

Hotelstaff's return to work obligations under Victorian Workers' Compensation legislation

Hotelstaff's return to work obligations	How Hotelstaff will meet its obligations
<p>Make return to work information available and consult about how the information is made available</p>	<p>Hotelstaff will make return to work information available to its workers about:</p> <ul style="list-style-type: none"> (a) the obligations of Hotelstaff under the legislation and how the employer is meeting the obligations; (b) the rights and obligations of workers under the legislation and how workers can obtain further information about their rights and obligations; (c) the name and contact details of the authorised Agent selected by the employer; (d) the name and contact details of the Return to Work Coordinator, if applicable; and (e) the procedure for resolving return to work issues in the workplace - <p>by providing workers with this document after consulting with them about how the information will be provided to them.</p>
<p>Provide employment</p>	<p>To the extent that it is reasonable to do so, Hotelstaff 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.</p> <p>To the extent that it is reasonable to do so, Hotelstaff 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 <i>Certificate of Capacity</i> or a <i>Worker's Injury Claim Form</i> 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).</p>
<p>Plan return to work</p>	<p>From the time that Hotelstaff receives a <i>Worker's Injury Claim Form</i> in which weekly payments are claimed or the initial <i>Certificate of Capacity</i> from the worker or the authorised Agent notifies us of receipt of same (whichever is earlier), Hotelstaff will, to the extent that it is reasonable to do so, commence return to work planning for that injured worker.</p> <p>As part of that planning, Hotelstaff will:</p> <ul style="list-style-type: none"> • 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 • monitor the worker's progress <p>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.</p>
<p>Consult about the return to work of a worker</p>	<p>Hotelstaff 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.</p> <p>Hotelstaff will consult with the parties listed above by:</p> <ul style="list-style-type: none"> • 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. <p>Hotelstaff 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.</p>
<p>Nominate and appoint a Return to Work Coordinator</p>	<p>Large employers</p> <p>Hotelstaff has nominated and appointed at all times a Return to Work Coordinator who has an appropriate level of seniority and is competent to assist Hotelstaff meet our obligations under Victorian Workers' Compensation legislation.</p>
<p>Cooperate with labour hire employers</p>	<p>If Hotelstaff 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.</p>
<p>Resolution of return to work issues</p>	<p>Hotelstaff will attempt to resolve return to work issues in accordance with:</p> <p>The relevant procedure specified in the Return to Work Direction No.1 of 2010 (Ministerial Direction) (The Return to Work Issue Resolution Procedure).</p>

Worker's return to work rights and obligations

Injured worker rights are:

- To be provided with return to work information and be consulted about how that information is to be made available
- To the extent that it is reasonable for **Hotelstaff** to do so, to be provided with suitable employment if they have a current work capacity or pre-injury employment if they no longer have an incapacity for work for a period of 52 weeks in accordance with the legislation.
- To be consulted by **Hotelstaff** about planning their return to work.
- To be provided with clear, accurate and current details of their return to work arrangements as part of planning for their return to work.
- To the extent that it is reasonable for **Hotelstaff** to do so, to be consulted and be provided with information about their return to work. The injured worker must be given a reasonable opportunity to consider and express their views about their return to work and have those views taken into account.
- To be represented, assisted and supported (except by a legal practitioner) during any stage of the return to work process, including in the consultation process.

Injured worker's obligations are:

- In co-operation with **Hotelstaff** and the Agent, to make reasonable efforts to actively participate and cooperate in planning for their return to work.
- In co-operation with **Hotelstaff** and the Agent, to make reasonable efforts to return to work in suitable or pre-injury employment at their place of employment or at another place of employment.
- To actively use an occupational rehabilitation service where provided and cooperate with the provider of that service.
- To actively participate and cooperate in assessments of their capacity for work, rehabilitation progress and/or future employment prospects at the request of **Hotelstaff** and/or the Agent.
- To actively participate and cooperate with the representative of the Agent in an interview to enhance their opportunities to return to work, as required.
- If an issue about their return to work arises, to attempt to resolve the issue in accordance with the procedure for resolving return to work issues (see above).

If you do not comply with one or more of the above obligations, your weekly payments may be suspended, terminated or ceased and determined in accordance with the legislation by our Agent.

Additional details regarding the rights and obligations of an injured worker are available in Victorian WorkCover Authority's *Return to Work Obligations – Information for workers* fact sheet available from vwa.vic.gov.au or via the Victorian WorkCover Authority Advisory Service ph: (free-call) 1800 136 089 or (03) 9641 1444.

Where to get help

Our Return to Work Coordinator

Name: Michael Stanley **Phone:** 03 9650 1311

Email: casuals@hotelstaff.com.au **Postal Address:** Level 14, 390 St Kilda Road, Melbourne 3004

Our Authorised Agent

Name: Xchanging **Phone:** 03 9947 3000 **Web:** www.xchanging.com/au/workers-compensation

Postal Address: GPO Box 751, Melbourne Vic 3001

Victorian WorkCover Authority

Phone: freecall 1800 136 089 or (03) 9641 1444 **Web:** vwa.vic.gov.au

Email: info@vwa.vic.gov.au **Postal Address:** Victorian WorkCover Authority, 222 Exhibition Street, Melbourne 3000