



Australian Government
Seafarers Safety, Rehabilitation
and Compensation Authority



A B E S T P R A C T I C E G U I D E

Seafarers Rehabilitation and Return to Work

Seacare Authority – October 2007



Australian Government
Seafarers Safety, Rehabilitation
and Compensation Authority



A BEST PRACTICE GUIDE
(2ND EDITION)

Seafarers Rehabilitation and Return to Work

Seafarers Rehabilitation and Compensation ACT 1992

Seacare contact details and further information:

Website	www.seacare.gov.au
Email	seacare@comcare.gov.au
Telephone	(02) 6275 0070
Fax	(02) 6275 0067
Post	Seafarers Safety, Rehabilitation and Compensation Authority GPO Box 9905 CANBERRA ACT 2601

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This publication has been issued by the Seacare Authority as a practical guide for the rehabilitation of injured seafarers subject to the *Seafarers Rehabilitation and Compensation Act 1992*. It is made available on the understanding that the Commonwealth is not rendering professional advice on any particular matter.

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Overview

Rehabilitation and return to work are important issues for the Australian maritime industry. Not only because of the potentially high-risk and high-injury nature of the work, but also because of the structural difficulties associated with rehabilitation and returning to work for injured seafarers and their employers. The often 24-hour nature of employment; the moving platform that is the workplace; exposure to the elements; the distance of ships from land and therefore the full range of medical attention; and rigorous fitness for sea duty requirements, all combine to make injury prevention and return to work especially challenging and unique issues for this industry.

The Seacare Authority has identified the rehabilitation and return to work performance of the Seacare scheme to be an area requiring significant attention. This is not to say that the Authority separates rehabilitation and return to work from injury prevention and OHS management. On the contrary, the Authority believes that these elements should be approached in an integrated manner. However, the Authority places special importance on closely examining rehabilitation and return to work because of the particular circumstances that the industry confronts in these areas.

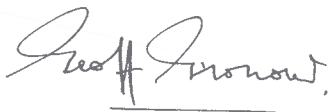
This Best Practice Guide to Rehabilitation and Return to Work for Seafarers 2007 is the product of the Seacare Authority's approach of working cooperatively with its stakeholders. In 2000 & 2001 a series of symposia and round table discussions brought together seafarers, employers, unions, insurers, rehabilitation providers, medical professionals, lawyers and other interested parties to discuss ways to improve rehabilitation and return to work outcomes in the maritime industry. From these discussions the Authority developed its first edition rehabilitation and return to work guidance materials, published in February 2002.

In October 2006, the Seacare Authority devoted its biennial conference to the theme of *Improving Rehabilitation and Return to Work Outcomes*. The Conference provided the opportunity for a range of presentations as well as the chance for participants to consider hypothetical scenarios on the topic and to share their views and knowledge in round-table discussions. Participants also considered the Authority's rehabilitation and return to work guidance material and the views expressed have been taken into account in preparing this Best Practice Guide.

This Guide is designed to assist employers meet their obligations under the *Seafarers Rehabilitation and Compensation Act 1992*. In particular, it aims to assist smaller enterprises in the maritime industry that may have limited experience and resources to develop rehabilitation programs and return to work plans.

The Seacare Authority is firmly of the view that by following the principles outlined in this Guide, rehabilitation and return to work outcomes can improve bringing major benefits to the industry and to those who work in it.

I trust you find the *Seafarers Rehabilitation and Return Work Best Practice Guide 2007* a useful and valuable resource.



Geoff Gronow ESM ED
Chairperson
Seacare Authority

October 2007

Glossary of terms used in this guide

Approved (rehabilitation) program provider

A person approved by Comcare, and recognized by the Seacare Authority, who provides rehabilitation programs (services and advice) to injured seafarers

Graduated return to work

Suitable employment performed for a temporary period as part of the rehabilitation process as a means of preparing the injured seafarer for a return to pre-injury employment. An example is employment as a supernumerary on board a ship or part-time work on shore

Insurer

The company with which the employer has taken out a workers' compensation insurance policy for the employer's seafarers

Key parties

The shipping employer, treating medical practitioner, approved rehabilitation provider and injured seafarer who will take responsibility for determining and implementing the rehabilitation program and return to work plan

Medical practitioner

A doctor, surgeon, general practitioner or legally qualified and registered medical practitioner

Rehabilitation and return to work coordinator

Employee of an employer responsible for the coordination of the rehabilitation program and return to work plan for a seafarer who has been assessed as capable of undertaking a rehabilitation program

Rehabilitation program

Provision of rehabilitation services and advice, by an approved rehabilitation program provider, to assist seafarers to safely return to work as soon as possible. A rehabilitation program may include vocational assessment, guidance, training/retraining, counselling and placement assistance. It may also include medical, dental, psychiatric and hospital services (whether on an in-patient or out-patient basis), physical training and exercise, physiotherapy, occupational therapy or vocational training. The process is implemented by employers to ensure full physical and mental recovery of an injured seafarer, including support and assistance so they may return and remain at work safely and effectively. An injured seafarer must be consulted about the development of a rehabilitation program by the employer.

Return to work plan

A documented plan developed by the rehabilitation and return to work coordinator or approved rehabilitation provider in consultation with the injured seafarer and medical practitioner, which matches the injured seafarer's capabilities and limitations to assist them to return to work. A return to work plan should be approved by the treating medical practitioner

Suitable employment

Any employment (including self-employment) for which a seafarer is suitable, having regard to the employee's age, experience, training, language and other skills; their suitability for rehabilitation or vocational retraining; whether employment would reasonably require the employee to change his or her place of residence; and any other relevant matters

Supernumerary position

A short-term additional berth/position, funded by the employer/insurer, to enable a seafarer to return to work at sea on a graduated basis, at an earlier stage than might normally be the case, as part of the rehabilitation program

1

How to use this guide

This best practice guide has been prepared to assist seafarers, employers, rehabilitation providers, medical practitioners and other parties involved in seafarers' rehabilitation and return to work processes. It aims to assist all parties by:

- providing an outline of the minimum statutory requirements for rehabilitation under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act); and
- guiding the parties on how to do better than the minimum requirements set down in the Act—it aims to provide a best practice approach to rehabilitation in the Australian maritime industry.

This guide outlines how the rehabilitation process works and provides details on the role of each of the key parties involved. It indicates what you can expect from this process.

There is also a shorter version of this guide designed to be used as a quick reference for practitioners, and to help practitioners in circumstances where referencing the detailed provisions in this booklet are not practical.

Both the guide and the shorter version are available on the Seacare Authority website at www.seacare.gov.au

This guide includes a summary of key actions to be taken by employers to assist recovery, rehabilitation and return to work (Appendix A).

It also includes an example seafarer's return to work plan (Appendix B) and an example rehabilitation policy that employers could adopt as a means of focusing greater attention on the rehabilitation process within their organisation (Appendix C).

2

Rehabilitation and return to work in the maritime industry

Best practice involves early intervention

The Seafarers Act requires an employer to assess the capability of an injured seafarer, who has been absent from work for 28 days or more (or who is expected to be absent for 28 days or more), to undertake a rehabilitation program. If the seafarer is assessed as being capable of undertaking a rehabilitation program, the employer must arrange for an appropriate program with an approved rehabilitation provider.

This provision is a statutory minimum. It is now widely accepted that best practice requires intervention earlier than 28 days, and that the earlier that intervention commences the greater the chances of a successful and durable return to work.

Adopting better rehabilitation practices increases productivity in the workplace, facilitates employees' return to optimum health and assists in the efficient management of scheme costs.

Rehabilitation and return to work in the maritime industry (Continued)

If a seafarer is unfortunate enough to be injured at work or suffer from a work-related illness or disease that results in an absence from work, it is important that they return to their normal work as quickly as possible and in a way that protects and promotes their health. It is well established that early intervention helps early recovery.

Early intervention:

- prevents long-term absence from the workplace;
- demonstrates management commitment to the seafarer;
- increases the probability of a durable return to work;
- contains the costs of incapacity, and in the longer term the insurance premium or claim cost; and
- promotes staff confidence and morale.

This guide outlines best practice measures that employers and employees can take to ensure the long-term health of the seafarer and an early and successful return to work.

A supportive workplace culture assists rehabilitation and return to work

Successful rehabilitation relies on consultation and cooperation. A workplace culture that responds positively to workplace injury in an effective and supportive way is an important foundation for successful rehabilitation. Senior managers are in a position to make a commitment to ensure that workplace injuries, absenteeism and lost productivity are kept to a minimum. Managerial commitment should be highly visible and proper processes should be followed. It is important that this becomes part of an organisation's culture and accepted practice.

3

Rehabilitation program and return to work plan—what is the difference?

The Seafarers Act refers to the processes used to rehabilitate an injured seafarer and return them to work as a rehabilitation program. This guide discusses the rehabilitation program. It also discusses the process of return to work as one element of the rehabilitation program.

Often the rehabilitation program and return to work plan overlay each other. Generally, the return to work plan encompasses the specific activities that are activated at an appropriate point in the rehabilitation program and are aimed specifically at obtaining a successful and durable return to work. This guide promotes best practice rather than merely fulfilling statutory requirements.

In working towards a return to work, the rehabilitation provider may develop a return to work plan as a part of the rehabilitation program. This is discussed later in more detail.

Depending on the nature of a seafarer's injury or disease and the length of time required for recovery, it may be appropriate that the seafarer, the employer, the treating medical practitioner and an approved rehabilitation provider develop an agreed return to work plan as part of the rehabilitation program. The purpose of the plan is to help all key parties manage the transition back to work.

3

Rehabilitation program and return to work plan—what is the difference?

(Continued)

In managing the injury, the key parties are the employer and/or the employer's representative (sometimes known as the rehabilitation and return to work coordinator), the injured seafarer, the treating medical practitioner (and/or other medical professionals) and the approved rehabilitation provider. The key parties work as a team to coordinate an injured seafarer's recovery from injury and subsequent safe and successful return to work.

The injured seafarer's family, work colleagues and union are also important players in the rehabilitation process because they can provide a social support network and help maintain a sense of attachment to the work environment.

4

When and how is the rehabilitation process initiated?

The employer's early involvement and an early start to rehabilitation are regarded as the best means to help a seafarer regain their health and facilitate their early return to work. This guide recommends that employer involvement should commence immediately the injury occurs and should be formalised by allocating a company officer or company representative to the case as soon as the injured seafarer returns to shore.

Involvement may begin when the seafarer arrives at their home port or at the port at which they are landed for medical treatment.

If the injury lasts, or is expected to last more than 28 days, the employer must arrange for a medical practitioner to assess whether the injured seafarer is capable of undertaking a rehabilitation program.

A seafarer who has an injury expected to last more than 28 days cannot unreasonably refuse to be medically assessed. Such a refusal, without a reasonable excuse, will affect the injured employee's right to compensation – for example, payments might be suspended.

5

Choosing an approved rehabilitation provider

The employer must choose a rehabilitation provider that has been approved by Comcare and recognized by the Seacare Authority. This accreditation ensures the provider's service is of an acceptable standard and complies with accepted practices within the profession. A list of approved providers can be accessed from the Seacare Authority website at www.seacare.gov.au

When a seafarer is assessed as capable of undertaking a rehabilitation program (which may include as one element, a return to work plan) the provider will recommend a rehabilitation program to best suit the individual needs of the injured seafarer.

The employer or treating medical practitioner may ask a rehabilitation provider to provide advice and/or services. The provider, in consultation with the treating medical practitioner, can give expert advice to the employer on the options available to help the injured seafarer recover from the injury as a pre-condition for a return to work.

Other rehabilitation services provided by, or suggested by, an approved rehabilitation provider can also help seafarers to return to work as soon as possible. Services may include vocational assessment, guidance, training/retraining, counselling and placement assistance. They may also include medical, dental, psychiatric and hospital services (whether on an in-patient or out-patient basis), physical training and exercise, physiotherapy, or occupational therapy.

The rehabilitation provider's work may result in a program being prepared covering matters such as medical and support services, goals for recovery, recovery/return to work time frames, expected/planned outcomes and costs. If key parties agree, a return to work plan may be developed and implemented.

The rehabilitation program should aim to return the injured seafarer to work rather than just achieving fitness for work status.

6

Role of treating medical practitioners

When reviewing the case of an injured seafarer, the treating medical practitioner has a range of options. These include ongoing assessments of the injured seafarer's treatment regime, assessment of fitness to return to pre-injury duties, assessment of opportunities to undertake graduated return to work (including restrictions – perhaps required initially to ensure duties do not aggravate the injury) and, if necessary, rehabilitation services.

In most cases the employer, medical practitioner and injured seafarer, with the assistance of a rehabilitation provider, will be able to develop a rehabilitation program to return the seafarer to work.

6

Role of treating medical practitioners (Continued)

Medical practitioners should:

- define the nature and extent of the injury and provide a medical prognosis;
- provide advice on and deliver/monitor medical treatment;
- assist in the preparation of, and endorse, the rehabilitation program;
- identify the ability of the injured seafarer to undertake suitable employment identified by the employer and/or rehabilitation provider;
- identify, in consultation with the rehabilitation provider, the medical implications of any available return to work options; and
- monitor the progress of the injured seafarer's rehabilitation program and return to work plan.

7

Role of the Medical Inspector of Seamen

Before returning to work at sea, a seafarer must be certified as medically fit for the duties to be performed in employment. The injured seafarer will need to obtain a certificate of medical fitness from a medical inspector of seamen.

A medical inspector conducts examinations, tests and interviews, and makes whatever enquiries may be appropriate, to determine whether the seafarer is medically fit to perform the intended duties. When determining medical fitness a medical inspector must follow the *Guidelines for the Medical Examination of Seafarers and Coastal Pilots* set out in *Marine Orders, Part 9 Health – Medical Fitness*. These guidelines constitute a checklist for the medical inspector when making a determination of medical fitness.

An employer may have more stringent guidelines developed by its occupational physician. Such guidelines will reflect the nature of the jobs and any specific equipment operated. When such guidelines exist they must be followed.

Medical inspectors of seamen are appointed by the Australian Maritime Safety Authority (AMSA). Enquiries regarding medical inspectors and associated guidelines should be made through the AMSA offices listed below or via the AMSA website www.amsa.gov.au

Role of medical inspectors of seamen (Continued)

Australian Capital Territory	Canberra	(02) 6279 5000
New South Wales	Sydney	(02) 8918 1300
	Newcastle	(02) 4961 3277
Victoria	Melbourne	(03) 8612 6000
Queensland	Brisbane	(07) 3001 6800
	Cairns	(07) 4035 4487
	Gladstone	(07) 4972 9045
	Mackay	(07) 4957 6644
Western Australia	Fremantle	(08) 9430 2100
	Port Hedland	(08) 9173 2598
	Karratha	(08) 9143 1446
South Australia	Adelaide	(08) 8440 3800
Tasmania	Devonport	(03) 6424 1597
Northern Territory	Darwin	(08) 8947 3794

8

Role of the insurer

The Seacare rehabilitation and compensation scheme is supported by the private sector insurance companies that write workers' compensation insurance policies for scheme employers.

Scheme insurers play an important role in the compensation, rehabilitation and return to work process. Workers' compensation insurance costs are a significant element of labour costs. Therefore, it is important that employers ensure they fully appreciate and understand the obligations, benefits and services available under the insurance policy to maximise the beneficial value of the policy.

For compensation to be payable under the Seafarers Act, a compensation claim must be made by or on behalf of an injured seafarer. If an employee lodges a workers' compensation claim with their employer, the employer should immediately advise their insurer, even if it is expected that the claim cost will fall below the existing claim excess. This alerts the insurer that it could expect a claim if the cost ultimately exceeds the employer's excess and the employer makes a call on the policy. It also ensures that the insurer develops a full understanding of the claim history of the company and of the employee, and supports improved dialogue between the employer and the insurer on claim costs and cost control strategies. It also establishes a strong working relationship between the employer and insurer.

All scheme insurers have claim and injury management expertise that employers may call upon, irrespective of the time needed for rehabilitation or cost of the claim. An insurer's advice could lead to the adoption of rehabilitation and return to work strategies that had not previously been considered, the net result being an earlier and/or more durable return to work and ultimately, lower insurance premium costs.

8

Role of the insurer (Continued)

When a claim cost reaches the policy's excess limit, all Seacare scheme insurers are committed to take a strong supportive role in assisting the employer manage the rehabilitation and return to work process, in consultation with the treating medical practitioner, rehabilitation provider and injured seafarer.

Often, the insurer may be able to suggest an appropriate rehabilitation provider that has successfully achieved positive return to work outcomes for other companies.

It is important that key parties work closely with the insurer, to ensure that, from an employer's perspective, the services available under the policy are maximised in the interests of a speedy and safe return to work and that the injured or ill seafarer receives the optimum treatment and rehabilitation support to enable a return to work.

9

Role of the employer

The employer is the central player in the rehabilitation and return to work process. The employer's approach to the injured seafarer and how the injury is managed from the time of injury to the point of return to work will determine the success and durability of the return to work. The employer's role in ensuring a quick and full recovery of the injured seafarer and an early return to work will be greatly assisted by the following activities.

Developing a supportive corporate and workplace culture

The employer should:

- adopt a policy and guidelines on rehabilitation and return to work practice and procedures for the company;
- develop and encourage a workplace and corporate culture that supports rehabilitation and early return to work;
- appoint a relevant and experienced company official to take responsibility for the rehabilitation process. This person could be known as the rehabilitation and return to work coordinator;
- develop a practice of regular and frequent contact with seafarers who are or are likely to be absent for extended periods as a means of maintaining links with the workplace – this helps to demonstrate that the seafarer and their contribution to work is valued;
- provide management support for the rehabilitation program and return to work plan; and
- develop an understanding of rehabilitation services – when, why and how they should be used.

Practicing early intervention, commencing on the injured seafarer's return to shore

The employer should:

- meet with the injured seafarer on arrival at port, ensuring proper medical treatment is provided, and notify the seafarer's family;
- provide the injured seafarer with a compensation claim form to complete and lodge, as well as accompanying Seacare Authority publications on rehabilitation and return to work;

Role of the employer (Continued)

- inform seafarers, the treating medical practitioner and rehabilitation providers about the company/organisation rehabilitation and return to work policy;
- commence rehabilitation as soon as possible after an injury;
- ensure that a seafarer who is likely to be off work for 28 days or more is assessed for their capability to undertake a rehabilitation program;
- communicate with the treating medical practitioner regarding a seafarer's rehabilitation program and return to work opportunities; and
- engage an approved rehabilitation provider if the seafarer is assessed as likely to benefit from a rehabilitation program.

Supporting a positive rehabilitation program and return to work plan which is agreed by the seafarer

The employer should:

- involve the seafarer in the development of a rehabilitation program and ensure the seafarer understands that they are participating in a rehabilitation program and/or a return to work plan;
- visit or contact the seafarer at home to provide support and demonstrate the company's commitment to recovery and return to work;
- ensure that any rehabilitation program and return to work plan are tailored to the seafarers individual needs and are well coordinated, accountable and results oriented;
- advise the treating medical practitioner and approved rehabilitation provider about the availability of suitable employment or graduated return to work opportunities;
- aim towards returning the seafarer to pre-injury or similar work if practical;
- find alternative suitable employment while the injured seafarer is unable to return to sea;
- ensure a supportive environment in the work area to which the injured seafarer will return;
- assist the seafarer to restore self image and reduce the stress associated with the disability and readjustment to the work environment; and
- monitor the rehabilitation program and be involved in all decisions relating to costs and services – ensuring there is effective closure on the rehabilitation program.

10

Role of the seafarer

The seafarer's role in ensuring a quick and full recovery and return to work will be greatly assisted if they:

- accurately complete a seafarers compensation claim form and provide a medical certificate to the employer (noting that it is an offence to provide false information);
- participate in treatment and a rehabilitation program that enables the fullest possible recovery and facilitates a return to work (compensation benefits may be reduced if the seafarer does not cooperate with a rehabilitation program);
- participate in an appropriate rehabilitation and/or return to work plan, tailored to their individual circumstances; and
- maintain communication with the employer, rehabilitation provider and work colleagues.

11

Return to work plan

A return to work plan helps all key parties understand the process needed to ensure a safe return to work. An example of such a plan is at Appendix B.

Return to work plans are an element of the rehabilitation process and should be individually developed in conjunction with an approved rehabilitation provider, medical practitioner and the employer to match the injured seafarer's capabilities, limitations and needs. A structured return to work plan is a written statement of the steps the employer will take to assist the injured seafarer to return to work. The plan should:

- identify, where practicable, suitable employment that will be available to the injured seafarer when they are partially fit so they may have greater involvement with the workplace;
- include an outline of the steps that will be taken by the employer or on the employer's behalf; and
- specify a start and review date.

The plan should be developed in consultation with the injured seafarer, employer, rehabilitation provider and medical practitioner.

In some instances, a graduated return to work may be an option and should be considered by the key parties. If graduated return to work opportunities are available on shore they could be pursued as a part-time return to work, on a limited number of hours or as partial duties. If graduated return to work is recommended at sea, it may be as a supernumerary seafarer.

As part of the rehabilitation process, the seafarer may be advised to take part in a return to work plan that can help them regain any abilities and confidence lost. In general, this may involve working as a supernumerary on board a vessel or working on shore with full or partial duties, as part of a program to assist the seafarer return to sea.

12

Returning to work inside or outside the industry or on board a ship

The employer has a duty to provide suitable employment for a seafarer who has participated in or completed a rehabilitation program. The employer must take steps to provide the employee with suitable employment, or help the seafarer find employment.

12.1

When the seafarer is expected to return to sea

If the treating medical practitioner and approved rehabilitation provider expect the seafarer to return to full fitness for normal duties on board a vessel within a short period of time, then at the appropriate stage in the rehabilitation program the injured seafarer may be advised to spend some time either in a shore job or on a vessel in a supernumerary capacity. This may assist the recovery and help ascertain the fitness and ability of the seafarer to return to pre-injury duties. If a seafarer is offered a place on board a vessel and has not received a fitness certificate from a medical inspector of seamen, the seafarer would not be required, nor be asked, to perform the full duties required of a seafarer.

12.1.1

Supernumerary position on board a ship

When a supernumerary position is identified, the employer should consult the master of the vessel, the crew (particularly the supervisor/s) and the approved rehabilitation provider regarding the identification of suitable employment. The injured seafarer should then be consulted, along with the treating medical practitioner, as to the seafarer's ability to perform those duties.

Examples of possible duties at sea are:

- canteen or cooking duties in a supernumerary capacity;
- assistance on deck or in the engine room under supervision in a supernumerary capacity;
- bridge watch in a supernumerary capacity;
- placement in a training course where there are clear benefits recognised by both the employer and the seafarer;
- a trainer in a supernumerary capacity; or
- other duties as approved by the treating medical practitioner and the seafarer's rehabilitation provider.

12.1.1

Supernumerary position on board a ship (Continued)

If the key parties consider the duties suitable, the employer may provide the seafarer an offer, in writing, to accept those duties. This could be in a form of a return to work plan.

If on board in a supernumerary capacity, the injured seafarer should have regular access to an appropriate supervisor, such as a chief caterer; first engineer; officer on watch; chief integrated rating, with whom they can discuss any difficulties in performing the agreed duties or if there is any recurrence of the injury. The injured seafarer and the master will maintain a record of their return to work performance against the agreed duties.

If a graduated return to work as a supernumerary involves a subsequent swing on board a vessel, the break ashore should be approximately equivalent to the time spent on board. This will help with the adjustment to pre-injury duties. Exact timing may depend on the vessel's trading or operational requirements.

12.1.2

Employment on shore

A similar consultation process to that described above should occur in relation to placement in an on shore job. If all key parties agree, an offer of employment from a current or alternative employer may be made.

If the seafarer declines the offer of a job as part of a rehabilitation program on board a ship or on shore without good reason, their rights to compensation payments might be suspended.

12.2

Return to work for severely injured and long term injured seafarers – when return to sea is unlikely

If the injury is severe and there is no clear indication that the seafarer will return to work at sea, then suitable on-shore employment, including retraining opportunities, should be explored. The employer is required to take reasonable steps to find, or assist in finding, suitable employment for the injured seafarer.

In this situation, the employer should determine whether suitable employment can be found on shore with the same employer and in the industry. If not, then the employer is obliged to give the injured seafarer help finding such suitable employment with another employer, whether inside or outside the industry.

Return to work for severely injured and long term injured seafarers – when return to sea is unlikely (Continued)

In seeking suitable employment the employer should consult with the injured employee, the approved rehabilitation provider, the treating medical practitioner, and prospective employers about the employee's skills and abilities to reasonably perform available work, with due consideration of the employee's age, education, presentation, cultural difficulties, time out of the workforce, compensation history and any other relevant factors, as well as the state of the labour market at the relevant time.

Where suitable employment is identified, a job offer should be made to the injured seafarer in writing. Given the implications that the existence of suitable employment has for the calculation of compensation, the employer should only offer employment that is suitable and, likewise, the employee should not unreasonably refuse an offer of suitable employment.

13

When the seafarer is declared medically fit

Once the seafarer is declared and certified fit by the seafarer's treating medical practitioner and an AMSA medical inspector of seamen, they should return to their pre-injury duties, ideally the same job in which the seafarer was engaged before the injury.

Depending on the nature of the seafarer's injuries there may still be some ongoing medical or rehabilitation expenses which the employer is required to meet.

If the seafarer is declared fit very shortly after leaving a vessel as a supernumerary or as part of a rehabilitation program or return to work plan, they may spend a period on shore approximately equivalent to the time they spent on the vessel, depending on trading or operational requirements. Any questions regarding the seafarer's leave entitlements should be raised with the employer.

14

Evaluation of the rehabilitation program

The effectiveness of the rehabilitation program and return to work plan, as well as the approved rehabilitation provider, needs to be regularly evaluated and reviewed to ensure ongoing success and to facilitate refinement of the rehabilitation program

15

Company rehabilitation and return to work policies

Some employers have a company policy that identifies rehabilitation and return to work coordinators, outlines return to work guidelines and provides a process for evaluating the rehabilitation and return to work of the injured seafarer. These policies are encouraged because they assist those involved to understand their rights and responsibilities, as well as guide company personnel in managing rehabilitation.

If your company has a policy you should familiarise yourself with its provisions and the rights and responsibilities of those involved in the rehabilitation and return to work program.

The effectiveness of return to work strategies directly affects the duration and cost of workers' compensation claims. It is therefore a priority in any premium management strategy.

The example company policy at Appendix C may assist in further developing or introducing such a policy within your company.

A

Appendix

Summary of employer’s key actions to assist recovery, rehabilitation and return to work

SCENARIO	ACTION
Injury occurs on board a ship (the principles and processes set out in this key actions document apply equally if the injury occurs during travel, while attending training or any other location covered by the Act)	Immediate assessment of medical condition and action to stabilise, and commence the recovery process.
The injured seafarer is evacuated from the ship (or awaits return to port)	Employer representative meets seafarer on arrival at Australian port or airport. Employer ensures seafarer is transferred initially to a local medical facility for diagnosis/treatment or, if possible, to the seafarer’s home base for diagnosis/treatment. Employer to ensure seafarer’s family is notified/visited, if possible, to explain the situation.
On arrival at port, airport or at seafarer’s home base	Employer or employer’s representative (usually an approved rehabilitation provider) to accompany the seafarer to the medical facility or to visit the seafarer as soon as practicable (on stabilisation if major injury). Employer makes arrangements to ensure the seafarer’s family is assisted to visit/accompany the seafarer at the medical facility. Employer should provide the employee with a compensation claim form and ensure it is promptly lodged, as well as the appropriate Seacare brochures explaining rehabilitation and compensation (Seacare Authority brochures #3 and 5).
When the seafarer’s condition stabilises	At this point, the employer should be in a position to ascertain the approximate period of time the injured seafarer is likely to be off work. This is the time at which the employer should decide on whether to engage an approved rehabilitation provider for the case (if not already arranged).
Initial role of approved rehabilitation provider	As soon as practicable after initial treatment or stabilisation, the employer or approved rehabilitation provider (if already selected or retained by the employer) should arrange to meet with the seafarer, including their family (and, if requested, the seafarer’s representative) to explain the company’s approach to assisting the injured seafarer and to outline the type of support and assistance the seafarer can expect during their recovery. The role of the approved rehabilitation provider at this stage is to ensure they are fully apprised of all aspects of the injury and actions to date, both medically and administratively – and to make initial contact with the seafarer’s treating medical practitioner and family.

A

Appendix A (Continued)

SCENARIO	ACTION
<p>Injury expected to last more than 28 days and employee cannot work</p>	<p>The employer must arrange for a formal assessment of the employee's capability of undertaking a rehabilitation program. The assessment must be made by a legally qualified medical practitioner or other suitably qualified person nominated by the employer, or by a panel. The employer should meet with the injured seafarer to reassure the seafarer that they will be supported during their recovery; that the company has a genuine concern for their welfare and their full recovery to medical fitness; and a desire to see them return to sea (or if the prognosis suggests a return to sea is unlikely, to suitable employment).</p> <p>The employer (or the approved rehabilitation provider) should then arrange a meeting between the seafarer and the treating medical practitioner to discuss a prognosis, the proposed treatment plan and any rehabilitation opportunities and appropriate duties (in suitable employment) that might assist recovery and return to work. The employer should at this point commence a dialogue with the insurer, advising the insurer of the claim for compensation and actions taken to date.</p>
<p>Employee assessed as capable of undertaking a rehabilitation program</p>	<p>When an injured seafarer who is likely to be off work for more than 28 days is assessed as capable of undertaking a rehabilitation program the employer must arrange for an approved rehabilitation provider to develop an appropriate rehabilitation program. This step should be taken after the employer has consulted with the injured seafarer in relation to the selection of a provider and after consulting on the development of an appropriate program. Once an approved provider has been selected, it may be appropriate for that provider to arrange to visit the seafarer's ship (or a specified supernumerary ship) when next in port to make a full workplace assessment to help the treating medical practitioner understand the work conditions, work environment and on board procedures as part of developing a rehabilitation program.</p>
<p>Rehabilitation program developed, including assessment of opportunities for graduated return to work</p>	<p>One consideration for the employer, in consultation with the approved rehabilitation provider, is whether there are partial or graduated return to work opportunities available within the enterprise – either on board the seafarer's ship, on a specified supernumerary ship or in an on shore job.</p>

Appendix A (Continued)

SCENARIO	ACTION
Rehabilitation program commenced	<p>Once the rehabilitation program is designed and either before or upon commencement, the employer may need to consult the insurer (if reimbursement of compensation costs are being sought under the workers' compensation insurance policy) to discuss aspects of the rehabilitation program such as retraining or alternative treatment regimes. The aim is to ensure the insurer will reimburse the employer for the proposed treatment and rehabilitation program. The employer may wish to visit the injured seafarer at work and/or home to provide support. Services that could be included in a rehabilitation program are medical, psychiatric, physical training, physiotherapy, occupational therapy, vocational training or alternative treatment regimes. The key parties need to assess what type and frequency of service/s best suit the needs of the injured seafarer and are aimed at facilitating injury recovery and return to work.</p>
Return to work — a key stage of the rehabilitation program	<p>During the rehabilitation program the key parties, in consultation, may determine that the injured seafarer's recovery from injury and return to pre-injury duties may benefit from partial or graduated return to work. At this point, the employer should arrange for a return to work plan to be prepared which sets out the agreed plan for returning the seafarer to work. The plan should be agreed upon and signed off by the key parties. If the graduated return to work is on board a vessel in a supernumerary capacity then the master of the vessel and the crew, as well as the returning seafarer's supervisor, also need to be consulted.</p> <p>A successful return to work is also assisted if the crew is fully aware of it and any details regarding any special work requirements of the returning seafarer. If the return to work is on shore the management team and supervisor of the area need to be consulted and, as with work on a vessel, other staff should be advised of the return to work. If the return to work plan involves on shore work there may need to be a work cycle or roster similar to that of the seafarer's previous vessel-based work as a part of the transition process.</p>
Rehabilitation program and return to work plan monitored	<p>Throughout implementation of the rehabilitation program the employer, in consultation with the key parties, should ensure the agreed requirements under the program and the return to work plan where appropriate are met. It may be necessary to revise the program regularly depending on its success and the injured seafarer's response to the treatment regime. The insurer should also be regularly informed about the progress of the rehabilitation.</p>
Rehabilitation program and return to work plan completed	<p>When the seafarer is cleared by the treating medical practitioner and AMSA medical inspector of seamen to return to work the employer needs to implement, monitor, review and revise the rehabilitation program and return to work plan, and to monitor the return to work to ensure it is durable.</p>

B

Appendix

Example seafarer’s return to work plan

Seafarer: _____

Organisation: _____ Section: _____

Supervisor: _____ Telephone no: _____

Starting date: _____

Duration: _____ Finish date: _____

RETURN TO WORK GOAL:	
	Same organisation/same job at sea
	Same organisation/new job at sea
	Same organisation/new job on shore
	New organisation/new job on shore
	Other rehabilitation options

Objectives

Program details

Duties/skills _____

Special considerations

Appendix B (Continued)

SCHEDULE				
DATE COMMENCING	WEEK NO.	DAYS WORKED	HOURS/DATE	REVIEW DATE

Conditions

- 1 This plan is developed and approved in consultation with
- 2 Progress will be reviewed on a regular basis. This will require weekly self reports from the seafarer to the coordinator or to a representative of the key parties and contact will be made with the supervisor regarding progress.
- 3 Seafarer should stop any task immediately if symptoms are aggravated and report this to:
 - 3.1 Supervisor
 - 3.2 Medical practitioner; and
 - 3.3 Rehabilitation and return to work coordinator
- 4 The plan as outlined will be subject to alteration as the need arises. This will require consultation between the coordinator/team representative, seafarer, medical practitioner, and supervisor.
- 5 During the period of the plan, the following conditions of employment (leave, allowances, etc.) will apply:

.....

.....
- 6 Other conditions

.....

.....

.....

B

Appendix B (Continued)

Seafarer's agreement

I agree:

- 1 To adhere to –
 - 1.1 the usual work practices and conduct of the organisation.
 - 1.2 the conditions stated above.

- 2 The plan will continue until successfully completed or until such time as the key parties, in consultation with my treating medical practitioner are satisfied the continuance of the plan will not provide further benefit.

Seafarer's signature:

.....

Date:

.....

Employer/coordinator's signature:

.....

Supervisor's signature:

.....

C

Appendix

Example employer's rehabilitation and return to work policy and guidelines document

Policy

It is the policy of [name of organisation] to make provision for rehabilitation and return to work of all seafarers who have sustained a compensable work-related illness, injury or disability.

In this context, rehabilitation and return to work is defined as:

A vessel or workplace managed process incorporating employer and medical management from time of injury to facilitate where practicable, efficient, safe and cost effective return to suitable employment.

Rehabilitation is defined as:

Part of the rehabilitation and return to work program and where necessary can include but is not limited to the use of physical and vocational services.

Early intervention with effective rehabilitation and return to work provides physical, psychological and social benefits to seafarers, while minimising disruption to work and reducing costs to the shipping employer.

Objectives

- To establish structured systematic approach to a vessel or workplace-based rehabilitation and return to work program for all seafarers following work-related illness, injury or disability.
- To develop and encourage the expectation that it is normal practice following work-related illness, injury or disability for persons to return as soon as practicable to suitable employment.
- To establish that rehabilitation and return to work is the usual course of action and, at the earliest possible time, begin the rehabilitation process and return the injured seafarer to meaningful, productive employment.
- To formulate the return to work plan by key parties to achieve the desired objectives.
- To appoint a rehabilitation and return to work coordinator from within the organisation to oversee the vessel or workplace-based rehabilitation and return to work program.

Rehabilitation and return to work overview

The rehabilitation and return to work program can involve any or all of the following components, depending on individual circumstances.

- Medical – prompt medical diagnosis and treatment to maximise the rate and extent of recovery.
- Rehabilitation – provision of rehabilitation services enable seafarers to return to work as soon as possible. This may include vocational assessment, guidance, training/retraining, counselling and placement assistance.
- Social – to assist injured seafarers in restoring self-image, reducing stress associated with the disability and re-adjustment to the work environment, community and society in general.
- Work environment – to ensure as far as practicable that the work environment for the injured seafarer is as ergonomically sound as possible through job analysis, vessel or workplace evaluation, modification and provision of special equipment, and that support for the rehabilitation and return to work program is encouraged amongst all seafarers.

C

Appendix C (Continued)

1. Key parties

A team comprising the key parties will be formed to determine the best course of action for each injured seafarer. The key parties will meet to discuss, design, implement and monitor individual return to work programs and establish initiatives for managing rehabilitation and return to work programs.

A coordinator will be nominated by senior management and be responsible for the vessel or workplace-based service.

For current seafarers' compensation claims the key parties will meet on a regular basis and comprise:

- regular members such as the employer or rehabilitation and return to work coordinator, the treating medical practitioner, the approved rehabilitation provider and the injured seafarer; and
- others as required such as the ship master and supervisor.

2. Participation

An employer must arrange, within 28 days of receiving notice of the injury, for the assessment of a seafarer's capability of participating a rehabilitation program if the injury lasts or is expected to last 28 days or more.

A seafarer must not obstruct or refuse to participate in a rehabilitation assessment and may have compensation suspended until the assessment takes place.

3. Implementation of the rehabilitation and return to work program

Rehabilitation and return to work programs should be implemented as soon as practicable in the case of injury, illness or disability where there is no evidence of the possibility of immediate return to work or where difficulties exist for seafarers to maintain themselves at work.

All work related injuries, illnesses and disabilities are to be reviewed by the key parties to determine the need for intervention.

When necessary, a referral to an approved rehabilitation provider will be determined by the employer in consultation with the treating medical practitioner and injured seafarer. The employer must consult the seafarer in relation to the selection of the rehabilitation provider and development of the rehabilitation program.

4. Rehabilitation program

A rehabilitation program needs to be established to meet each injured seafarer's needs.

4.1 Rehabilitation programs

The team, in consultation with the injured seafarer and their treating medical practitioner, will design individual programs to match the injured seafarer's capabilities and limitations.

A time frame for monitoring the injured seafarer's progress will be established and include medical reviews. Major reviews of progress will be conducted at least once every three months should a rehabilitation program extend past this length to ensure planned goals are being met.

Appendix C (Continued)

4.1 Rehabilitation programs (continued)

The team in consultation with the treating medical practitioner and injured seafarer may recommend the seafarer be referred to a medical specialist or an approved rehabilitation provider.

The employer or the rehabilitation and return to work coordinator will liaise with the treating health professionals, injured seafarer, approved rehabilitation provider, insurer, vessel master, relevant crew, supervisory staff and other relevant parties.

If a successful outcome is not achieved, following assessment and/or exhaustive efforts to return the seafarer to work, a decision on the continuation of rehabilitation services and advice will be made.

4.2 Return to work plans

As part of the rehabilitation program it is recommended that the transition in returning to work be planned. Such a plan means all key parties understand the process to ensure a safe return to work. [Attach an example of a plan]

Return to work plans are one element of the rehabilitation program and will be individually developed in conjunction with an approved rehabilitation provider, medical practitioner and the employer to match the injured seafarer's capabilities, limitations and needs. This is achieved through the development of a structured return to work plan.

The plan should:

- identify wherever practicable suitable employment which will be available to the injured seafarer when they are partially fit so they may have greater involvement with the workplace;
- include an outline of the steps that will be taken by the employer or on the employer's behalf; and
- specify a start and review date.

The plan should be developed in consultation with the injured seafarer, employer and medical practitioner.

A gradual return to work may be an option in some instances and should be considered by the key parties. On shore it could be as a part-time return to work on a limited number of hours or part duties. At sea it could be as a supernumerary seafarer.

As part of the rehabilitation program the seafarer may be advised to take part in a return to work plan that can help them regain any lost abilities and confidence. In general, this may involve working as a supernumerary on board a vessel or working on shore with full or partial duties as part of a program to assist the seafarer return to sea.

4.3 Suitable employment

Injured seafarers may be able to stay in a supernumerary capacity at sea if suitable employment is available. Every reasonable step will be made to provide such duties. Where necessary reasonable modification of the work place, tasks and/or hours may be required. Consideration will also be given to the provision of special equipment.

The provision of suitable duties in a supernumerary position will not be possible on an unlimited and permanent basis unless:

- such duties constitute a position within the organisation;
- the position is readily available; and
- the person meets the minimum employment standards of the position.

C

Appendix C (Continued)

4.4 Structuring return to work plans

A return to work plan incorporating a graduated return to pre-injury duties may be required for injured seafarers. A number of criteria need to be considered, including:

- the development of short and long-term goals in consultation with the seafarer and treating medical practitioners;
- the provision of suitable employment;
- the establishment of time frames for monitoring progress including ongoing medical review, upgrading of duties and hours to meet long-term goals and follow up to ensure successful placement;
- the provision of appropriate training and supervision for any duties that are unfamiliar to the injured seafarer;
- ensuring review meetings are documented and keeping all interested parties informed of progress; and
- ensuring seafarers and their supervisors clearly understand the program details and that appropriate feedback is provided.

5. Evaluation

The effectiveness of the internal rehabilitation and return to work service and/or approved rehabilitation providers will be regularly evaluated and reviewed to ensure ongoing development of the service and to provide feedback to management.

6. Contact and correspondence

It is essential for [name of organisation] to establish early and continuing personal contact with ill/injured seafarers.

Line managers, supervisors and key parties will be encouraged to initiate this contact.

7. Confidentiality

This rehabilitation and return to work program is confidential and all records relating to injured seafarers will only be available to the key parties. Written permission must be obtained from the injured seafarer in order to release information to any other party.

8. Statement of commitment

This rehabilitation and return to work policy is a written commitment by [name of organisation] to the welfare of its seafarers.

Signed:

.....
General Manager/Chief Executive Officer

