, ASKIN Group will endeavour to give the Affected Employee the insurer's contact details, as well as the following useful contacts:

#### **SIRA Customer Service Centre**

Phone 13 10 50 or visit [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au)

#### **Independent Review Office (IRO)**

Phone 13 94 76 or visit <http://www.iro.nsw.gov.au>



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## Personal Injury Commission (PIC)

Phone 1800 742 679 or visit <http://www.pi.nsw.gov.au>

### ADMINISTRATION

#### Monitoring, Review and Display Arrangements for this Program

This program will be reviewed at least every two years from the date it is promulgated to ensure that it remains current.

This program has been published on ASKIN Group's website and can be found at the following web address: [www.askin.net.au](http://www.askin.net.au).

#### Other Matters

Although this policy must be complied with, it does not form part of any contract between the ASKIN Group (or any member of it) and any employee. Any reference to obligations or requirements on the ASKIN Group does not, and is not intended to, give rise to any contractual obligation binding on the ASKIN Group.

#### Related Documents

NSW Injury Register Book

Incident Log

GRP POL HR 010 03 – Occupational Rehabilitation Policy

GRP POL 001 – Integrated OHSEQ Policy 2021

GRP PRO OHS 1001 – Injury – Incident Management Process

GRP PRO OHS 1002 – Incidents – Injury Risk and Hazard Management Process

GRP PRO OHS 1003 – Serious Incident Reporting

GRP PRO OHS 1005 01 – Planning for First Aid Resources

GRP PRO OHS 606 – Issue Resolution Process

GRP FRM OHS 02 03 Potential and Incident Investigation Report

***The ASKIN Group may amend, vary or replace this policy at any time.***