

# 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</b>	
<b>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 .....	17
Ongoing compensation payments.....	18
Other questions/issues related to termination of employment .....	18
Letter Guidelines.....	21
Annexure A – Withdrawing a rehabilitation program .....	24
Annexure B1 – Investigating employee’s future capacity (employee).....	26
Annexure B2 – Investigating employee’s future capacity (doctor) .....	28
Annexure B3 – Investigating employee’s future capacity .....	30
Annexure B4 – Letter informing employee that review on hold .....	31
Annexure C – Letter to employee inviting further input .....	32
Annexure D1 – Letter to employee finalising the review – sustainable alternate duties ....	34
Annexure D2 – Letter to employee – not possible to finalise the review .....	35
Annexure D3 – Letter to employee finalising the review – termination .....	36

<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> .....	9
<i>Disability Discrimination Act 1992</i> (Cth) .....	13
Additional considerations relating to workers’ compensation claims .....	18
Lessons from decided cases .....	19
Important issues to consider before terminating employment .....	22
<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 .....	16