

# Table of Contents

<b>Chapter One – Overview of Managing Illness or Injury in the Workplace .....</b>	<b>1</b>
Introduction .....	1
Initial steps in managing an ill or injured employee .....	2
Some practical ideas to manage the initial stages of injury or illness .....	3
Considering return to work options .....	4
The importance of good communication .....	4
Managing scenarios where the employee presents with an “unfit” certificate .....	5
Managing return to work .....	6
Communicating with others in the workplace .....	8
Managing the effectiveness of suitable duties .....	9
Finalising the arrangements .....	11
<b>Chapter Two – Work Related Injury or Illness – Considering Ongoing Employment .....</b>	<b>1</b>
Introduction .....	1
Reviewing return to work plans and suitable duties .....	2
Reviewing the employee’s ongoing employment .....	4
The process of reviewing employment .....	5
Step 1 – Withdrawing the employee’s duties .....	5
Step 2 – Investigating the employee’s future capacity .....	7
Step 3 – Seeking further information from the employee .....	15
Step 4 – Finalising the review .....	16
Ongoing compensation payments .....	17
Other questions/issues related to termination of employment .....	17
Letter Guidelines .....	20
Annexure A – Withdrawing a rehabilitation program .....	23
Annexure B1 – Investigating employee’s future capacity (employee) .....	25
Annexure B2 – Investigating employee’s future capacity (doctor) .....	27
Annexure B3 – Investigating employee’s future capacity .....	29
Annexure B4 – Letter informing employee that review on hold .....	30
Annexure C – Letter to employee inviting further input .....	31
Annexure D1 – Letter to employee finalising the review – sustainable alternate duties....	33
Annexure D2 – Letter to employee – not possible to finalise the review .....	34
Annexure D3 – Letter to employee finalising the review – termination .....	35

<b>Chapter Three – Non-Work Related Injury or Illness – Considering Ongoing Employment</b> .....	<b>1</b>
Introduction .....	1
Reviewing the employee’s ongoing employment.....	2
The process of reviewing employment.....	3
Step 1 – Investigating the employee’s future capacity.....	3
Step 2 – Seeking further information from the employee .....	10
Step 3 – Finalising the review .....	11
Other questions/issues related to termination of employment.....	12
Letter Guidelines.....	15
Annexure E1 – Investigating employee’s future capacity (employee).....	18
Annexure E2 – Investigating employee’s future capacity (doctor).....	20
Annexure E3 – Investigating employee’s future capacity.....	22
Annexure E4 – Letter informing employee that review on hold .....	23
Annexure F – Letter to employee inviting a response .....	24
Annexure G1 – Letter to employee finalising the review – sustainable alternate duties....	26
Annexure G2 – Letter to employee – not possible to finalise the review .....	27
Annexure G3 – Letter to employee finalising the review - termination.....	28
<b>Chapter Four – Potential Legal Claims Relating to Withdrawal of Duties and/or Termination of Employment</b> .....	<b>1</b>
The legislative framework.....	1
Unfair dismissal – <i>Fair Work Act</i> .....	1
Breach of the general protections provisions – <i>Fair Work Act</i> .....	8
<i>Disability Discrimination Act 1992 (Cth)</i> .....	12
Additional considerations relating to workers’ compensation claims .....	17
Lessons from decided cases.....	18
Important issues to consider before terminating employment.....	20
<b>Chapter Five – State and Territory Legislative Requirements</b> .....	<b>1</b>
Introduction.....	1
Table 1 – Work related injuries: obligations to provide duties and restrictions on termination of employment .....	1
Table 2 – Work related injuries: obligations to develop return to work plans and offers of suitable employment .....	9
Table 3 – State and territory disability discrimination legislation .....	18