



**Australian Government**

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**Seafarers Safety, Rehabilitation  
and Compensation Authority**

**Seacare  
Conference 2006**

**Round Table Discussions**

**RETURN TO WORK STRATEGIES FOR  
YOUR WORKPLACE**

Sumac, Melbourne

Thursday, 26 October 2006

# ROUND TABLE DISCUSSIONS

## RETURN TO WORK STRATEGIES FOR YOUR WORKPLACE

**Chairpersons Introduction** – The plan is that this session will run for approximately 45 minutes. We will then have a brief summary and conclude the conference at 4.30pm.

Our next session which is entitled “***A Round Table Discussion***”, will be an opportunity for everyone to build on information provided in the presentations and during the hypothetical, and to identify better return to work strategies in your respective workplaces.

We are also interested in developing that may assist the Authority to provide better and more effective guidance in terms of rehabilitation and return to work. As I've said earlier, we are really very anxious at the Authority to have your input, to have your ideas, and to have your feedback as to how we might go about producing more effective guidance to our employers and the seafarers and so on.

Now to assist us in this session, we're very lucky to have Alan Clayton as our Co-Coordinator. Alan is the Principal of Bracton Consulting Services. An organisation working primarily in the field of accident compensation and injury prevention. He has undertaken work for a wide range of bodies including the International Labour Office, the Canadian Institute of Work and Health, and a number of Australian Accident Compensation Authorities, and the Accident Compensation Corporation of New Zealand, and the W E Upjohn Institute for Employment Research in Kalamazoo, USA. Alan also has a number of other appointments. He's an Associate at the Centre for Employment and Labour Relations at the Law School of the University of Melbourne. He's an Associate at the National Research Centre for Occupational Health and Safety Regulation at the Australian National University in Canberra and he's a Senior Research Associate at the Victorian Institute of Occupational Safety and Health at the University of Ballarat.

During 1987 and 1988, Alan was Director of the Seamans Compensation Act Review in the Department of Social Security. He worked on the Report with Professor Harold Lunce of Melbourne University which laid much of the basis for the present Seacare Scheme, which as you know came into operation in 1992. Alan knows all about Seacare and our operations from the ground up. I was going to say warts and all, but he knows a great deal about us, and I'd like you to join with me and welcoming Alan to be the Co-Coordinator of this session.

**Alan Clayton** – Thanks very much Geoff. When I think back, the Seaman's Compensation Act Review was almost 20 years ago. Twenty years ago was a time when I had black hair. Twenty years ago was a time when people still stopped Martin Byrne in the street thinking he was Brad Pitt. Twenty years ago at the time of the review, the manning level on vessels on the Australian Coast was 32 to 34. It was a time when we still had the Peggies, the Crew Attendants, when there were transitional light work jobs at sea.

As you all know far better than I, the environment in which the Australian Maritime Industry operates is significantly different now. The role that the Seacare Authority includes in its work plan to improve rehabilitation return to work comes through early intervention strategies tailored to the unique environments within the industry, and this is one of a rolling series of events in which this process becomes updated and built upon.

Many of you will remember the Symposium in Melbourne in November 2000 and the Round Table in Fremantle in 2001. One of the disappointments I think of many conferences is that there's a lot of learning that occur at a conference and then that just fizzles out. People go away having taken it in, but there is no type of tangible result as a result of what's occurred both formally and informally in the conference.

This session is actually an opportunity to capture some of those learnings. Particularly some of the insights that we saw in a very illuminating hypothetical. So the process here will be to form groups of nine to ten around the table, and to take a series of reflections as to how effective, quality return to work solutions can be brought about within this industry, and the way this could be structured to go from the general to the very particular.

So at the general level consider how the industry can better achieve return to work outcomes. Considering that at the level of at sea, the possibilities and limitations of supernumerary, of supernumerary alongside, how that can be achieved in relation to shore based employment. It was good to hear in the hypothetical that this phoenix company called Stillwater, which I'm sure is now flagging out under the Liberian Flag, were developing relationships with employers nationally in order to provide greater opportunities. Because I work across compensation schemes around the country, the great challenge is marrying the two areas of people who lose jobs, I think, not just because of work injury but because of globalisation, industry restructuring and the like, and skill shortages, bottle necks within the economy.

For instance if you look at Germany, the German Workers Compensation Schemes, the Brockanushaften are the largest providers of technical training in Germany. So there are a range of creative solutions and you're the best people to do that, because you're at the coalface, you know not just what are good ideas but where they may lead to cul-de-sacs and what are the limitations.

So in terms of what the industry can do, consider what the roles are of people within the industry. What's the role of employers, of seafarers, of insurers, of treating doctors, of the medical inspector of seaman, of rehabilitation providers? And coming down from this industry perspective, think about how you can best advance that process within your own workplace, whether it is at sea, on shore, within the limitations and the potentialities that your particular workplace can provide.

So, we'll divide into these groups, consider these questions for about half an hour and if each table could nominate a scribe, and a spokesperson. They can be two different roles, to capture those learnings. Those pages will be taken up. I'm sure Phil or his nominee will take them up. As well, if you have ideas on the plane going home or in *veno veritas* after the dinner tonight, there is the Seacare email address. It's certainly on publications within your satchels. Please put those ideas in an e-mail and send them through to Phil.

This session, and the product of this session will not be wasted. It's a very good opportunity. One of the virtues of a small jurisdiction, like the Seacare Jurisdiction, is that people are close to each other and in fact it doesn't have to go through a whole range of bureaucratic layers. So whatever happens in this session is important to advance the next edition of this document, which you have in your satchels.

So if we proceed within these tables, if you can form groups of eight to ten in groups. I'll move around and sit in on some of the deliberations and Phil might do the same. Then at the end of that session, we'll go from table to table with somebody giving some feedback for about five minutes as to what the conclusions were for each of those tables. So thanks very much, and we'll report back in half an hour.

# REPORTS

**Alan Clayton** – I think if people can finalise now. Starting from the right hand side.

## **Round Table 1**

**David Parmeter** - Good afternoon everyone. I've been railroaded into this. They had a unanimous vote and I was in the toilet. Can I have the questions? We actually had a nice round table discussion, which is always interesting in these types of conferences.

The first question that we were asked to address “***What can the industry do to achieve better return to work outcomes?***”

- We've actually had a talk about one of the problems with our industry, which is that people live everywhere, and very remote, away from the Head Office of the Shipping Companies. So we can actually get some co-operation between different employers and even owners of the ships. Therefore an injured worker on our ships, the Teekay ships, may be able to be, where our Head Office is in Sydney, able to be seconded to a return to work situation here in a company in Melbourne. We actually do get that person away from their home where they normally sit and into a return to work environment.
- So what we actually suggest is, instead of a company based return to work scheme, it becomes an industry sharing return to work scheme that the Seacare could manage or co-operate. There'd have to be rules and objectives on this that Seacare could actually assist in putting that together, so actually the whole industry could work as a whole on this return to work, instead of leaving it up to the company.
- We also mentioned that there has to be a distinct trust between the employees and the employers. The employees recognise that the employer is trying to look after their best interest if they are really injured and, as in the past, maybe playing at being injured. So there has to be a trust on both sides and that trust has to be to the best benefit of the employee.

***What should the workplace do to achieve return to work outcomes?***

- Well the policy needs to be explicit. A company can put an explicit policy with clear trigger points for things to happen at certain periods after an injury. It was mentioned that the 28 days that's in the Code may be a bit too long and maybe return to work policies need to be put in place well before the 28 day period of an injury.

***Is the Code accurate? Comprehensive? What can be changed or improved?***

We're running out of time here, we've written down:

- Sell importance of return to work programs. We need to get that message out to everyone.
- Everyone has rights and benefits under return to work program. People should be aware of their rights, but just as importantly they should be aware of the benefits of a good return to work program.
- The Guide itself we feel is too long. Too complicated for all users. When you start reading the Guide as a novice, and you see so many references to Acts and Regulations, your eyes tend to glaze over. I think the Guide can be simplified and just get the pertinent points out.

Thank you.

***Alan Clayton*** – That was a great mixture of bold new initiatives and practical suggestions. We'll move to the table directly over there.

## **Round Table 2**

### ***Martin Byrne*** – In respect of Question 1 – ***What can the Industry do?***

The discussion points that we have, and I'm just going to the main points given the time constraints are:

- Better communication between employers. What we are saying is if the employers were working together, we could come up with various alternatives as a group to look for alternative return to work programs, rather than a single organisation having to address this problem on their own.
- Find and source alternative RTW programs. Potential outplacement services outside of the industry, not within the industry, because there may be secondary industries that we might be able to place our seafarers.
- Potential job utilisation of existing relationships with clients and other organisations.
- Work trial issues requires legislative amendments to protect other employees from indemnity issues. For example New South Wales and SA systems are examples.
- Aggravation of existing injuries versus new injuries.
- Responsibilities of new employees.

### ***Question 2 – What should you do in your workplace?***

- Culture issues.
- Reluctance from other crew members to take a seafarer onboard who has an injury. They might feel an onus of responsibility.
- Issues around various employee types.
- The other point that we had was educational issues to work through.
- Physical limitations, age issues.
- Policies and plans around logistics.
- Relocation.

- No legislative environment.
- Best practice Guide.
- Not to be used in total isolation – should be a key message.
- Vocational retraining issues should be emphasised.
- Training as a potential return to work area.

### **Round Table 3**

????? – Well I'm afraid we're not as organised as the last table, we weren't aware that there were those three questions to answer, so we just addressed the subject in general.

- The first thing that we looked at really were the negatives of the return to work program, or what could inhibit it. Obviously the nature of the injuries (1) depending on how significant and impairing it would be for the future of that worker (2) age of the workforce. The older they were, the harder they are to get into a return to work program in general. These are all generalities.
- We looked at the location for the return to work and the attitude of the crew, the other crew, to that person if they were returning to work particularly in a capacity other than what they'd been employed on the vessel before. So we looked at the extreme situation of maybe a chief engineer going back and mopping the alleyways, and we just sort of said, "Well that's just not going to work its just stupid".
- We also had a look at the problem which was raised in the hypothetical of the use of the supernumerary. The fitness to evacuate a vessel in distress, whether he would be endangering his life, the life of somebody else who was trying to assist him. Again that's a question we couldn't answer, but it's a very important question.
- The quality of AMSA medicals was brought up. I'm not quite sure how many years ago Marine Order Part 9 was rewritten, but one of the significant things in Marine Order Part 9 was the Task Analysis Section. One of the things we think maybe should be looked at. I think Mark said that Marine Order Part 9 was being reviewed at the moment, maybe have a look at the Task Analysis again. Maybe they can be amended or upgraded.
- The training for the return to work has to be meaningful and should hopefully involve the skills of that worker.
- We also worked at amending the legislation, so that if we had a host employer obviously other than the employer, who's serviced the worker when injured could be somehow covered by some indemnity, and whether the Seacare Scheme could underwrite it.
- The question of maybe a levy to cover such an indemnity was raised, some sections we're not in favour of it, other sections were and I'll leave it at that.

- It was raised by John Trungove, who has obviously read the Act much better than I have. He asked that we refer to this specifically, Sub-Section 9(e)(vi)(vii) and that relates to employment, employment includes attendance at a place with the purposes of undergoing a rehabilitation program. So that becomes part of the return to work program.
- Maybe we can look at, and this was raised by other tables, organising and co-operation or a co-operative of host employers, so that maybe somebody that is injured, say in the Offshore Industry, which is on a hazardous vessel back deck or anchor handler, a return to work program would be too hazardous, so maybe we could look at putting him on a larger trading vessel, a more stable environment and less hazards of anchors and chains and cables being present.
- Maybe the industry could look at the cost benefit analysis of underwriting the scheme. Probably relates it back to what we raised about the "L" word.
- Return to work - you must have a clear goal. Obviously covers three very important areas - humanitarian, legal and industrial.
- Finally, we just said obviously the return to work program is meaningless without employer commitment.

And that's us. Thank you.

**Alan Clayton** – Once again an interesting issue and we're getting some type of issues of commonality emerging. That's useful to see issues which are being repeated. I think that's also one of the learning's I'm getting as this proceeds. We'll move to the next table.

#### **Round Table 4**

???? – Well, we certainly did get through all the questions. There's no doubt that there's been a lot of improvement over the years with return to work programs, but we highlighted a number of deficiencies or improvements we can see:

- There needs to be an improvement with some rehabilitation providers, having a proper understanding of the industry. They're not there as representatives of unions or the individual or the company. They are there as a whole. Sometimes we find that they take a side, a view that is contrary to what's best for the actual employee on occasions.
- The earliest possible involvement of the rehabilitation specialists is especially important as is the continuing building good relationships between the employer and the providers.
- There needs to be a greater acceptance by Managers (and that's short-staffed Managers and Ship Board Manager), employees because there are still a lot of employees who don't believe in return to work programs, as well as some Branch Union Officials. Maybe this is just an educational process that is required.
- We need to identify opportunities for transitional duties, including industry co-operation on work trial arrangements, and identification of standing like duties opportunities.
- Openness to change and processes – duties to accommodate return to work.
- We need to keep up the education process to get fellow employees to understand that there are jobs that people can do on return to work programs.
- Better education and the importance and benefits of the return to work arrangements.
- Ensuring AMSA's medical standards can accommodate return to work and restricted or light duties. If we've got someone that's unfit and we've worked for six months to get them back and the AMSA medical is expiring when they're just due to return to work on restricted duties, a lot of AMSA doctors won't give them a medical certificate.
- Finally, use of time off for training in other areas so that the person is just not sitting home and feeling left alone. That's it, thank you.

**Alan Clayton** – Over in the corner. Thank you.

## **Round Table 5**

**????** – The disadvantage of speaking second last is we're obviously going to cover a few of the points that earlier groups have covered.

**Alan Clayton** – I don't think that's a problem.

**????** – The positive is that we've all been saying that we have similar issues depending, even though we come from different facets of the industry.

### ***Question 1 – What can the industry do to achieve better return to work outcomes?***

- One of the things that we identified was more education, better information available.

Going onto Question 2. We spent a little bit more time on Question 2.

### ***Question 2 – What should your workplace do to achieve better return to work outcomes?***

- We felt that there should be a genuine acceptance by the workforce . Pamphlets are available but we don't think they're terribly effective. People won't pick them up and read them word for word. They're not as productive as they could be.
- One of the persons sitting on our table had actually attended Occupational Health and Safety Training. The training provider was Seacare approved. We felt that perhaps if they covered a return to work session that might be of great benefit to change the culture for the people onboard the vessels. Perhaps it's something that Seacare could look at.
- Better networking - that's between the companies. A number of you have already discussed it, so I won't go into any more detail there.
- Ownership – By ownership, going back to acceptance by the workforce, so taking ownership of the return to work programs.
- Communication – A very important point we felt was communication between the employer, between the employee, doctors, return to work providers, and Union involvement in there as well. That was probably our strongest point.
- We talked briefly about policies and procedures. You've got to have a policy in place and procedures flow on from the policies and obviously the company needs to show a level of commitment to their policies in carrying them out.

**Question 3 – Talks about the Guide**

- In a single word, no we don't believe it's awfully effective. Again simply because people are not reading it.

**Question 4 – Other guidance that can assist the industry?**

- One of the points we discussed was communication to employees, to people who are on return to work programs. We felt that it was very important for the communication to come from the company and not by a third party contractor.

That pretty much raps up what we discussed in the last half hour or so. Thank you.

**Alan Clayton** – And finally on the left.

## **Round Table 6**

**????** – The advantage of being last is I'm glad to say most of our topics or comments have been covered already.

### ***In terms of what the industry do to achieve better return to work outcomes?***

- It's basically a matter of culture within the company's involved. You've got to have a real commitment within your company to ensure that any injured workers are actively assisted in getting back to work by the use of return to work providers and such like, and the quicker that you can get on to those people, the better to assist in developing a program.

### ***What should your workplace do to achieve better return to work outcomes?***

- The tyranny of having a scattered workforce is really one of the major problems that the majority of the companies suffer. We don't have offices scattered around the country and therefore being able to communicate with the individual on a one-to-one basis is pretty difficult.
- Again rehabilitation people and perhaps the various Unions can assist in that whole process of keeping the individual's morale up. We all know that people sitting around at home with an injured back or whatever it might be, could be doing a lot more physio and all the rest. There's a lot of time on their hands where the mental aspects of dealing with the injury is very important. Getting people's involvement in communicating on a one-to-one basis is very important there.
- We discussed the possibility of having a network of companies if you like, where they have their strategic office or their Head Offices, where we could, perhaps with the co-operation of Seacare as the Co-Coordinator, have groups of people that could assist dealing with the individuals.
- There was also a concept of "could the Commonwealth perhaps have some sort of scheme or grant to assist companies in having some sort of return to work co-ordinator within their organisation?" The small organisation rarely has the possibility to have somebody dedicated to that role, and it might be a very small part of somebody's role which is difficult to justify the expense and time involved in training that person to be the Company's Return to Work Co-Coordinator. It's difficult for a lot of small companies.

## ***The Seafarers Rehabilitation and Return to Work Best Practice Guide***

- None of us in our group were particularly familiar with that document . Taking up some comments from other tables, it seems though that it might be a rather cumbersome document and maybe a dot point type of pamphlet might be a better way to go. I think shuffling through the papers in our conference packs, there might have been something of that nature. I haven't had time to look at it completely.

### ***More Forums***

- I think one of the other aspects that we discussed was in how to better achieve these things. More forums perhaps of this nature, where experiences and such like are shared between the various stakeholders. The concept of industry being able to use, because of the difficulty of the nature of the work, of having meaningful to return to work programs shore based. Whether we can use some of our contractors and such like, that assist us to just give somebody a sense of purpose, which I think is very important in getting the person to focus on getting back to work eventually, although it may be sometime down the track. I think that probably covers everything that we discussed on our table.

***Alan Clayton*** – Well thank you everybody. I think, for a scheme which has so many constraints, this session has been very, very useful. Rather than saying, well this is a scheme which has, in terms particularly for return to work, less room for manoeuvre than almost any other schemes. Rather than throwing up the hands, what we've seen has been a range of very creative approaches and solutions and in a spirit of applied problem solving.

I'm not going to reiterate what has come from the various sessions. Those reflections, in terms of the butcher's paper, will be taken back. Phil Beaumont and the Seacare Group are going to have an interesting time in collating that, but I think it's been extremely useful. The best feedback you get is from the coalface, from people who actually have to deal and make things work. The Seacare Group and the Seacare Board, I think, are going to have some interesting sessions as they try and meld the statutory provisions, the guidance material and the like.

I'll just say finally, in closing, mention has been made of the Guide. That it is large and cumbersome. If you go to the web site, you'll find there is also a cut-down version of the Guide and a very encapsulated summary of a PowerPoint presentation. So there are other versions than the full Guide.

Thank you very much.