

Appendix 1 – Principal Determination

AUSTRALIA POST PRINCIPAL DETERMINATION

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CLAUSE 1 = PRELIMINARY(a) **Title**

This determination shall be called the Australia Post Principal Determination.

(b) **Scope**

This determination applies to employees who have not entered into a specific written contract of employment for a specific management or executive position.

CLAUSE 2 = ESTABLISHMENTS

In order to provide for the employment of staff to perform the functions of Australia Post, the following action shall be taken as required:

- (a) existing positions can be reclassified, transferred or abolished;
- (b) new positions can be established, designated and classified; and
- (c) the organisation structured.

CLAUSE 3 = INEFFICIENT/INCOMPETENT EMPLOYEES

Where an employee is found to be inefficient or incompetent, or unable to discharge or incapable of discharging the duties applicable to the employee's position, the employee may be:

- (a) transferred to another position of the same classification (in the same locality or elsewhere);
- (b) reduced to a lower position and salary; or
- (c) retired from the Corporation.

CLAUSE 4 = REDUCTION IN PART-TIME HOURS

Subject to the proviso at (c) below, an employee will have a right to terminate his or her employment with Australia Post and accept a VRP in the following circumstances:

- (a) where it is intended to reduce the ordinary hours of a part-time position from 15 or more per week to less than 15 hours per week; or
- (b) it is proposed to substantially reduce the weekly hours of an employee whose weekly hours are already below 15 per week.
- (c) Provided that no right to a VRP under this clause shall exist where an employee has been offered suitable alternative work which:
 - (i) would keep his or her ordinary hours at 15 per week or more in respect of reductions in hours covered in (a) above; or

- (ii) involved no substantial reduction in the employee's current nominal weekly hours in respect of reductions in hours covered by (b) above.
- (d) The VRP under this clause will be based on the rostered hours of the position before the reduction, provided that the employee can seek a review of rostered hours in accordance with clause 7.4 of EBA 5.

CLAUSE 5 - GRIEVANCES

PRINCIPLE

- (a) Employee complaints, regardless of their nature, must be resolved quickly and at the point of origin or workplace where possible, or, if not, as close as possible to the point of origin or workplace.

APPLICATION

- (b) If an employee has a complaint arising out of an official instruction or decision or action taken in relation to the employee, the following procedures should be followed:
 - (i) A complaint shall first be discussed by the concerned employee with the supervisor. An observer may be present at the request of either party.
 - (ii) Any complaint not settled under (i) above can then be discussed between the employee and the next level of supervisor or more senior line management. The employee may be accompanied by an accredited union representative or another employee.
 - (iii) If the matter is not resolved, it can be further discussed between the Branch Secretary of the union (or representative of the Secretary), and the next level of management if that is the employee's election. The employee may discuss the matter personally with management at this level if that is preferred by the employee (and be accompanied by another employee).
 - (iv) If the matter is still unresolved after (iii), the employee may submit an application for review by a Board of Reference. The application should be lodged within fourteen days of receipt of advice concerning the outcome of discussions held under (iii) above.
 - (v) Where a Board of Reference is of the opinion that the matter should be reconsidered by Australia Post, it may recommend accordingly and advise of the action it considers appropriate based on the merits of the application.
 - (vi) Upon receipt of a recommendation or advice under (v), Australia Post shall give further consideration to the matter, and may confirm the decision previously made or take such other action as it considers appropriate in the light of the recommendation of the Board of Reference. Any decision not to accept the recommendation of the Board of Reference should not be made below General Manager or equivalent level.

- (vii) Reasonable time limits shall be allowed for the completion of the discussion stages. Unless otherwise agreed between the parties, at least 7 days should be allowed for each stage of discussions.
- (viii) The outcome of management's consideration of the complaint under (ii) and (iii) shall be notified in writing.
- (ix) Until the matter is settled, the employee shall, so far as possible, carry out any instruction given until it is countermanded by proper authority. No employee shall be prejudiced as to his final selection by his continuance of work.
- (x) An employee is not entitled to make an application or lodge a complaint under this process in relation to the following matters:
 - (1) a decision or action in relation to classification matters;
 - (2) a decision or action in relation to the rates of pay or hours of duty of a position, conditions of employment or other matters that apply to staff generally or to particular categories of staff other than the application of those provisions to the employee. However; a part-time employee may make an application or lodge a complaint under this process regarding a variation in hours;
 - (3) a decision or action arising in compliance with a law;
 - (4) a decision or action in respect of which an alternative right of appeal or review exists (such as promotion appeals and action under the discipline code);
 - (5) a decision made to appoint or transfer a person other than the employee.
- (xi) An employee may make an application or lodge a complaint directly with a higher level under this process where it would be inappropriate in the circumstances for a review of the decision or action to occur at a lower level.
- (xii) An employee may be represented or accompanied by a person other than a union representative but these employees or any other party shall not be entitled to legal representation for any purpose in connection with a review of a decision or an action under these procedures.

CLAUSE 6 - RECREATION LEAVE**Additional Recreational Leave - Remote Localities**

- (a) Employees living and working in district allowance localities shall be granted additional recreation leave for each year of service in such a locality on the following basis:

District Allowance Grade	Additional Leave
A	2 days
B	3 days
C (plus Darwin & Alice Springs)	5 days
D	7 days

- (b) Employees who were living and working in Darwin on 1 October 1982 shall be entitled to 10 days' additional leave per year unless they elected to receive the benefits of the new remote locality package, including the lower additional leave component under paragraph (a) above.

Additional Leave for Travelling Time: Remote Localities

- (c) Employees living and working in district allowance localities shall be entitled to up to 3 days travelling time if they are delayed in returning from leave by circumstances beyond their control such as floods or fires cutting road or rail links.
- (d) Employees living and working in the following localities shall be entitled to the travelling time specified when they avail themselves of a fares assistance credit:

<u>Locality</u>	<u>Credit</u>
Boulia (QLD)	half day
Jundah (QLD)	half day

- (e) **Advance of Recreation Leave Credits**

Subject to operational requirements employees may be granted recreation leave in advance of credit for up to a maximum of 5 days in a calendar year for family reasons or for reasons of extreme hardship. The advanced credit will be subject to deduction from the employee's next accruals until the advanced credit is recovered in full.

- (f) **Pre 1967 Employees**

Employees who were appointed before 26 October 1966 and who do not have sufficient service in their final year of employment to cover part of the recreation leave credit which was in advance of their service shall either have their final credit adjusted or repay salary in respect of the excess leave credit.

CLAUSE 7 RETURNED SOLDIERS - LEAVE**War Service Sick Leave Credit**

- (a) Employees who are entitled to sick leave and who are returned soldiers may be granted a special war service sick leave credit comprising:
- (i) a non-cumulative 9 weeks credit; and
 - (ii) an additional cumulative credit of 3 weeks per annum subject to a maximum accrual of 9 weeks.
- (b) The cumulative credit shall not be availed of until the whole of the non-cumulative credit has been exhausted.
- (c) The special war service sick leave credit may be availed of for absences due to either:
- (i) illness or injury resulting from war-caused disabilities; or
 - (ii) pulmonary tuberculosis for which the returned soldier is receiving benefits under the Repatriation Act 1920.
- (d) All applications for special war service sick leave shall be supported by a medical certificate from a medical officer of the Department of Veterans Affairs or a repatriation institute or a medical officer appointed by that Department.

Repatriation Leave for Returned Soldiers

- (e) Leave of absence with pay may be granted to employees who are returned soldiers for the following purposes:
- (i) attending hospital, out-patient clinic, or medical officer for periodical examination, attention, or treatment or for pension review;
 - (ii) attending limb factories for the supply, renewal and repair of artificial replacements and surgical appliances.
- (f) Such leave may be in one or more periods and without deduction from recreation or sick leave credits up to a maximum of 2 weeks in each year of service. It shall be granted only to returned soldiers whose absence is due to the reasons outlined in sub-clause (c).

CLAUSE 8 : DEFENCE RESERVES LEAVE**Leave for Specified Defence Service**

- a) Leave of absence shall be granted to an employee in respect of any period of specified defence service.
- b) Specified defence service means:
 - (i) *Ordinary Reserve service* - undertaken as part of normal peacetime training including camps, weekend training, classes and short periods of service.
 - (ii) *Voluntary continuous full time service* - periods of voluntary continuous full time service undertaken by a Reservist.
 - (iii) *Call out* - mandatory, non-voluntary continuous full time service rendered by a Reservist following call out. The Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Act 2001 enables the Governor General, by a written order in the Gazette to call out the Australian Defence Force Reserves, in whole or in part for continuous full time military service.

Periods of Leave

- c) Leave to enable an employee to engage in the service referred to in paragraph (b) (i) shall be with pay and shall not in any 1 year, exceed 28 days inclusive of Saturdays and Sundays and Public Holidays.
- d) Employees who are in their first year of Reserve service may, in addition to (c), be granted a further 14 days leave with pay, inclusive of Saturdays and Sundays and Public Holidays, to attend recruitment and (initial) employment training
- e) Leave with pay to enable an employee to engage in the service referred to in (c) shall not be for a period of less than 7 days on each occasion, except where the available balance of leave with pay is less than 7 days.
- f) An employee who has exhausted the maximum amount of paid leave in (c) may be granted further leave without pay to count as service for all purposes.
- g) Leave without pay referred to in (f) shall not be for a period of less than 7 days on each occasion, except where it is combined with the available balance of leave with pay to make up a period of not less than 7 days.
- h) Any one year referred to in this clause shall mean the period from 01 July of one year up to 30 June of the following year
- i) Leave for voluntary continuous full time service and non-voluntary continuous full time service under (b) (ii) and (b) (iii) shall be for the full period required by the Australian Defence Force and shall be without pay and not count as service for the accrual of Annual Leave.

Application for Leave

- j) Application for leave to engage in a prescribed defence service must be in writing and supported by evidence that the employee is required to engage in that service, for the specified period.

CLAUSE 9 - LEAVE WITHOUT PAY

- (a) Leave without pay may be granted to an employee for such period as is thought fit.
- (b) Approval of leave without pay for a period in excess of twelve months will be subject to the condition that the employee is placed on the unattached list.
- (c) Where leave without pay is so granted, it shall be decided for which purposes, if any, it is to form part of an employee's service.

CLAUSE 10 - FITNESS FOR DUTY

- (a) Australia Post may direct an employee to:
- (i) obtain and furnish to Australia Post a report from a registered medical practitioner concerning a medical assessment of the employee's fitness to perform all or part of his or her duties; and/or
 - (ii) submit to a medical examination by a registered medical practitioner determined by Australia Post, for the purpose of a medical assessment and a report to Australia Post concerning the employee's fitness to perform all or part of his or her duties.
- (b) If Australia Post considers that an employee is incapable of performing duty or constitutes a danger to other employees or the public due to the employee's state of health, Australia Post may direct the employee to:
- (i) obtain and furnish to Australia Post a report from a registered medical practitioner; or
 - (ii) submit to a medical examination by a registered medical practitioner determined by Australia Post.
- (c) On receipt of the medical report provided in accordance with clause 10(b), the employee may be directed to take sick leave for a specified period, or, if already on sick leave, or other leave, the employee may be directed to continue on leave for a specified period, and the absence shall be regarded as sick leave.
- (d) An employee to whom a direction is given under clause 10(a) or 10(b) must comply with the direction.

- (e) Where an employee fails to comply with a direction under clause 10(a) or 10(b) without reasonable cause, the employee may be subject to the Employee Counselling and Discipline Process and the fees payable for the examination may be charged against the employee and deducted from salary.

CLAUSE 11 - MISCELLANEOUS LEAVE

- (a) Where an employee who is eligible for paid Personal Leave is unable to attend for duty due to a natural disaster, civil disaster or state of emergency, the employee may be granted paid leave for the period concerned without deduction from recreation leave. Leave may be granted under this clause to an employee who is a member of a State Emergency Service, fire-fighting service, search and rescue unit or other volunteer service performing similar functions to enable the employee to fulfil obligations to that service in the event of a civil emergency.
- (b) Where an employee is required to attend an interview or medical examination in connection with enlistment in the Defence Reserves, the employee may be granted leave to do so without deduction from recreation leave.

CLAUSE 12 - ASSISTANCE WITH STUDIES

Study Leave

(a) **Eligibility for Study Leave**

- (i) Where an employee is undertaking an approved course of study, the employee may be granted leave of up to 5 hours per week with pay for the purpose of attendance at lectures, tutorials, performance of required practical work, and associated travelling time.
- (ii) Where, because of the time spent on travelling, leave of 5 hours per week is insufficient to meet the employee's needs, the employee may be granted an additional period of leave with pay up to a maximum of 3 hours in any week

(b) **Study Leave Credit**

A study leave credit accrues to an employee undergoing an approved course of study as an external student at a university or other approved institution at a rate of 5 hours per week (ie. the total amount of study leave available) per academic year less the actual amount of leave used for study and travel. Study leave credits are not transferable from the end of one academic year to the next.

(c) **Grant of Additional Leave**

Any further study leave which may be granted to an employee shall be without pay or on condition that the employee makes up the time involved outside normal hours of duty or from recreation leave entitlements.

(d) Leave for Residential Requirements

An employee undergoing an approved course of study as an external student at a university or other approved institution, may, if prior attendance as a residential student is a prerequisite for examination in a subject in that course, be granted leave with pay for up to one week in respect of each subject. If the required residential period exceeds one week, an employee may be granted leave of absence with pay for a period not exceeding the employee's study leave credit, to a maximum of 5 further days in respect of each subject.

(e) Grant of Additional Leave for Residential Purposes

Any further leave which may be granted to an employee for residential purposes shall be without pay or on condition that the employee makes up the time involved outside normal hours of duty or from recreation leave entitlements.

Examination Leave

- (f) Leave with pay up to 5 days in any academic year may be granted to an employee to enable attendance at, or sitting of:
- (i) an examination relating to an approved course of study or a short course of instruction approved for reimbursement of fees;
 - (ii) an examination held by, or on behalf of, the Corporation;
 - (iii) any other approved examination.
- (g) An additional period of examination leave may be granted to an employee if deemed necessary. Such leave may be granted:
- (i) from study leave credits accrued under subclause 12 (b);
 - (ii) if the employee is not eligible for the grant of leave under paragraphs (i) or (ii), from recreation leave credits or without pay.

Short Courses of Instruction

- (h) A short course is one which does not result in the award of a formal qualification. Short courses include workshops, seminars, residential courses and other training courses which can be up to one semester or 200 hours in duration. Courses of longer duration should be considered under the criteria for "part-time" studies assistance.
- (i) Conditions applying to short courses include:
- worker's compensation cover to and from the course;
 - course tuition fees are paid or re-imbursed by Australia Post;
 - leave as required for the duration of the course;
 - leave with pay usually for the duration of the course;

leave without pay for up to one semester may be approved under the terms of a short course;

fares may be paid if the course is inter or intrastate. Normally fares would only be paid where attendance at the course was at Australia Post's request.

Reimbursement of Fees

- (j) An employee who has enrolled for an approved course of study or for an approved short course of instruction may apply to be approved as a student who is entitled to reimbursement of approved fees.
- (k) An employee whose application in respect of a course of study or a short course of instruction has been approved, is entitled to reimbursement if:
 - (i) a certificate is furnished from the registrar, secretary or other appropriate official of the institution or body in question to the effect that the employee has satisfied all the requirements for the period prescribed for the successful completion of the course;
 - (ii) the conduct, diligence and efficiency of the employee have been satisfactory during the previous twelve months; and
 - (i) the approved student was an employee - in the case of a course of study - at the date(s) on which the final examinations were conducted and - in the case of both a course of study and a short course of instruction - at the date on which the certificate specified above was furnished.
- (l) Where an approved student who is entitled to reimbursement of fees furnishes a certificate to the effect that examinations in some but not all subjects have been passed, reimbursement of fees paid will be in the same proportion as the number of subjects passed. (If four examinations were attempted and three were passed 75% of the fees paid will be reimbursed).
- (m) Where an approved student who is entitled to reimbursement of fees is directed to undertake duties which will preclude the student from continuing a course, the student is entitled to reimbursement of the fees paid.
- (n) Where an approved student who is entitled to reimbursement of fees dies or retires on invalidity grounds before the completion of the final examinations in the academic year or the completion of the course, reimbursement of the fees shall be made to either the student or the student's next of kin.

Deferral of Reimbursement

- (o) Where an approved student is on probation, reimbursement of fees shall not be made until the appointment is confirmed. If a probationary appointment is terminated on health grounds, the student shall be entitled to the fees reimbursement.

Scholarship Holders

- (p) An employee whose fees have been paid by either the Corporation or under the terms of an external award or scholarship is not eligible for reimbursement of those fees.

CLAUSE 13 - SALARIES - EMPLOYEES NOT COVERED BY AWARD

Employees occupying classifications outlined in Column 1 of Schedule 1 shall be paid within the salary range shown in Column 2 of the Schedule.

CLAUSE 14 - FUNCTIONAL/QUALIFICATION ALLOWANCES**Linguistic Availability/Performance Allowance**

- (a) Employees who are required to perform interpreting and/or translating duties in community languages other than English may be paid a linguistic availability/performance allowance at the rate specified at Item A, Schedule 2.

Apprentices - Proficiency Allowances

- (b) (i) Apprentices who obtain a pass in every subject at an examination held at the end of a year of the course of training shall be paid an allowance at the rate specified at Item B, Schedule 2 in respect of the 12 month period commencing at the beginning of the first pay period in January of the following year.
- (ii) If the total of marks calculated to the apprentice at the said examination is at least 75%, an additional allowance shall be paid at the same rate and same time as the allowance payable under paragraph (i).

CLAUSE 15 - EXPENSES/COST OF LIVING ALLOWANCES**Hosiery Reimbursement Subsidy**

- (a) An employee who is required to wear an Australia Post uniform shall be reimbursed up to the amount specified at Item A, Schedule 3 for expenditure for the purchase of hosiery.

Tropical and Temperate Clothing Allowance

- (b) Employees who are required to visit a locality which has a climate significantly different to that at the usual station may be reimbursed reasonable expenditure on clothing necessarily purchased for the trip.
- (c) Reimbursement of these costs will be subject to the limit specified at Item B, Schedule 3 in any three year period provided that employees in tropical localities required to visit temperate localities may be allowed the further amount specified at Item B, Schedule 3, during this period if it is necessary to purchase a suit or equivalent clothing.

Isolated Establishment Allowance

- (d) Employees at an approved isolated establishment to which no public transport is available at all or is available in a restricted form only and the employees are required to use a private vehicle for transport to and from the isolated establishment may be paid an isolated establishment allowance.

Air Conditioning Subsidy

- (e) An employee who is stationed in a prescribed locality and who occupies a residence in which air conditioning equipment is installed may be paid a subsidy to defray the cost of operating the equipment.

Loss or Damage to Clothing/Personal Effects

- (f) Where loss of or damage to clothing or personal effects of an employee:
- (i) occurs while protecting or endeavouring to protect Corporation property from loss or damage;
 - (ii) is caused by a fault or defect in goods or other property belonging to the Corporation;
 - (iii) results from an act or omission by another person employed by the Corporation; or
 - (iv) the loss or damage is considered to be attributable to the service of the employee;

the employee shall be paid reasonable compensation.

- (g) No payment shall be made to the employee:
- (i) if the employee is entitled to recover under insurance the amount of loss or damage;
 - (ii) unless it is considered that the employee took reasonable precautions to avoid the loss or damage;
 - (iii) unless it is considered that the employee could not reasonably be expected to take proceedings for the recovery of the amount of the loss or damage from a person who may be liable for the loss or damage;
 - (iv) if the employee has received, or is entitled to receive, from a person liable for the loss or damage the amount of the loss or damage;
 - (v) at any time before the conclusion of proceedings instituted by the employee against a person who may be liable for the loss or damage.

- (h) If, after compensation has been paid, an employee recovers damages from another source, an equivalent sum, up to the amount already paid in compensation, is recoverable from the employee as a debt due to the Corporation.

Footwear Subsidy

- (i) Outdoor uniformed employees may be reimbursed for the purchase of footwear once every six months.
- (j) Indoor uniformed staff may be reimbursed for the purchase of footwear once every 12 months.
- (k) Reimbursements of the above invoice shall on each occasion be limited to the amount specified at Item C, Schedule 3.

Headquarters Relocation Allowance

- (1) An employee whose headquarters is transferred to a new location because of a change in the organisation or operations of Australia Post may be paid an allowance equal to the amount of excess fares paid or reasonable expenses incurred in a fortnight for transport to and from the new location:

Provided that unless otherwise approved by Australia Post:

- (i) the allowance is payable for a maximum period of 3 months; and
- (ii) the allowance is not payable to an employee:

- (1) who occupies a position of Administrative Officer A6 or Postal Manager Level 3; or
- (2) whose headquarters is transferred to another State or Territory.

CLAUSE 16 - TRANSFER AND REMOVAL COSTS**Eligibility for Payment of Removal Costs**

- (a) Employees who are transferred from one locality to another are eligible for payment of reasonable removal costs in respect of transfers:
 - (i) which are in Australia Post's interest;
 - (ii) which are in the ordinary course of promotion;
 - (iii) resulting from illness which justifies such a transfer;
 - (iv) after three years or more in a prescribed isolated district;
 - (v) to fill a vacancy in a prescribed isolated district.
- (b) Reasonable removal costs shall cover:
 - (i) the cost of conveyance of the employee and the dependants; and

- (ii) removal costs of the necessary furniture and household effects of the employee and dependants.
- (c) Employees who elect to dispose of their furniture and effects instead of removal to the new location may be paid for any proven loss sustained in the disposal up to the costs that would have been involved in removal.
- (d) Employees may be reimbursed the cost of replacement insurance cover associated with the removal up to the maximum inventory value limit specified in Item A, Schedule 4.
- (e) Employees who are entitled to removal costs under sub-clause (a) shall be paid a disturbance allowance as specified at Item B, Schedule 4.
- (f) Employees who are entitled to removal costs under sub-clause (a) may be reimbursed reasonable expenses to assist with the cost of freight and hire of pet packs to the amount not exceeding the amount specified at Item C, Schedule 4.

Removal Expenses on Retirement

- (g) Approval may be given for payment of reasonable removal costs for employees who move to another location on retirement.
- (h) The approving employee shall have regard to:
 - (i) the circumstances of the appointment, transfer or promotion to the location where the employee was working prior to retirement;
 - (ii) the nature of the locality;
 - (iii) the time spent in the locality;
 - (iv) any other relevant matters.
- (i) Payment of these costs may also be made on the death of an employee to the dependants of the employee.

Removal Costs on Appointment

- (j) A person appointed to Australia Post, who is required to take up duty on appointment at a location other than where the employee resides, may be entitled to the payment of reasonable costs of conveyance and of the removal of furniture and household effects. Payment may also cover the costs incurred by any dependants.

Temporary Accommodation Allowance

- (k) Where, due to the lack of suitable permanent or long term accommodation, an employee resides in temporary accommodation at a locality to which the employee has moved at Australia Post's expense on appointment, transfer or promotion, the employee may be paid an allowance in accordance with the conditions outlined in the Human Resources Manual.

Education Costs Allowance

- (1) An employee transferred at Australia Post's expense may be paid a boarding allowance in respect of the secondary school education of a child of the employee in accordance with the terms and conditions outlined in the Human Resources Manual.

Reimbursement of Costs on Sale/Purchase of Home

- (m) An employee transferred at Australia Post's expense under sub-clause (a) from one locality to another in the course of employment with Australia Post and who as a result has to move place of residence, may be reimbursed legal and other costs and agent's commission incurred as a result of the sale of the dwelling at the former location and the purchase of a dwelling house at the new location under the terms and conditions outlined in the Human Resources Manual.

CLAUSE 17 - TRAVELLING ALLOWANCE

Payment of Allowance

- (a) Where an employee is required to be absent overnight from the employee's head station either:
- (i) travelling on duty;
 - (ii) travelling on a transfer which attracts eligibility for payment of removal expenses under clause 16 (a);
 - (iii) as a result of a direction to carry out duties at another place; or
 - (iv) in other approved circumstances;
- the employee shall be entitled to be paid travelling allowance at the relevant rate shown in Schedule 5.
- (b) The daily rates payable to an employee during the first 21 days residence at any one temporary station shall be those specified at Item A (a) in Schedule 5.
- (c) The provisions applicable to:
- (i) employees whose temporary transfer exceeds 21 days;
 - (ii) situations where the daily rates prescribed under (b) are insufficient to meet expenses incurred;
 - (iii) situations where board and lodging are provided at Australia Post expense on non-commercial rates;
 - (iv) situations where meals and/or lodging are provided at Australia Post expense;
 - (v) situations where accommodation is provided at the expense of an airline; and

- (vi) situations where the fare paid for the journey includes payment for meals and/or sleeping accommodation;

are outlined in the Human Resources Manual.

Allowance for Part-Day Absences

- (d) Where an employee is required to perform duty at another location away from the employee's head station or temporary head station, when the absence does not extend overnight, an allowance at the relevant rate shown in Schedule 5, Item B is payable to meet the additional expenses incurred other than for travel. Payment of the allowance is subject to the following conditions:
 - (i) the absence must exceed 10 hours;
 - (ii) proof of expenditure is not required;
 - (iii) it may be paid in advance; and
 - (iv) no other cost reimbursement allowance is payable in respect of the absence (eg overtime meal allowance).
- (e) (i) The allowance payable under sub-clause (d) does not apply to an employee who is entitled to Travelling Allowance or some components of Travelling Allowance or to an employee who is provided with meals during the absence. Nor is the allowance payable to an employee who performs duties, an inherent feature of which is the requirement to be absent from their head station or temporary head station.
- (ii) Where an employee meets the conditions in clause 17(d) but is provided with meals, the employee is entitled to the incidental component plus reimbursement of reasonable amounts, if any, spent on a meal or meals during the period subject to a maximum payment in total of the part-day TA rate.

Allowance for Illness

- (f) Where an employee in receipt of travelling or relieving allowance is forced to take sick leave, and where it is not possible or expedient to return home, an allowance to cover the proved medical costs may be paid. This allowance shall not exceed the amount of travelling or relieving allowance which would have been paid had the employee been on duty for the period concerned.

Permanent Transfer

- (g) An employee who is instructed to proceed to a station in anticipation of permanent transfer, and who has been notified in writing that the transfer is to be made permanent, is not eligible to receive travelling or relieving allowance at the new station.

Relative Visiting Critically Ill Employee

- (h) A close relative who travels to visit an employee who has become critically or dangerously ill while absent from the employee's head station on duty, shall be reimbursed reasonable return travel costs from home in connection with the visit or, if travelling from elsewhere, reasonable travel costs, not to exceed the costs which would have been incurred in travelling from home. Where the travel is undertaken from a place other than the head station of the employee, the amount to be reimbursed shall not exceed the reasonable return travel cost from that other place.
- (i) Reimbursement of travel costs shall be subject to medical certification that the employee was critically or dangerously ill at the time in question.
- (j) Reimbursement of travel costs shall be approved in the case of one close relative only. Where two or more close relatives would be entitled to be reimbursed in respect of their fares, regard will be had to any wishes expressed by the employee and to the employee's domestic situation in determining which relative should have fares reimbursed.
- (k) Where the relative entitled to have fares reimbursed is accompanied by a child of whom the relative has the care and control, reimbursement of the child's fares shall also be approved.

CLAUSE 18 - REMOTE LOCALITY CONDITIONS**District Allowance**

- (a) The classifications of districts for the purposes of remote locality conditions of service shall be those detailed at Schedule 6.
- (b) An employee living and working at localities classified under sub-clause (a) shall be paid a district allowance specified at Item A, Schedule 6.
- (c) District allowance shall not be payable in addition to travelling or relieving allowance to an employee while temporarily stationed in a locality which normally attracts a district allowance. In special circumstances, however, the prescribed travelling or relieving allowance may be increased.

Broken Hill Allowance

- (d) An employee stationed at Broken Hill, New South Wales, is entitled to the appropriate allowance specified at Item B, Schedule 6.

Snowy Mountains Allowance

- (e) An employee stationed at a locality listed in Item C, Schedule 6 shall be paid Locality Allowance at the relevant rate outlined in that Schedule.
- (f) Eligible dependant means a dependant who resides with the employee and whose income is less than the maximum income allowed by the Australian Taxation Office for payment of a dependant rebate.

Fares to and from Isolated Districts

- (g) Where an employee in a prescribed isolated district, or spouse or other eligible dependant residing with the employee, travels away from that district during leave of absence, the cost of fares reasonably incurred may be reimbursed.

School Children in Isolated Districts

- (h) Where the dependant child of an employee stationed permanently in a prescribed isolated district is attending a primary or secondary school away from that district, reimbursement may be made for cost of fares reasonably incurred in respect of:
- (i) the child's travel to and from school and the isolated district; and
 - (ii) between school and another place to join on leave the employee, or the employee's spouse.
- (i) The amount payable under paragraph (ii) above shall not exceed that payable under paragraph (i).

Medical/Dental Treatment

- (j) Where the lack of a qualified medical or dental practitioner in a prescribed isolated district necessitates treatment elsewhere, reimbursement may be made in respect of reasonable costs incurred by an employee or dependants for:
- (i) the transport of that person for the treatment;
 - (ii) the transport of an attendant accompanying that person; and
 - (iii) proven accommodation charges incurred by that person and any attendant, where return to the isolated district on the day of treatment is not possible.

Emergency/Compassionate Fares

- (k) Where an employee is permanently stationed in a prescribed isolated district, reimbursement may be made for fares reasonably incurred by the employee or by the employee's spouse for travel from the district to a city or town to:
- (i) attend to matters connected with or otherwise arising from the death of a close relative; or
 - (ii) visit a close relative who has been medically certified as dangerously or critically ill.

CLAUSE 19 - PRIVATE MOTOR VEHICLE ALLOWANCE

- (a) An employee may be authorised to use the employee's motor vehicle for official purposes, if it is in the interests of Australia Post.
- (b) An employee authorised to use the employee's motor vehicle for official purposes shall be paid an allowance per kilometre for its use, at the appropriate rate specified at Item A, Schedule 7.
- (c) An employee who can establish that the prescribed allowance is insufficient to meet the amount of expenses reasonably incurred in using the employee's motor vehicle for official purposes, may be granted an additional allowance equal to the amount by which the expenses exceed the normal allowance.
- (d) An employee authorised to use the employee's motor vehicle for official purposes and is required to pay increased registration or insurance fees, shall be reimbursed the amount of any excess involved.
- (e) An employee shall be paid the additional allowance specified at Item B, Schedule 7 when the employee:
- (i) transports in the vehicle a person whose cost of conveyance would otherwise be met by Australia Post;
 - (ii) transports in or on the vehicle equipment, tools or materials, weighing not less than 100 kilograms, belonging to or hired by Australia Post;
 - (iii) hauls a caravan or trailer belonging to or hired by Australia Post;
 - (iv) carries a fellow employee whose normal means of transport is affected by industrial action.
- (f) Where the amount of allowance which would be paid to an employee for the use of a motor vehicle for a specified journey exceeds the amount which would have been payable by Australia Post had the motor vehicle not been used, the amount to be paid shall be reduced by the amount of the excess.
- (g) Payment of a motor vehicle allowance shall not be deemed to be hire, reward or other consideration within the meaning of any State law relating to vehicles, transport or traffic. An employee shall not be required to obtain any licence or permission or to pay any fee or tax under a State law as a result of being paid a motor vehicle allowance.

CLAUSE 20 - HOLIDAYS

- (a) Australia Post may require staff to attend for ordinary duty on a public holiday and any additional holiday authorised by Australia Post under clause 20(c).
- (b) An employee who is ineligible for public holiday penalties and who is required to work on a holiday or to commence work on a holiday and travel to a place where the holiday is not observed may be granted a day off duty with pay at a later date.

- (c) In addition to holidays provided under Clause 31.1 and 31.2 of the Australia Post General Conditions of Employment Award 1999 (award), Australia Post may authorise additional holidays provided that the total additional holidays provided under this determination and Clause 31.3.2 of the award shall not exceed 2 days in any period of 12 months commencing on 5 January.

CLAUSE 21 - OVERSEAS SERVICE

- (a) Terms and conditions may be fixed in respect of an employee, or of a class of employees, performing duties overseas or proceeding to or from the performance of duties overseas.
- (b) Such terms and conditions may include the payment of allowances to, and the provision of residential accommodation for, the employee and persons deemed to be a dependant of the employee.

CLAUSE 22 - APPLICATION OF AWARDS

- (a) An employee who is not a member of a union and who occupies a classification which is covered by an award whose application is restricted to members of the relevant union, shall be accorded the salary and terms and conditions of service specified in the relevant award.
- (b) An employee occupying a position which is not covered by an award of the Australian Industrial Relations Commission to which Australia Post is respondent and who is not subject to a specific individual employment contract shall be accorded, unless otherwise determined, the conditions of service provided in the Australia Post General Conditions Award 1995.

CLAUSE 23- ACCIDENTS

- (a) Where an employee sustains physical injury while on duty, and Australia Post has ascertained that the injury was attributable to the act or omission of some person employed by Australia Post other than the person injured or to the act or omission of a person not employed by Australia Post but who is performing similar duties to the employee as part of a team and where those duties are at least in part on behalf of Australia Post or the Australian Government or was the result of a defect in Australia Post material or appliances or where physical injury has been sustained in protecting Australia Post or Australian Government property from loss or damage, the employee shall be granted leave of absence on full pay for the duration of the absence necessitated by the injury up to a period of 4 months. If at the expiry of 4 months it is shown to the satisfaction of Australia Post that the injured person is unable to resume duty, the case shall be reported to Australia Post for decision as to whether further leave of absence may be granted and, if granted, on what terms.

Where leave is granted in accordance with the provisions of this sub-clause, such leave shall not be deducted from sick leave at credit of the employee at the time.

Where physical injury has been sustained under circumstances falling within the terms of this sub-clause, Australia Post shall pay the reasonable transport, medical and hospital expenses bona fide incurred in consequence of the injury.

- (b) Where an employee sustains physical injury while on duty under circumstances that do not bring the case within the terms of sub-clause (a) and it is not proved to the satisfaction of Australia Post that the injury is attributable to the employer's negligence and wilful misconduct, the employee shall be granted leave of absence on half pay for the duration of the absence necessitated by the injury up to a period of 3 months, and such leave shall not be deducted from sick leave credit of the injured person. If, at the expiry of 3 months, it is shown to the satisfaction of Australia Post that the injured person is unable to resume duty, the case shall be reported to Australia Post for decision as to whether further leave of absence may be granted, and, if granted, on what terms.

Where the case of an employee falls within the terms of this sub-clause and the employee has a credit of sick leave, such credit shall be used to bring the employee's pay up to the full rate and the employee's leave credit shall be reduced proportionately.

Where the injury to the employee is sustained under circumstances that bring the employee's case within this sub-clause, Australia Post shall pay the cost of the medical first aid rendered to the injured person when the services of the person rendering such aid have been obtained on the authority of a responsible employee, and of the transport of the injured employee to home or to a hospital.

- (c) (i) Where personal injury by accident is caused to an employee while travelling to or from work, or while attending any trade, technical or other training school which is required by the terms of employment by Australia Post or attendance is expected by Australia Post, the employee shall be eligible for leave of absence in accordance with the provisions of this clause as if the accident were an accident on duty.
- (ii) In this sub-clause, "travelling to or from work" means travelling between the employee's place of abode and place of employment by Australia Post and between either of those places and any trade, technical or other training school which the employee is required by the terms of employment by Australia Post or is expected by Australia Post to attend, but does not include travelling during or after any substantial interruption of or substantial deviation from the shortest convenient route for any such journey, made for a reason unconnected with employment or unconnected with attendance at the trade, technical or other school, as the case may be.
- (iii) For the purposes of the application of sub-clause (i) of this clause to injuries sustained during any period covered by this sub-clause "act or omission" means an act or omission performed or caused by the person responsible (other than the person injured) during a period when that person is acting under the instructions of Australia Post.

- (d) Where an employee sustains physical injury under circumstances the nature of which is such that Australia Post regards the action of the employee as so meritorious in the public interest as to warrant special consideration, the employee shall be granted leave of absence under the conditions set out in sub-clause (a).
- (e) Nothing in this clause shall take away or reduce the rights of employees under the Commonwealth Employees Rehabilitation and Compensation Act 1988, as may be amended from time to time, but no employee shall be entitled to receive benefits under this clause and under that Act at the same time.
- (f) Notwithstanding anything contained elsewhere in this clause where an employee has been injured necessitating leave of absence from duty, and Australia Post is reimbursed the salary of the injured employee by the party responsible for the injury or the representative of such party to the extent of absence from duty covered by the amount of reimbursement, no deduction shall be made from the sick leave credits of the employee concerned.

CLAUSE 24 - QUALIFYING PERIOD FOR 30% SHIFT PENALTY

An employee, who is required to work ordinary hours continuously for a period exceeding 4 weeks on a shift falling wholly within the hours of 6pm and 8am, shall be paid with respect to that shift an additional 30% of salary for that shift.

Provided that the parties at the State level can agree on arrangements for varying the 4 week qualifying period for the 30% shift penalty for either specific facilities or segments of the business.

CLAUSE 25 - METHOD OF PAYMENT OF SALARIES

- (a) The facility of cash payment of fortnightly salary payments will not be available to any employee employed in South Australia/Northern Territory from the date of commencement of this determination and in other State administrations and Headquarters from a date not earlier than the date of commencement of this determination.
- (b) Following the withdrawal of cash payment facilities, fortnightly salary payments will be made by direct credit arrangements or by cheque to the employee's postal address.

CEASED AWARD CLAUSES SECTION

The clauses in this section (clauses 26-29) are subject to the conditions set out in the memorandum of agreement between Australia Post and the CEPU/CPSU concerning the translation of specified award clauses to a separate section of the Principal Determination. These clauses were prescribed in the Australia Post awards prior to the award simplification exercise and were removed from the awards along with a number of other clauses as part of that exercise. The memorandum of agreement requires that the specified former award clauses be translated in their pre-award simplification format in the Principal Determination.

CLAUSE 26 SHIFT TRAFFICKING

- (a) Trafficking in shift exchanges is prohibited. Any employee who demands or accepts, by demand or arrangement, money or any other form of benefit in kind for arranging exchanges of shifts, duties or days off will be instantly dismissed.
- (b) Any supervisor or manager who knowingly condones any of the prohibited exchange activities outlined in subclause (a) will also be dismissed.
- (c) Any disagreement as to the interpretation of terms or the implementation of the processes outlined in this clause will be settled by referral to a Board of Reference.
- (d) Review of dismissal action referred to in sub-clauses (a) and (b) will be undertaken by the Australian Industrial Relations Commission (the Commission) on the application of the union. The decision of the Commission in such matters will be final and binding.

CLAUSE 27 ACCIDENTS

- (a) An employee who sustains physical injury while on duty or whilst travelling to or from work will be paid in accordance with the conditions prescribed in the Principal Determination.
- (b) Where an employee sustains physical injury under such circumstances whereby Australia Post regards the action of the employee as so meritorious in the public interest as to warrant special consideration, such employee shall be granted leave of absence under the conditions prescribed in the Principal Determination.
- (c) Nothing in this clause shall take away or reduce the rights of employees under the Safety Rehabilitation and Compensation Act 1988, as may be amended from time to time, but no employee shall be entitled to receive benefits under this clause and under the Act at the same time.

CLAUSE 28 TRANSFER COSTS

An employee who establishes an entitlement to transfer expenses under this clause may be reimbursed prescribed legal and other costs associated with the sale of the employee's principal private residence at the former location and the purchase of a residence at the new location provided the conditions prescribed in the Principal Determination are satisfied.

CLAUSE 29 DISTRICT ALLOWANCE

An employee who lives and works in a prescribed remote locality shall be paid a District Allowance in accordance with the Principal Determination.

END OF CEASED AWARD CLAUSES SECTION

SCHEDULE 1

SALARIES - STAFF NOT COVERED BY AN AWARD (Clause 13)

<u>Column 1</u>	<u>Column 2</u>
<u>Classification</u>	<u>\$ PA</u>
Legal Officer	37746, 38794, 39842, 40894, 43240, 48153, 50615, 53055, 55511, 57968, 60427
Legal Officer shall be subject to the same salary advancement/ salary barrier conditions as those applying to Legal Officers employed in the Australian Public Service.	
Occupational Health Nurse	51376, 52600, 53822, 55045
Senior Occupational Health Nurse	57342, 58713
Ergonomist Class 1	58923, 60973, 63016, 65070
Mail Room Team Leader	34080, 35263, 36444, 37626, 38804
Mail Room Network Supervisor	49156, 51328, 53500, 55673

SCHEDULE 2

FUNCTIONAL/QUALIFICATION ALLOWANCES (Clause 14)

Item A - Linguistic Availability/Performance Allowance - Clause 14 (a)

\$749 pa

Item B - Proficiency Allowance - Apprentices - Clause 14(b)

\$90 pa

SCHEDULE 3

EXPENSE/COST OF LIVING ALLOWANCES (Clause 15)

Item A - Hosiery Reimbursement Subsidy - Clause 15 (a)

\$280 pa

Item B - Tropical and Temperate clothing Allowance Clause 15 (b), (c)

1. General Limit - \$100
2. Suit Limit - \$100

Item C - Footwear Subsidy - Clause 15 (i) - (k)

\$56.00 per purchase

(From 01 January 2005 the Footwear Subsidy for retail employees who are eligible for and wear the corporate uniform was increased to \$76.00 per annum in lieu of Item C above under Clause 8.2 of EBA 6)

SCHEDULE 4

TRANSFER AND REMOVAL COSTS (Clause 16)

Rates from 22 January 2009

Item A - Transfer Costs - Clause 16(d)

\$53,000

Item B - Disturbance Allowances - Clause 16 (e)

(a)	Staff without dependants	\$482
(b)	Staff with dependants; plus	\$1008
(i)	for each dependent child who is a full-time student	\$192

Item C - Removal of Pets - Clause 16 (f)

\$190

TRAVELLING ALLOWANCE (CLAUSE 17)

NOTE: RATES EFFECTIVE FROM 1 JULY 2008

DAILY RATES OF TRAVELLING ALLOWANCE

ITEM A

(a)

Column 1
Non-Contract
Below Executive

<u>1.</u>	<u>Capital City Rates</u>	
	Sydney	251.30
	Melbourne	245.30
	Brisbane	272.30
	Canberra	227.30
	Adelaide	212.30
	Darwin	216.30
	Hobart	214.30
	Perth	239.30
<u>2.</u>	<u>High Cost Country Centres</u>	
	Ballarat (VIC)	217.30
	Bendigo (VIC)	223.30
	Broome (WA)	274.30
	Burnie (TAS)	224.30
	Cairns (QLD)	221.80
	Carnarvon (WA)	234.30
	Christmas Island (WA)	223.30
	Dampier (WA)	259.80
	Derby (WA)	266.30
	Devonport (TAS)	216.80
	Exmouth (WA)	274.80
	Geraldton (WA)	217.30
	Gladstone (QLD)	212.30
	Gold Coast (QLD)	236.30
	Halls Creek (WA)	233.30
	Hervey Bay (QLD)	210.80
	Horn Island (QLD)	240.30
	Jabiru (NT)	245.30
	Kalgoorlie (WA)	217.80
	Karratha (WA)	344.30
	Kununurra (WA)	244.80
	Launceston (TAS)	216.80
	Mackay (QLD)	213.30
	Mount Isa (QLD)	216.30

Newcastle (NSW)	217.80
Newman (WA)	251.30
Port Hedland (WA)	348.30
Port Macquarie (NSW)	216.30
Thursday Island (QLD)	281.30
Warrnambool (VIC)	214.30
Wilpnea-Pound (SA)	236.30
Yulara (NT)	407.30

3. Tier 2 Country Centres 199.45

Alice Springs (NT)
 Bairnsdale (VIC)
 Broken Hill (NSW)
 Bunbury (WA)
 Geelong (VIC)
 Portland (VIC)
 Renmark (SA)
 Swan Hill (VIC)
 Townsville (QLD)
 Wagga Wagga (NSW)
 Whyalla (SA)
 Wollongong (NSW)

4. Other Country Centres 182.45

(b) The maximum amount which may be reimbursed for daily incidental expenditure:

(i) Non-Contract Below Executive - \$15.90

(c) The maximum amounts which may be reimbursed for meals purchased separately at a commercial establishment away from the place of accommodation shall be:

	<u>Capital City & High Cost Country Centres</u>	<u>Tier 2 Country Centres & Other Country Centres</u>
	Non- Contract Below Executive \$	Non-Contract Below Executive \$
Breakfast	21.10	18.85
Lunch	23.65	21.55
Dinner	40.65	37.15

PART DAY ABSENCE-CLAUSE 17(d)

ITEM B

Non-contract Below Executive- \$40.00

TRAVELLING ALLOWANCE ON REVIEW

ITEM C

Weekly incidental rate- \$55.65

The maximum amount which may be reimbursed (in respect of the occupancy of furnished accommodation) for meals purchased separately at a commercial establishment away from the place of accommodation and for food purchased for the preparation of meals - \$334.75 per week

REMOTE LOCALITY CONDITIONS (CLAUSE 18)

Item A - District Allowance - Clause 18 (a) - Rates effective from 10 July 2008

Grade	With Dependants \$pa	Without Dependants \$pa
A	1690	850
B	4060	2220
C	5500	3120
D	8090	5000

The maximum income a dependant may earn for payment of the "With Dependant" rate of District Allowance shall be \$20215 per annum.

Item B - Broken Hill Allowance - Clause 18 (d)

	\$pw
(a) An employee at least 21 years old or who has someone wholly or partially dependent on the employee.	12.40
(b) In any other case.	6.20

Item C - Snowy Mountains Locality Allowance - Clause 18 (e)

Locality	With Eligible Dependants \$pw	Without Dependants \$pw
Jindabyne	42.15	32.90

SCHEDULE 7

PRIVATE MOTOR VEHICLE ALLOWANCE (CLAUSE 19)

Rates from 22 January 2009

Item A - Motor Vehicle Allowance - Clause 19 (b)

An employee shall be paid an allowance according to the type and engine capacity of the vehicle:

Column 1	Column 2	Column 3
Engine Capacity (non-rotary)	Engine capacity (rotary)	Rate of Allowance cents per kilometre
Above 2600cc	Above 1300cc	76.0
1601cc to 2600cc	801cc to 1300cc	75.0
1600cc or less	800cc or less	62.0

Item B - Additional Allowance - Clause 19 (e)

0.85 cents per kilometre

Appendix 2 – Injury Management (Early Intervention) Program

Injury Management (Early Intervention) Program

[IMP]

v8, June 2006

Source: Corporate Injury Prevention and
Management Unit
Corporate Human Resources Group
Headquarters

AMENDMENT RECORD

Issue Number	Pages Affected	Details	Date of Issue
Version 8	p5, 6, 7, 10, Att 1, p1	Removal of references to General Conditions of Award and insertion of reference to the Australia Post Determination No.6 of 2006, Clause 10 Fitness for Duty	30 June 2006
v8	Section 2, dot point 9	Removal of dot point nine (inconsistent with provision of Clause 10 (a)(i) Fitness for Duty) ie "...where Australia Post requires an employee to undergo a fitness for duty assessment, the employee will be directed to attend an Australia Post nominated doctor ..."	30 June 2006
v8	Attachment 4, p 2	Inclusion of the provisions of Clause 10 Fitness for Duty	30 June 2006

DOCUMENT AUTHORITY

Title	Manager, Corporate Injury Prevention & Management Unit, Corporate Human Resources
Date of Approval	30 June 2006

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1. Objective

It is in the interests of both the employee and Australia Post that medical intervention takes place, as early as possible, where an employee reports an injury or illness or an employee is observed to be having difficulty performing work, due to ill health or injury.

Early intervention is most successful when it occurs prior to absence, at the first sign or report of injury or illness.

The objective of Australia Post's Injury Management (Early Intervention) Program (IMP) is to provide a mechanism, in appropriate cases, for early intervention in the assessment and management of employee illness and injury, where a work relationship (ie arising out of or in the course of work with Australia Post) may be indicated, in order to, where possible, maintain an employee at work on duties within appropriate medical restrictions or to facilitate the employee's quick return to work. IMP is not intended for non work related medical conditions such as cold, influenza or viral illness.

It is Australia Post's responsibility to ensure that all employees are fit and healthy to undertake the work that they are employed upon, without unreasonable risks to themselves, other employees or members of the public.

2. General Principles

Early intervention and pro-active injury management are critical in maintaining an employee at work, within appropriate medical restrictions, or achieving a speedy return to work, following a work related injury.

The Australia Post Injury Management (Early Intervention) Program will address this by:

- as early as possible, determining the nature and extent of an employee's suspected or reported injury or illness;
- providing immediate, primary injury management and where appropriate, conducting any necessary investigation to identify the cause and minimise/eliminate the risk of further injury to the employee or others;
- identifying an employee's capability to remain at work or return to work, with appropriate medical restrictions
- assisting Australia Post in meeting its duty of care owed to employees and members of the public.

The following broad principles will apply to the Injury Management (Early Intervention) Program:

- it is an employee's responsibility to report, as early as possible, any injury or illness which may affect work performance or the safety of the employee or co-workers and to actively seek appropriate treatment to restore health and lessen the severity of any disability;

- all Australia Post employees who report illness or injury, where a work relationship may be indicated, may participate in this program, even prior to a work relationship being proven;
- participation in the program will not affect an employee's rights and entitlements to workers' compensation. All employees reporting a work related illness or injury will be advised of their rights and entitlements under the SRC Act;
- Australia Post may require an employee to undergo a medical examination to assess their fitness for duty under the *Australia Post Determination No.6 of 2006 (Clause 10 Fitness for Duty)*. For example, a fitness for duty assessment may be indicated where a supervisor believes that an employee may be unfit or incapable of discharging duties or to assist in clarifying a treating doctor's assessment of incapacity.
- employees requiring treatment have the right to attend an Australia Post nominated doctor or another doctor of their choice. An employee may also choose to accept or not accept a recommended course of treatment by any treatment provider.
- where an employee chooses to attend an Australia Post nominated doctor for treatment, limited medical treatment will be provided at Australia Post's expense;
- if an employee wishes to attend his/her own doctor the cost of any treatment is the employee's full responsibility, unless liability under the SRC Act for the injury has been accepted by Australia Post;
- employees who require time off work due to incapacity will be required to debit any leave against sick leave credits
- where an employee's illness or injury is determined to be work-related under the provisions of the SRC Act 1988 :
 - any related incapacity leave will recorded as compensation leave and any sick leave already debited will be re-credited; and
 - any related treatment expenses will be paid under workers' compensation and debited against the appropriate payment code in the SRC system. Medical expenses previously paid through the General Ledger (GL) system will be reversed out and debited against the appropriate payment code in the SRC system.
- all expenditure related to fitness for duty assessments conducted under the provisions of *Clause 10 Fitness for Duty* is to be paid only through the GL system.
- information on an employee's medical condition must be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know;
- a Supervisor may accompany an employee to a doctor's surgery or hospital to support the employee and to ensure that the doctor is aware of Australia Post's commitment to assisting employees to remain at work or return to work quickly and, to provide information on the range of tasks available to the employee.
 - a Supervisor accompanying an employees is not entitled to request or receive information of a medical or personal nature, from the doctor nor is a doctor empowered to provide such information unless authorised by the employee;
 - any discussions regarding work restrictions which occur between the Supervisor and Australia Post nominated doctor whether treating of assessing the employee must where possible be carried out in the presence of the employee.

- a Supervisor may contact an employee's treating doctor to ensure the doctor is aware of Australia Post's commitment to rehabilitation and to explore the availability of alternative duties or to clarify any recommended, work related medical restrictions. Whilst not legally obliged to provide this information, a treating doctor will generally provide clarifying information in the interests of returning the employee to work quickly and safely.
- this program will interact and must be read in conjunction with existing Australia Post policies and relevant legislation including;
 - Employee Assistance Policy;
 - Occupational Health and Safety Agreement;
 - Rehabilitation and Return to Work Policy – January 1999
 - Management of Employees with Non-Work Related Medical Restrictions Policy;
 - Safety, Rehabilitation and Compensation Act 1988;
 - Australia Post Determination No.6 of 2006, Clause 10 Fitness for Duty
 - Occupational Health and Safety (Commonwealth Employees) Act 1991.
 - National Attendance Guidelines (2006)

3. Emergency Treatment

3.1 Choice of treatment

An employee needing emergency medical treatment has the right to a choice of treatment provider. Where an employee is incapable or chooses not to exercise this right the employee will be directed to an Australia Post nominated doctor or hospital. Emergency medical treatment will be provided by the nominated doctor or hospital however, in respect to subsequent treatment, an employee may select a treatment provider of their choice.

3.2 Prompt Treatment

A Supervisor or other employee should accompany an employee to a doctor's surgery or hospital to ensure that the employee receives prompt emergency medical treatment. If there is doubt as to the nature of an injury it should be treated as an emergency

4. Fitness for Duty Assessment

A medical examination is required to determine whether or not an employee is able to safely perform the duties of a position because of medical reasons and to recommend appropriate medical restrictions.

Under the *Australia Post Determination No.6 of 2006 (Clause 10 Fitness for Duty)* Australia Post may require an employee to attend a medical examination to assess the employee's fitness for duty in order to safeguard the employee or co-workers' health and safety. An employee must undergo a medical examination as soon as practicable, when required to do so by a Supervisor.

A medical examination under the Injury Management (Early Intervention) Program for fitness for duty purposes may be required where a supervisor believes for example, that an employee may be unfit or incapable of discharging their duties or to clarify a treating doctor's assessment of incapacity, where a possible work related illness or injury is involved. The IM(EI)P program is not intended for non work related medical conditions such as cold, influenza or viral illness.

A supervisor after conferring with a nominated Human Resources representative to determine that there is a need to ascertain or confirm an employees fitness to continue working or to return to work safely, may direct the employee to attend an Australia Post nominated doctor, using the documentation at Attachment 4

Refusal to comply with a direction to undertake or otherwise, not co-operate with a fitness for duty assessment, will have no effect on an employee's rights under the SRC Act. Refusal to undertake a fitness for duty assessment as soon as practicable may however, result in disciplinary action.

A fitness for duty assessment relates only to an employee's ability to carry out tasks safely. A fitness for duty assessment is not a medical examination for the purposes of establishing liability in a workers' compensation claim. Where appropriate however, such information may be accessed by the compensation delegate to assist in the determination of liability.

The results of a fitness for duty assessment do not override a treating doctor's opinion but may provide the basis for further discussion with the treating doctor. It is for the employee to choose which medical advice to follow.

An Australia Post nominated doctor, appointed for the purpose of conducting fitness for duty assessments, is not to provide treatment to employees who are injured or ill. An employee may choose to be treated by an assessing doctor however, a separate appointment must be made by the employee for this purpose.

5. Implementation

5.1 Medical Attention

Where an employee:

- sustains an injury or becomes ill at work; or
- does not attend work due to a reported illness or injury where a work relationship may be indicated; or
- wishes to cease duty prior to the end of a shift due to an injury which may be work related; or
- where a Supervisor doubts the fitness of an employee to commence or continue to work safely due to an injury which may be work related, (ie in a manner that poses no unreasonable risk to the employee's health and safety or, the health and safety of other employees or members of the public);

a Supervisor may require that the employee seek medical attention before permitting the employee to continue or recommence work.

A Supervisor may following consultation with a nominated Human Resources representative, direct an employee to attend an Australia Post nominated doctor for a fitness for duty assessment (See Section 4. Fitness for Duty Assessments) and /or request the employee to seek treatment.

Where an employee is required to attend a medical examination to assess their fitness for duty they must do so as soon as practicable.

Treatment, as distinct from a fitness for duty assessment, may be provided by an Australia Post nominated doctor under this Program or an employee may chose their own doctor.

5.2 Responsibility for Treatment Costs

The early intervention program provides for a reasonable number of treatments at Australia Post's expense, for injuries or illnesses where a work relationship may be indicated, provided such treatments are undertaken or are recommended by an Australia Post nominated doctor. Australia Post may set a prior limit for such treatments in all cases.

Payment of these costs by Australia Post does not imply the acceptance of any liability under the SRC Act 1988.

Australia Post's medical adviser will assess the number of treatments that it would be reasonably expected to resolve a particular case. If after having reached this level of treatment the injury is still unresolved the medical adviser may reassess the case and may recommend that Australia Post cease responsibility for payments. Payment for any further treatment then becomes the responsibility of the employee unless there is an accepted workers' compensation claim for the injury.

Where an employee attending an Australia Post nominated doctor has commenced an agreed course of treatment and subsequently, liability is denied, prior to completion of the agreed treatment, Australia Post will pay for the balance of the agreed treatment.

It is expected that wherever possible treatment will be arranged outside of working hours.

Where a workers' compensation claim has been accepted, appropriate costs will be paid under the SRC Act.

Where an employee chooses a treatment provider, other than an Australia Post nominated doctor, the responsibility for all costs rests with the employee.

Employees will also be reimbursed for reasonable travel costs to attend treatment sessions.

5.3 Medical Treatment - Payment Of Travel Expenses

Managers must ensure that, in all cases, the employee is fully aware of his/her entitlements under the Injury Management (Early Intervention) Program in relation to reimbursement of travel expenses.

Eligibility for Payment of Reasonable Travel Expenses

Reasonable travel expenses will only be reimbursed when:

- (a) the journey (including the return component) undertaken by the employee to receive the medical treatment was over a distance of more than 50 kilometres; or
- (b) it was necessary, because of the nature of the injury, for the employee to travel by ambulance or public transport.

Factors Determining What Constitutes Reasonable Travel Expenses

In assessing the reasonableness of the travel expenses claimed by an eligible employee, the appropriate manager will have regard to:

- the means of transport reasonably available to the employee; and
- the most direct route to the location for the medical treatment.

Use of Private Transport

Where an eligible employee has used private transport, the amount payable will be determined by the formula specified in s16(6)(c) of the *Safety, Rehabilitation and Compensation Act 1988*.

Use of Public Transport

Where an eligible employee has used public transport ie. taxi, tram, train etc, the amount payable will be an amount representing the fare(s) paid by the employee. Reimbursement of the fare(s) will only be made on production of original receipts/accounts.

Assistance

There may be occasions where an employee cannot travel unaided to receive medical treatment. Where the employee produces medical certification from the Australia Post nominated treating doctor to support the requirement for such assistance, reasonable travel costs for the person who accompanies the employee will also be reimbursed.

Workers' Compensation

Where a workers' compensation claim is accepted, reasonable travel expenses will be assessed and paid under the provisions of s16(6) of the *Safety, Rehabilitation and Compensation Act 1988*.

5.4 Second Opinion Assessments

Where an employee chooses to attend their own doctor for treatment, Australia Post may require an employee to also attend an Australia Post nominated doctor for a fitness for duty assessment, to confirm or clarify any incapacity or employment restrictions.

These assessments will be arranged by the Supervisor under *Australia Post Determination No.6 of 2006 (Clause 10 Fitness for Duty)*

Wherever practicable these assessments will be arranged within working hours. An employee should not be financially disadvantaged by the requirement to attend a fitness for duty assessment.

5.5 Confidentiality of Medical Information

Australia Post requires information as to an employee's capability to undertake work without unreasonable risk to themselves or others. Medical assessors are required to provide to workplace management only that information related to an employee's work capacity or restrictions.

Medical assessors and treatment providers are not empowered to provide Australia Post with employee confidential medical information unless authorised in writing by the employee or

required by legislation. Supervisors are not to request such information from medical assessors or treatment providers.

Medical-in-confidence information should be stored securely and separate from other employee information. Only those with a need to know should have access to this information eg. Supervisor/Facility Manager, administrative officer, rehabilitation co-ordinator/case manager.

Where an employee submits a claim for workers' compensation the claims manager dealing with the claim may require access to an employee's medical history and treatment records to assist in finalising the claim.

5.6 Safety, Rehabilitation and Compensation Act 1988

All employees reporting a work related injury or illness will be advised of their rights and entitlements under the SRC Act. This information is contained in the Australia Post Workers' Compensation Claim Package.

Where an employee has an accepted claim for workers' compensation, treatment costs related to the accepted condition will be payable under the SRC Act. Expenditure debited against *GL Code 3270 Medical Expenses* will be reversed and debited against the appropriate payment code in the SRC system.

Incapacity leave will be recorded as compensation leave and any sick leave already debited will be re-credited.

6. Responsibilities of Parties

6.1 Supervisor

It is the responsibility of the Supervisor to intervene at the earliest possible time where a possible work related injury is observed or reported:

- to ensure that ill or injured employees receive appropriate medical treatment and are assessed for their capacity to carry out work safely;
- to provide the necessary information to the medical assessor on possible job maintenance or return to work options;
- to undertake an investigation to identify the cause of the accident/injury to minimise the risk of recurrence; and
- to maintain communication with the employee and medical assessor or treatment provider, throughout the process.

6.2 Employee

It is the responsibility of the employee to:

- report a possible work related illness or injury quickly;
- seek appropriate treatment to restore health and lessen the severity of any disability;

- participate in any investigation to identify the cause of the accident/injury and to minimise the risk of recurrence;
- co-operate with initiatives and directions aimed at current job maintenance or returning to work quickly;
- maintain contact with workplace management.

6.3 Medical Assessor/Treatment Provider

It is the responsibility of the medical assessor/treatment provider to communicate with the Supervisor regarding injury management.

7. Implementation Guidelines

The following guidelines are provided to assist in the implementation of the Injury Management (Early Intervention) Program. The guidelines are not exhaustive but provide the minimum framework for implementing the program which allows scope to accommodate local structures and administrative processes.

7.1 Employee sustains injury/illness and requires medical attention (See *Injury Management Program Flowchart 1*)

7.1.1 Employee on Duty

Where an employee sustains or reports an injury or becomes ill at work; or wishes to cease duty prior to the end of a shift due ill health, the Supervisor should assess whether the employee requires emergency treatment. Where emergency treatment is indicated the employee should follow the procedure set out in *Flowchart 2. Emergency Medical Treatment*.

Where the employee does not require emergency treatment the Supervisor should, in consultation with the nominated Human Resources representative, consider the need for assessment of the employees capability to continue working with or without medical restrictions. The procedure set out in *Flowchart 3 Non-Emergency Assessment /Treatment - Employee on Duty* should be followed in this instance.

7.1.2 Attending an Australia Post Nominated Doctor

Where an employee proposes to attend an Australia Post nominated doctor the Supervisor will:

- make the necessary appointment and advise the employee;
- advise the doctor of purpose of the examination, the employee's current duties and the availability of alternative duties at the workplace;
- if necessary assist/arrange transport to the examination location;
- provide the employee with a letter setting out the purpose of the examination and what is available under the program.

7.1.3 Attending an Employee Selected Doctor

Where an employee elects to attend their own doctor the Supervisor will:

- request from the employee, his/her doctor's contact details:
 - name;
 - address
 - phone/fax number
 - date/time of attendance;

(note: an employee is not required to provide this information but it is in their best interest to do so to facilitate a quick return to work)

- provide the employee/employee's selected doctor with documentation relating to work duties;
- make contact with the employee's doctor to clarify/discuss alternative duty arrangements within the employee's capacity for work; and
- if appropriate, direct the employee to attend a fitness for duty assessment.

7.2. Employee Not on Duty

Where an employee reports, prior to commencement of the shift, inability to attend work due to a possible work related injury or illness the Supervisor should follow the procedure set out in *Flowchart 4 Non-Emergency Assessment /Treatment - Employee Not On Duty*

7.2.1 Employee reports, prior to commencement, inability to attend work due to injury /illness

The Supervisor should request the following information from the employee:

- the employee's telephone contact number;
- if the employee believes that the inability to attend work is, or may be, work-related
- if the employee has visited or has made an appointment to visit his/her own doctor.

If the inability to attend work is or may be work-related, the Supervisor will

- (a) where the employee has not visited or made an appointment to visit their own doctor:
 - advise the employee of the provisions of this program;
 - offer to make an appointment with an Australia Post nominated doctor;
 - if after consulting with the nominated Human Resources representative a fitness for duty assessment is required, advise the employee of the time, date and location of the appointment;
- (b) Where an employee has already visited their own doctor, the Supervisor should:
 - consider the need to contact the employee's doctor or in consultation with the nominated Human resources representative to arrange a fitness for duty assessment with an Australia Post nominated doctor to clarify any concerns about the employee's capability to perform the duties of the job.

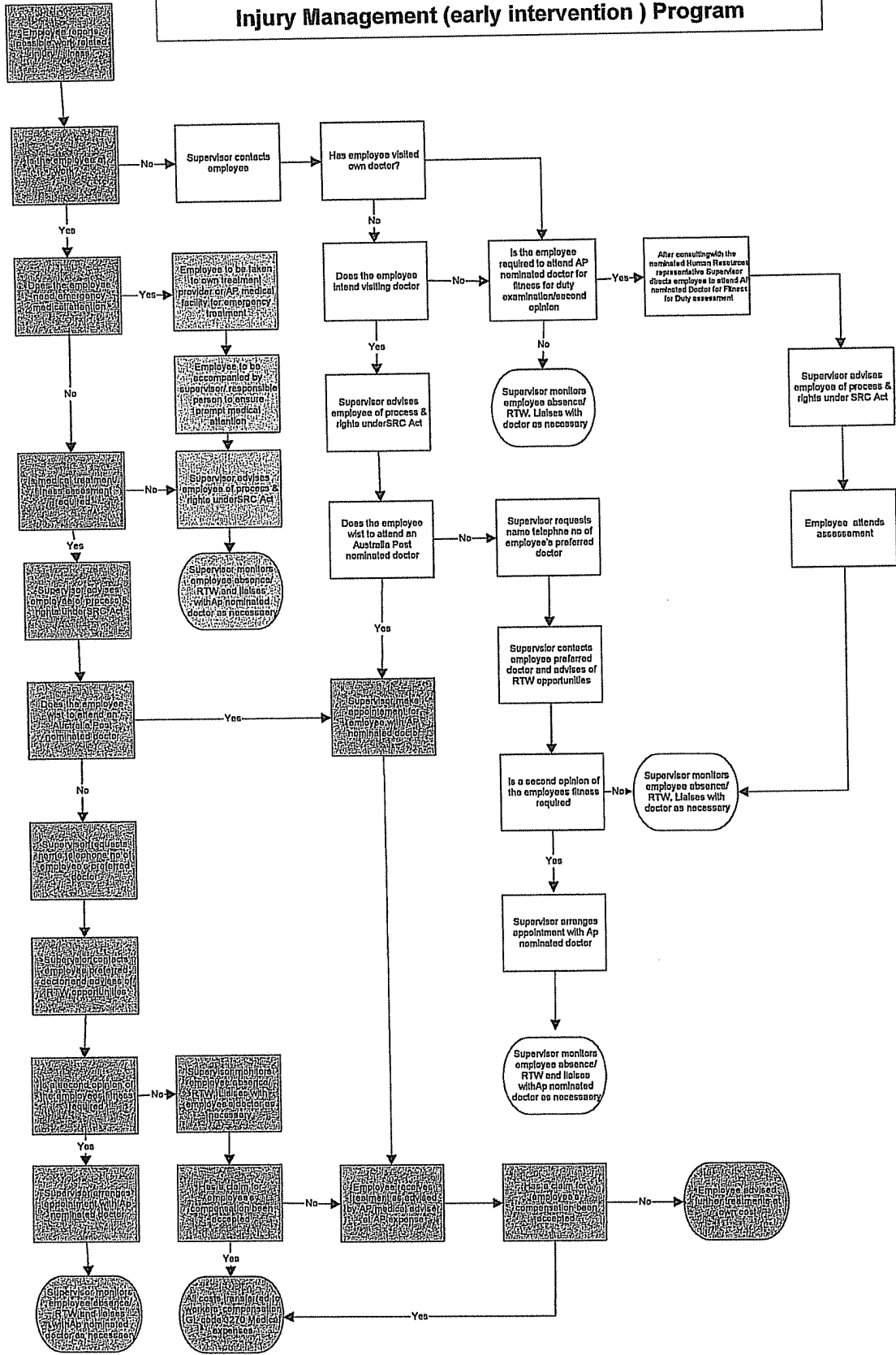
8. Program Review and Evaluation

This program will be reviewed annually. Evaluation of the program will be integrated with the Australia Post Injury Prevention and Management Systems Performance Improvement Program.

Flowcharts

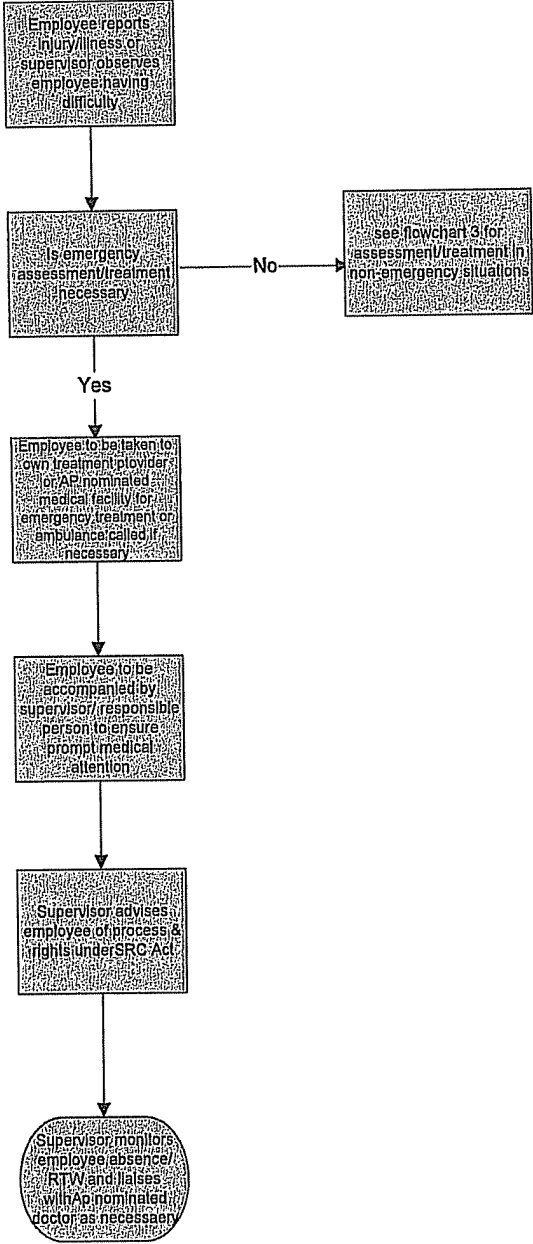
Injury Management (Early Intervention) Program

Flowchart 1 Injury Management (early intervention) Program



Emergency Medical Assessment and Treatment

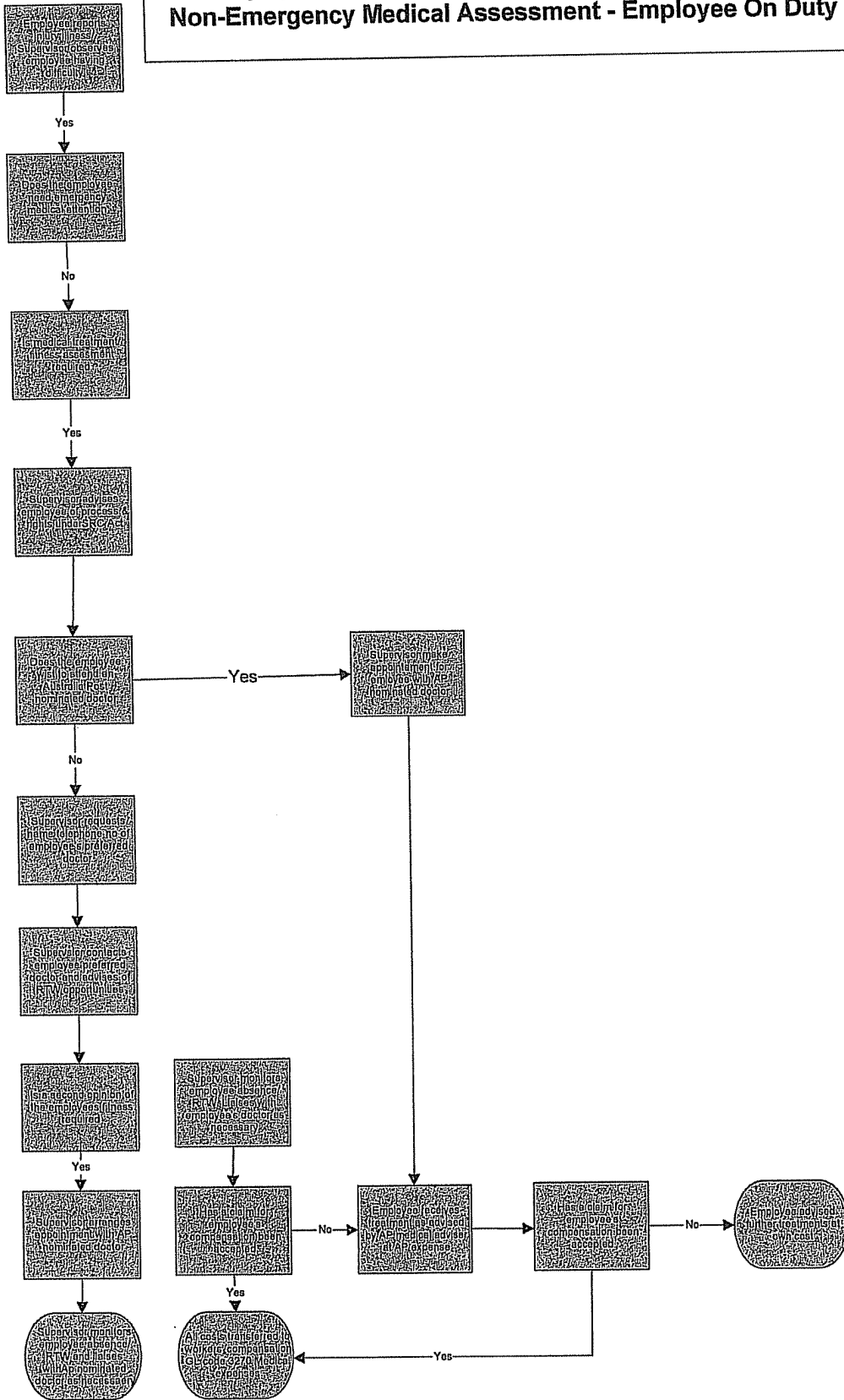
Flowchart 2
Injury Management (early intervention) Program
Emergency Medical Assessment/Treatment



Non-Emergency Medical Assessment -

Employee on Duty

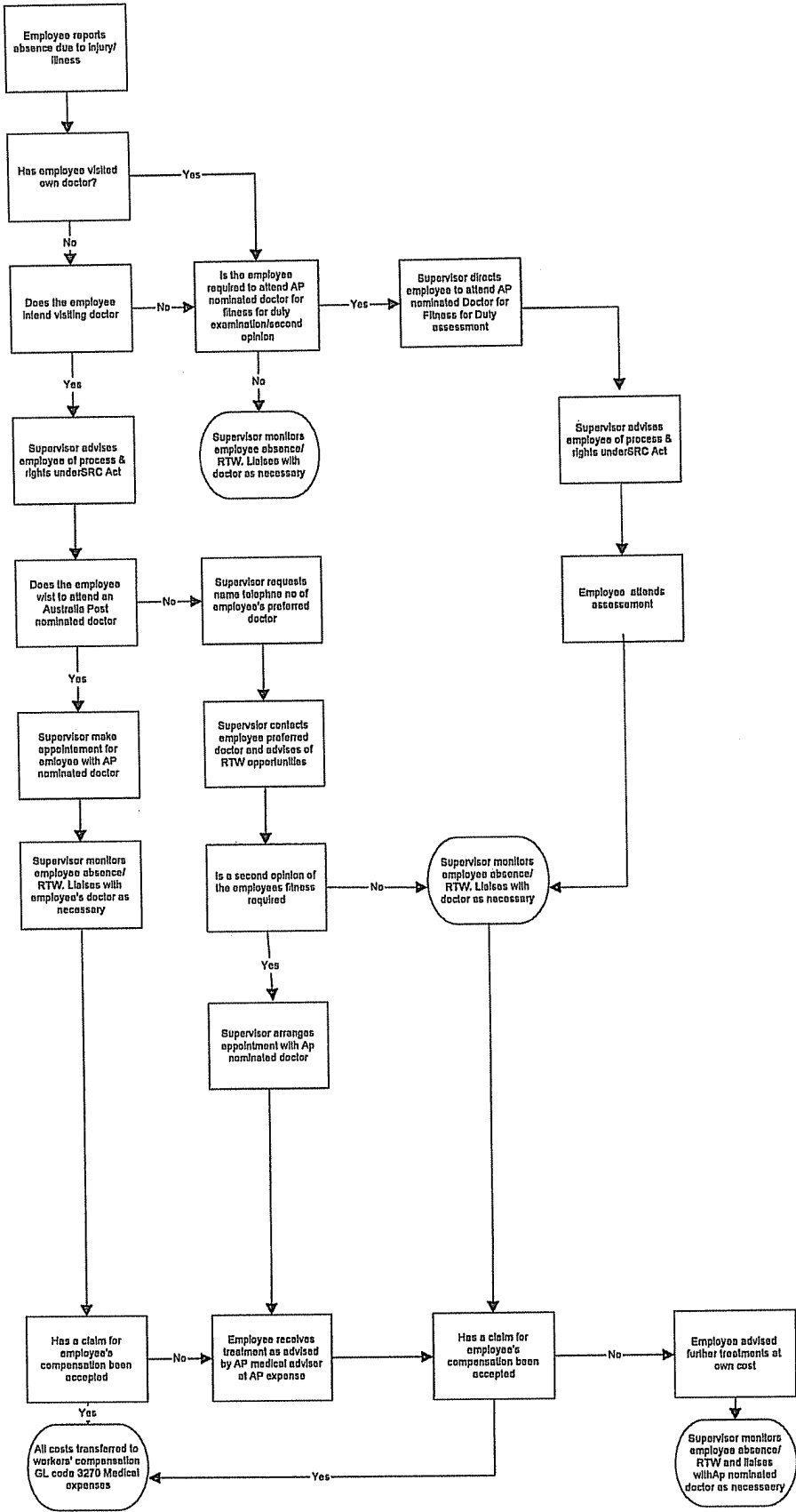
Flowchart 3
Injury Management (early intervention) Program
Non-Emergency Medical Assessment - Employee On Duty



Non-Emergency Medical Assessment -

Employee Not On Duty

Flowchart 4 Injury Management (early intervention) Program Non Emergency Medical Assessment - Employee Not On Duty



Sample Letters

Sample Letter - Fax To Employee's Doctor



Facsimile Transmittal

To: _____ Fax No: _____

From (Name) _____ Telephone No _____

Facility/Office _____ Fax No _____

Address _____

Injury Management (Early Intervention) Program

Employees Name :

Nature of Injury :

The employee whose details appear above has suffered an apparently minor work related injury and has indicated that he/she will attend your office for treatment

At our facility we are able to vary the type, intensity, complexity, frequency and duration of work activities and are committed to maintaining our injured colleague at work or assisting in returning them to work quickly. Alternative or modified duties are usually available to accommodate most minor injuries.

Following examination and any necessary treatment, would you let me have a brief report and completed Fitness for Work certification (attached) by return fax, please?

If you wish to discuss any aspects of work processes or availability would you please call me on the above number.

Manager

The information contained in this facsimile is confidential and intended for the addressee only. If the reader is not the intended recipient you are hereby notified that any use, dissemination, distribution, or reproduction of this message is prohibited. If you have received this message in error please notify the sender immediately and return the original message.

Sample Letter - Employee attending an Australia
Post Nominated Doctor for Treatment



Mr/Mrs/Ms.....(*Employee name*)

You have agreed to be seen by an Australia Post nominated doctor for treatment for your, apparently, work related injury under the Australia Post Injury Management (Early Intervention) Program.

Your appointment is with Dr.....(*Doctor name*)
of.....
.....(*address*)

atam/pm (*Time*) on .../.../..... (*Date*)

The Injury Management (Early Intervention) Program does not require that you have an accepted workers' compensation claim to receive treatment for a possibly work related injury. Australia Post will be responsible for the costs of a limited level of treatment. If later you decide to make a claim for workers' compensation your participation in the program will not affect your claim for compensation however, your medical records associated with your injury may be made available to the workers' compensation delegate to assist in finalising your claim.

Please note that your participation in the Injury Management Program and payment by Australia Post for treatment does not constitute an acceptance of liability under the Safety, Rehabilitation and Compensation Act 1988.

Attached is an information sheet outlining your rights and responsibilities under the Safety, Rehabilitation and Compensation Act 1988.

If you require any further information regarding the program please discuss it with you Supervisor

Manager
.....(*Facility name*)
.....(*Date*)

Sample Letter – Employee’s Treating Doctor



.../.../.... (Date)

Dear Dr.....(Dr name)

Re:.....(Injured employees’s name)

.....(*Workcentre name*) is committed to assisting our employees who may have been injured at work to remain at work or return to work quickly and safely..

We believe that workplace based early medical intervention, treatment and ongoing management is the most effective method of achieving this objective and to this end Australia Post has introduced the Injury Management (Early Intervention) program.

The program provides for assistance to employees with apparently minor work related injuries. This assistance includes accommodation of reasonable, medically certified restrictions.

.....(*Workcentre name*) is able to vary the type, intensity, complexity, frequency and duration of work activities to maintain injured employees at work or assist in returning them to work quickly. Alternative or modified duties are available to accommodate, for example:

- Injured fingers/hands;
- Strained/sprained ankles;
- Muscular pain in the neck, back and shoulders;
- animal and insect bites/stings.

This list is not exhaustive and I or.....(*Supervisor’s name*)(*telephone number*) would be happy to talk with you if you require any further information about the workplace or work activities. I have included some brochures about Australia Post’s work practices and equipment for your further information.

I would appreciate it if you would complete the attached Fitness for Work certification and return it to me by fax (*fax number*) or mail as soon as possible or if our employee is returning to work immediately, you may give it to them to return.

Yours sincerely

Manager

.....(*Workcentre name*)(*telephone number*)

.....(*Work centre address*)

.....
.....

Sample Letter – Request for Employee to Attend Fitness For Duty Assessment



Date

Employee's name (including courtesy title ie Mr/Mrs/Ms)

Job title

Place of work

Dear

Fitness for Duty Assessment Pursuant to Injury Management (Early Intervention) Program

The objectives of the Australia Post Injury Management (Early Intervention) program are to ensure that Australia Post employees receive prompt medical treatment following a possible work related illness or injury and return to work safely as soon as medically fit to do so.

As part of the program, you are required to attend a fitness for duty assessment pursuant to the provisions of the Australia Post Determination No. 6 of 2006, Clause 10 Fitness for Duty to ascertain or confirm your fitness to continue working or to return to work safely.

As agreed, your appointment is with Dr(insert Doctors name) atinsert full address .

Time and date of appointment.....am/pm on...../.../200.

A doctor who is experienced in work-related injuries and illnesses has visited Australia Post facilities and is familiar with the duties undertaken by Australia Post staff will conduct an independent assessment of your work capacity.

The doctor's role is to undertake a fitness for duty assessment only. If you wish him or her to provide you with medical treatment, you must make a separate appointment.

The doctor will review your medical condition and provide a report to your supervisor or manager about your current or future capacity for work and your return to work options, including any alternative duties which you may be able to perform safely.

Australia Post will pay for the medical assessment and will reimburse you for all reasonable travel costs incurred.

If, as a result of circumstances beyond your control, you are unable to attend the appointment at the allocated time, please advise me as soon as possible so that alternative arrangements can be made. Failure to attend an appointment with the Australia Post nominated doctor for a fitness for duty assessment, without reasonable cause, may result in disciplinary action under the Code of Ethics.

I have enclosed further information regarding the fitness for duty assessment under the Injury Management (Early Intervention) Program. Please read it before you attend the assessment.

If you would like any further information please give me a call on

Signature of employee's supervisor or manager
Job title and Place of work (ie name of facility)

**Injury Management (Early Intervention) Program.
Fitness for Duty Assessment
(Possible Work Related Injury or Illness)**

1. *When can I be required to attend for a fitness for duty assessment by an Australia Post nominated doctor under Australia Post's Injury Management (Early Intervention Program) (IMP)?*

Where, as a result of a possible work related injury or illness, your supervisor or manager, after conferring with a nominated HR representative, determines that there is a need to ascertain or confirm your fitness to continue working or return to work, safely

Attendance at a fitness for duty assessment under the IMP is not intended for non-work related conditions such as a cold, influenza or viral illness.

2. *What is the authority for this direction?*

The *Australia Post Determination No.6 of 2006, Clause 10 Fitness for Duty* provides that:

CLAUSE 10 – FITNESS FOR DUTY

- (a) Australia Post may direct an employee to:
- (i) obtain and furnish to Australia Post a report from a registered medical practitioner concerning a medical assessment of the employee's fitness to perform all or part of his or her duties; and/or
 - (ii) submit to a medical examination by a registered medical practitioner determined by Australia Post, for the purpose of a medical assessment and a report to Australia Post concerning the employee's fitness to perform all or part of his or her duties.
- (b) If Australia Post considers that an employee is incapable of performing duty or constitutes a danger to other employees or the public due to the employee's state of health, Australia Post may direct the employee to:
- (i) obtain and furnish to Australia Post a report from a registered medical practitioner; or
 - (ii) submit to a medical examination by a registered medical practitioner determined by Australia Post.
- (c) An employee to whom a direction is given under clause 10(a) or 10(b) must comply with the direction.
- (d) Where an employee fails to comply with a direction under clause 10(a) or 10(b) without reasonable cause, the employee may be subject to the Employee Counselling and Discipline Process and fees payable for the examination may be charged against the employee and deducted from salary.

3. Who will conduct the fitness for duty assessment?

A doctor who is experienced in work-related injuries and illnesses and familiar with the duties undertaken by Australia Post staff will conduct the examination and provide an independent assessment of your work capacity.

4. What is the role of Australia Post's nominated doctor (medical assessor)?

The Australia Post nominated doctor's role is to undertake a fitness for duty assessment only. If you want him or her to provide you with medical treatment, you should make a separate appointment for this.

The doctor will review your medical condition and provide a report to your supervisor or manager about your current or future capacity for work and your return to work options, including any alternative duties which you may be able to perform safely.

Medical assessors and treatment providers are not empowered to provide Australia Post with employee confidential medical information unless authorised in writing by the employee or required by legislation. Supervisors are not to request such information from medical assessors or treatment providers.

5. Who arranges the appointment ?

Your supervisor or manager will arrange the appointment in consultation with you, as soon as is practicable, and you will be advised of the details in writing prior to attending the assessment.

The assessment will generally take place during working hours. If it takes place outside working hours, you will be granted time off in lieu at the relevant rate.

6. Will it cost me anything?

Australia Post will pay for the medical assessment and you will be reimbursed all reasonable travel costs incurred by you. If overnight accommodation is necessary, you will be reimbursed as per Australia Post's Travelling Allowance provisions.

7. Do I need to take anything with me?

It would be helpful to the medical examiner if you took the results of relevant tests and documentation such as x-rays, medical reports or certificates from your own doctor to the appointment if you have such documents.

8. What if I don't speak English very well?

You can request through your supervisor or manager that an interpreter attend the appointment or you may bring a person who can assist in this regard.

9. What happens at the assessment?

The doctor will explain the purpose and nature of the assessment and obtain your agreement before undertaking any physical examination.

10. What if further tests are required?

If the doctor feels that further tests are required or has a concern regarding your injury or illness, he or she will contact your treating doctor to advise of this.

11. Who has access to my report?

The doctor will send your fitness for duty report to your supervisor or manager. The report will not contain confidential personal or medical information about you but will simply outline the doctor's opinion of your capacity to undertake work with or without restrictions.

There are strict rules regarding your privacy and both your supervisor/manager and the doctor must observe these rules.

The doctor will also attempt to contact your treating doctor where one is involved for your injury or illness, to ensure that he or she is aware that the assessment has taken place, and to discuss his or her assessment of your condition and available duties at Australia Post.

If you submit a workers' compensation claim under the provisions of the *Safety, Rehabilitation and Compensation Act 1988*, the doctor may be requested to provide a copy of his or her report to a workers' compensation delegate

12. Must I attend a fitness for duty assessment?

Failure to attend an appointment with the Australia Post nominated doctor for a fitness for duty assessment, without reasonable cause, may result in disciplinary action under the Employee Counselling and Discipline Process

If you have a legitimate reason for being unable to attend the agreed appointment time, please advise your supervisor/ manager as soon as possible so that any necessary alternative arrangements can be made.

13. What if the doctor's report differs from my treating doctor's assessment?

The results of a fitness for duty assessment do not override your treating doctor's opinion. It is your choice which medical advice you follow.

14. What if I am unhappy about the examination or process?

It is important that you contact the Injury Prevention and Management Unit as soon as possible, to discuss your concerns. (You may also wish to talk to your union representative.)

15. How often will I be required to have a fitness for duty assessment?

This will depend on the type and severity of your injury or illness and your rate of recovery.

For example, if after an agreed period of treatment your capacity for work has not improved as expected, your supervisor or manager may discuss with the Australia Post nominated doctor, the need for a further fitness for duty assessment.

SAMPLE LETTER - TO EMPLOYEE RE: COST OF MEDICAL TREATMENT



Dear (employee name),

You have been seen under the Australia Post Injury Management (Early Intervention) Program by Dr (*Dr name*) who has recommended the following treatment plan:

(Indicate treatment recommended by doctor eg physiotherapy x 2 treatments).

(If doctor's recommendations are in writing add this paragraph) I enclose a copy of the doctor's recommendations.

In accordance with Dr (doctor's name)'s recommendations Australia Post will pay for the recommended treatment. Payment for further treatment beyond that recommended will be your responsibility.

If you make a claim for workers' compensation under the *Safety Rehabilitation & Compensation Act 1988* and the claim is denied prior to completion of the recommended treatment, Australia Post will pay for the balance of the recommended treatment, noted above.

If you have any queries in relation to this letter, please discuss it with your Supervisor.

Manager
..... (Facility name)

..... (Date)

Appendix 3 - Copy of Comcare Letter



Australian Government

Comcare

Mr Ed Husic
Divisional Secretary
CEPU Communications Division
PO Box 472
CARLTON SOUTH VIC 3053

Australia Post's Injury Management Program and use of Company Doctors for Injured Employees

Dear Mr Husic

Thank you for your letter of 18 November 2008 seeking Comcare's assistance to investigate your claim that Australia Post is in breach of its *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) licence conditions and the Act itself in the manner it uses company doctors in workers' compensation cases.

I apologise for the delay in responding to your letter, although you would appreciate that Comcare wanted to ensure that it undertook a thorough review of your concerns.

Comcare undertakes, on behalf of the Safety, Rehabilitation and Compensation Commission (Commission), various processes to ensure licensed self insurers (licensees) are conforming with their conditions of licence, including complying with the SRC Act and the *Occupational Health and Safety Act 1991*.

The main process is the Commission's licensee improvement program (LIP) which requires a licensee, such as Australia Post, to periodically participate in the Commission's external audits against its conditions of licence and the SRC Act. It also involves the licensee carrying out a yearly program of self audit using the Commission's audit tool and reporting the outcomes to the Commission each year. While the Commission will determine the frequency and mix of internal to external audits, external audit, for a mature licensee such as Australia Post, is usually reserved for the last year of a four year prior of licence, ie just prior to the Commission's decision on licence renewal.

Australia Post is currently in its last year of licence and Comcare will be auditing Australia Post's claims management and rehabilitation management systems in this period (2009-10) prior to Australia Post's expected application for licence renewal. An audit involves an examination of randomly selected claim files and rehabilitation case files against the audit tools which are designed to test conformance and compliance of a licensee's claims management and rehabilitation management systems.

GPO Box 9955, Canberra ACT 2601
1300 366 999 www.comcare.gov.au

AUSTRALIA'S SAFEST WORKPLACES

Consequently, a detailed case file examination to examine the concerns of the CEPU must await such an external audit. However, Comcare, on behalf of the Commission has had discussions with your officials and Australia Post senior managers.

Ms Melissa Ryan, General Manager, Research and Policy Branch, and Mr Alex O'Shea, Director, SRC Policy Section, met with Mr Burt Blackburne and others on 2 April 2009 to allow the CEPU to further explain its concerns and to provide details of alleged breaches of the Act and Australia Post's licence conditions. Ms Ryan and Mr O'Shea subsequently met with Australia Post senior managers, where the operation of Australia Post's injury management systems and process was discussed as well as the CEPU's specific concerns and allegations.

At the CEPU meeting, your officials outlined that the main concern involved Australia Post's Injury Management (Early Intervention) Program (IMP) and its use of a nationally contracted network of facilitated nominated doctors (FND) for injured employees. The CEPU considered that the IMP and its use of FNDs could be described as 'an evidence collection and information management scheme' directed against the better health and well being of Australia Post employees and designed to minimise Australia Post's workers' compensation liability and to minimise its lost time injury (LTI) Commission indicator measure by passing employees onto sick leave, rather than to provide them workers' compensation benefits.

An example was provided by your officials which detailed an incident where an employee was injured in the course of employment (eg a witnessed motorcycle accident, fall, or other trauma), but was dealt with under the IMP and FNDs rather than the rehabilitation and workers' compensation powers under the SRC Act.

At the meeting, the CEPU officials also contended that Australia Post's managers were benefiting personally from having low recorded frequencies of LTI; consequently the IMP was open to abuse and would encourage poor practice. An example of such abuse was requiring an injured employee to return to meaningless duties (such as watching two hours of TV in a back room per day to avoid a LTI occurrence).

The CEPU also detailed a number of other or supplementary concerns regarding the IMP and Australia Post's practices in managing its injured employees. These are detailed at **Attachment 1**.

Ms Ryan and Mr O'Shea then met with Australia Post's senior HR managers and program managers responsible for the operation of the IMP and FND within the postal network. Comcare put to Australia Post a list of topics to explore the operation of the IMP and the processes of referring injured employees to FNDs. The meeting then addressed the CEPU's specific concerns and allegations regarding the operation of the IMP and FND. These are provided at **Attachment 2**.

Australia Post explained in detail the operation of its IMP, differentiating it from its fitness for duty processes under the arbitrator's determination and how the IMP and the use of FNDs operated within a workers' compensation context. Australia Post also responded to the specific issues related to CEPU allegations in these matters.

Firstly, looking at the concept of best practice injury management in the workplace generally, Comcare encourages all scheme employers to be proactive and to expeditiously manage all employees who notify of a workplace injury, well in advance of any workers' compensation liability decision or even the lodgement of a claim by the employee. Where there is a report of an injury in the workplace, such a proactive approach would involve assisting an injured employee to obtain early and expert medical diagnosis and treatment. 'Best practice' employers would offer the provision of this medical attention without cost to their employees and from local and readily available doctors who have been inducted into the local workplace and have a good knowledge of the range of alternative or suitable duties, should the employee be immediately unfit to return to his or her normal duties. In this way, there would be a seamless transition from acute care to primary rehabilitation (recovery) to tertiary rehabilitation (maintenance at work or return to work), or a smooth transition from injury management to occupational rehabilitation.

Comcare also encourages scheme employers to adopt a model of occupational rehabilitation by developing rehabilitation management systems which seek to either maintain injured employees at the workplace on suitable duties or to return injured employees to the workplace, quickly but in a safe and durable manner. There are positive gains for both the employee and the employer in such an approach and one which is consistent with the aims of the SRC Act.

Comcare's approach to early intervention is supported by general research outcomes and is also followed by other Australian workers' compensation schemes.

After examining the intent and documented operation of Australia Post's IMP, Comcare concludes that it seeks to adopt such a system and process. The Australia Post IMP is one which is made readily available through local worksite managers, but on a voluntary or 'opt-in' basis, for employees who notify of a workplace injury (via completion of a P400 form). All staff who lodge a P400 are advised of their eligibility to participate in the IMP, its voluntary nature and its benefits in the form of free and rapid access to medical attention and limited free medical treatment from doctors who are meant to be familiar with Australia Post workplaces. All employees, especially those who lodge a P400 form, are advised of their eligibility to lodge a workers' compensation claim and the availability of a workers' compensation claim form and the claims information pack.

In terms of the IMP's actual operation, Australia Post reports that employee participation in the IMP is high and that it is well supported by its employees. This is to be expected as Australia Post's own research confirms that a majority of its employees do not have a regular treating doctor and without the IMP would need to seek treatment generally in a medical centre/bulk billing clinic, usually from an unfamiliar doctor, with no guarantee that a subsequent visit will be to the same doctor. Such medical practices often have little regard to the objects of occupational rehabilitation, particularly in working closely with the workplace to maintain and injured employee at work or to return him/her to suitable duties.

Australia Post advises that, for many of its employees, the IMP's rapid access to injury diagnosis, acute treatment and medical management in the context of the employee's duties and alternative duties often results in the employee being able to be maintained at the workplace or return to the workplace on suitable duties with nil or minimal loss of time.

That is, it achieves the object of injury management and rehabilitation systems: a quick, safe and durable maintenance at work or return to work.

In certifying fitness for suitable duties under the IMP, it is the responsibility of the FND to specify the functions for which the employee is medically capable as well as documenting any restrictions. It is the responsibility of the manager to provide the employee with duties (restricted or not) matched to the certified functional capacity of the employee and it is the responsibility of the employee to adhere to them, but also to report any problems and to follow any subsequent upgrading of duties. In situations which require it, Australia Post is able to provide assistance from its own in-house or contracted rehabilitation health professionals to assist the manager to devise suitable duties and upgrade programs which align with the functional capacities and restrictions as advised (certified) by the FND.

As a complimentary process to the IMP, employees may also elect to seek primary treatment from their own doctor or local medical officer (LMO). This may result in a similar return to work on suitable duties as under the IMP, but often an incapacity certificate involving days, and sometimes many days, off work will result as the LMO may be less aware of the availability of suitable duties at the worksite and will often err on the side of certifying time off work. Australia Post may respond by having one of its FNDs contact the LMO to discuss a return to work on alternative duties, or ask the employee to see an FND for an assessment of their capability to return to suitable duties. Under the IMP, Australia Post has confirmed that such a request seeks the employee's voluntary cooperation, that is, the FND assessment is not mandatory.

Should Australia Post feel an employee's fitness/unfitness for duties status warrants it, it might seek to arrange a fitness for duties medical assessment under the terms of its 'arbitrators determination'. Australia Post reports that its managers take particular care to explain that such an arrangement stands outside the IMP, is only proceeded with under the delegation of a senior HR manager and is used sparingly, particularly at the early stages of post injury management.

Australia Post also admits that, while it might prefer the medical opinion from an FND in terms of an employee's capability of achieving an early return to work over that of an employee's local doctor who continues to certify incapacity, it stresses that its employees are entitled to follow the advice of the employee's local doctor under the IMP. However, should a workers' compensation claim be lodged, Australia Post is entitled to weigh up the two medical opinions and make a decision accordingly, with that decision being able to be contested externally at the Administrative Appeals Tribunal.

It is Comcare's conclusion that Australia Post's IMP is designed to emulate best practice workplace injury management systems. It is designed to be initiated by workplace managers at the local level with the cooperation of the injured employee. It involves priority access to doctors who are familiar with Australia Post worksites and suitable duties programs in order to either maintain the injured employee at the workplace on suitable duties or to return the employee to the workplace as soon as possible following restoration of some functional capacity. Accordingly, it is not a process which is inconsistent with SRC Act rehabilitation, nor would it be in conflict with Australia Post's conditions of licence.

However, Australia Post admits there have been instances where employees have unfortunately been mis-diagnosed by one of its FNDs or where employees have been returned too early or on duties which have proved too ambitious. There have also been examples where line managers have exerted pressure on employees to 'voluntarily' attend an FND treatment or assessment.

Comcare subsequently sought further information from Australia Post regarding its process to oversee and remediate such situations. Australia Post reports that all complaints by employees toward management behaviour in applying the IMP are investigated by Australia Post. Further, to ensure the ongoing integrity of the IMP, Australia Post reports that it takes any misuse of the IMP – whether by medical practitioners, managers, or employees – extremely seriously and would welcome the CEPU bringing to its attention any such specific issues or allegations. Australia Post also has a 'whistleblower' facility under its Employee Grievance process which can be utilised.

Australia Post also reports that since 2005 it has appointed a senior manager to oversee the IMP and that reports to senior management on the number of treatments and assessments under the IMP are provided on a monthly basis. The contracted FND provider also monitors the medical practitioners engaged under the program and undertakes reviews with Australia Post bi-monthly. The ongoing training of these doctors is managed and reviewed by the same company.

In regards to issues raised concerning the provision of appropriate and meaningful duties, Australia Post reports that it is committed to providing its injured workers with real duties that are in keeping with their medical restrictions, but that it would welcome the CEPU bringing to its attention any specific issues.

Australia Post acknowledges its IMP links to workers' compensation and it confirms that, once an employee's claim is accepted, the injury is managed under the SRC Act.

In summary, without the benefit of auditing Australia Post's claim and case files, but after detailed discussions with CEPU officials and Australia Post managers, including examining IMP documentation, Comcare can conclude that Australia Post's IMP has been established as a mechanism to effectively manage employees injured at work by adopting the best practice approach of making available, through an FND, early diagnosis and treatment of injuries with an emphasis on matching an employee's current functioning to available duties in the workplace.

This process is able to integrate into vocational rehabilitation if and when a claim for workers' compensation is received and determined. While it might be argued that an employee notification of an injury (eg via a P400 form) could invoke Part III (rehabilitation) under the SRC Act prior to a determined claim, scheme employers have the choice to establish separate injury management systems which operate prior to the finding of workers' compensation liability. The success of these separate injury management systems will largely depend on the levels of employee participation and how well they integrate with rehabilitation under the SRC Act. It is Comcare's view that Australia Post's injury management system performs well and in conformance with its conditions of licence and in compliance with the SRC Act.

While Australia Post has admitted to a number of instances where there have been shortcomings, it has also demonstrated its capacity to identify and remediate them. It has also demonstrated that it has a strong level of management oversight of the operation of its IMP, it has an employee complaints and grievance handling system, and would invite the CEPU to provide it with information where it believes it is not operating effectively.

In providing advice to the Commission about Australia Post's performance under the LIP in 2009-10, particularly through the claims management and rehabilitation audits, Comcare will pay close attention to the issues the CEPU has raised.

Thank you for bringing this matter to my attention.

Yours sincerely



Steve Kibble
A/g CEO

11 August 2009

Supplementary issues raised by CEPU on Australia Post's IMP and use of FNDs in dealing with injured employees

The CEPU claimed that:-

- there was a lack of clarity to employees on whether they were attending a FDN for treatment or for assessment with the implication that these distinct roles have very different responsibilities, including issues of privacy;
- injured employees who attend their own doctor and receive medical certification were being threatened that a refusal to also attend an FND examination will jeopardise the finding of workers' compensation liability;
- FNDs are not being trained in post injury management, lack familiarity with Australia Post worksites and consequently have little knowledge or appreciation of the working environments and range of duties to which they send injured employees back with "fit for light duties" certificates;
- FNDs issue 'retrospective' certificates which certify an employee fit for duties or fit for light duties from a date in the past - and prior to the FND examining the employee;
- when an FND issues a 'fit for light duties' certificate, it is the manager who determines the nature and extent of the light duties (with the implication that the FND does not then ratify or further certify those duties as appropriate); and
- the IMP/FND does not seem to have a process whereby incompetent doctors can be taken out of the system.

Issues for discussion with Australia Post to explore it's system of early intervention injury management following notification of workplace injury or illness

- Process for employees notifying on an injury or illness (P400 lodgement)
 - who provides form
 - who receives form
 - who else is notified

- Process for lodging a workers' compensation claim
 - access to claim form
 - access to claim information (eg requirement to provide: m/c, witness statements, supporting material)

- Process for managing 'early intervention' action following injury notification or w/c claim lodgement
 - when to use fitness for duties processes
 - when to use SRC Act processes [s37, s36, s37]

- Instructions to site managers on advice of P400 notification which may involve lost time
 - referral to FND
 - treatment - V - report on RTW/suitable duties
 - option for employee to elect to seek treatment/report from LMO
 - is attendance at FND examination compulsory for employee

- What are employee expectations following P400 lodgement?
 - is there a brochure or instruction which explains option to undergo FND or LMO treatment for acute injury/medical condition
 - what is employee expectations on FND/LMO reporting requirements in terms of fitness for duties/alternative (light) duties/total incapacity

- If FND/LMO certifies fit for modified or alternative or restricted duties – what happens?
 - who contacts employee
 - how are suitable duties selected
 - how is employee inducted into suitable duties program
 - what documentation does employee receive
 - who monitors adherence to suitable or restricted duties
 - what happens if employee reports difficulty with duties
 - who upgrades suitable duties

- who downgrades suitable duties
- Role of FND in assisting in determining workers' compensation liability
 - completion of certificate or report that provides medical opinion on extent of employment contribution (disease) – reporting for workers compensation liability purposes
 - certification for ongoing incapacity/capacity
 - role of FND to inform the injured employee of the FND's role and relationship with Australia Post
- What happens if W/C claim is accepted and employee is under suitable duties program?
 - is a s36 assessment required
 - basis for making a s37 determination
 - difference between suitable duties program and SRC Act rehabilitation program

Addressing specific issues related to CEPU allegations

- Comment on CEPU's reports from Australia Post employees who have been:
 - 'sent to company-paid doctors (FNDs) after a serious workplace injury only to be forced back to work before they were physically able, including with broken limbs'
 - 'fired after suffering work-related injuries'
 - 'been denied workers compensation coverage for an injury because Australia Post won't accept evidence from the employee's own GP' (Gail Seaton was diagnosed with epicondylitis, a painful repetitive strain injury, by her GP. A company-paid specialist subsequently denied the condition was still active)
- Comment on Australia Post's relationship with FNDs and examining specialists which:
 - 'puts pressure on doctors who rely on big clients such as Australia Post to give false diagnosis and inappropriate treatment, compromising their professional practice'.
- Comment on Australia Post's system of rewards and pay bonuses for executives:
 - 'who reduce the costs (by) robbing workers of their entitlements and personal safety'.
- Comment on allegation that Australia Post seeks to reduce lost time injuries (LTI) by:
 - 'rebadging time off associated with injuries as sick leave' or other leave or to require staff to attend the workplace when not fit for any duties (eg to watch TV or to carry out menial tasks etc)

Appendix 4 - Review and appeal processes available employees in relation to EIP and FFD processes

Employees who have any concerns about the manner in which they were dealt with through the EIP and FFD process or how they were treated by an FND, have a number of options available to seek redress or have their concern considered. Australia Post considers these are important element in ensuring equity and transparency in the process.

1. Communicate concerns with Australia Post Management

- 1.1 Employees and their representatives who have concerns about an aspect of their employment may seek to represent the matter directly to Australia Post Management. This is a relatively common occurrence, and the CEPU frequently writes to Australia Post management to raise concerns regarding the treatment of their members by Australia Post.
- 1.2 Australia Post reviews any formal representation and responds accordingly. In the past three years, Australia Post's Corporate Human Resources is not aware of any FND related complaint coming to Corporate Human Resources for apart from those raised at the Australian Industrial Relations Commission hearing referred to below at Option 7.

2. Access Australia Post's Internal / Grievance Process

- 2.1 Under Clause 5 of the Principal Determination all award level employees at Australia Post have access to the internal grievance process if a decision has been made, or a direction has been given by Australia Post that impacts upon their entitlements (such as leave or pay). An employee who has a legitimate concern about their treatment in relation to a referral to an FND may utilise the grievance process.
- 2.2 The grievance process operates on an escalation principle where the complaint can be raised successively through more senior levels of management if no satisfactory resolution is achieved at a lower level. Ultimately, if no satisfactory resolution is reached, the employee may seek to have their complaint heard by Australia Post's Board of Reference.
- 2.3 Australia Post's Board of Reference is chaired by an external chairperson (in Victoria the Chairperson is a former Commissioner of the Australian Industrial Relations Commission, in NSW a former Commissioner of the NSW IRC and in Queensland a former (now retired) Senior HR Officer from Australia Post). The Board of Reference Chairperson is appointed with tripartite approval from Australia Post, the CEPU and the CPSU in a process that has the imprimatur of the former Australian Industrial Relations Commission (now Fair Work Australia).
- 2.4 The Board of Reference has broad powers to issue recommendations as a result of any grievance process hearing.
- 2.5 In the past three years, no employee has raised a grievance regarding the request to see an FND through the Board of Reference process.

3. Direct representation to Comcare

- 3.1 An employee or their representative who has a concern regarding any treatment related to their health and well being at Australia Post may make a complaint directly to the regulator, Comcare. Comcare will investigate any such complaint and issue a report or findings as appropriate. This occurred this year when the CEPU made a complaint to Comcare about the EIP and FFD processes at Australia Post. Comcare conducted an investigation and responded to the CEPU (with a copy to Australia Post) (Comcare's response is at **Appendix 3**). Comcare found no wrong doing by Australia Post and stated that the programs Australia Post has in place are in line with best practice.

4. Use the Workers Compensation Review and Appeal Process

- 4.1 If an employee wishes to appeal a decision of a workers' compensation Claims Manager to deny the employee's workers' compensation claim, there is a two stage appeal process available involving:
- (a) firstly, a reconsideration of the decision by a new Claims Manager; and
 - (b) if an employee does not agree with the reconsideration decision the employee may elect to apply to the Administrative Appeals Tribunal for review of the reconsideration decision.

The process is outlined in detail at Part 4(7) (Terms of Reference), but is outlined again below for convenience.

Reconsideration of Decision

- 4.2 Once an employee has received a decision they can request within 30 days that the decision is reconsidered. A request for reconsideration must be in writing and must contain the reasons for the request. An employee can provide further information in support of their claim at this time.
- 4.3 Upon receipt of a reconsideration request the decision in dispute will be reconsidered by a Claims Manager not involved in the making of the first decision. The Claims Manager will consider any new evidence and has the same power as the initial decision maker to seek clarification of evidence or arrange for the provision of new evidence. The reconsideration decision will be documented in writing, will outline the reasons for decision and will provide the employee with a further Notice of Rights which contains the second step in the appeal process.

Administrative Appeal Tribunal (AAT)

- 4.4 Where an employee does not agree with the reconsideration decision they may elect to make application to have the AAT review the reconsideration decision. An application to the AAT must be made in writing in accordance with the provisions of the *Administrative Appeals Tribunal Act 1975* and must be made within 60 days from the date of receipt of the reconsideration decision.
- 4.5 Once an application to the AAT has been made, the AAT process will typically involve (among other things) telephone conferences, mediation and conciliation. If the matter is not resolved it may proceed to a hearing. Where a hearing occurs, the AAT will consider the evidence presented by both parties and make a decision on the evidence having regard to the provisions of the SRC Act.
- 4.6 The decision of the AAT can be appealed to the Federal Court on a point of law.

5. Complaint to InjuryNet

- 5.1 Employees or their representatives may make a complaint about their treatment by an FND directly to InjuryNet.

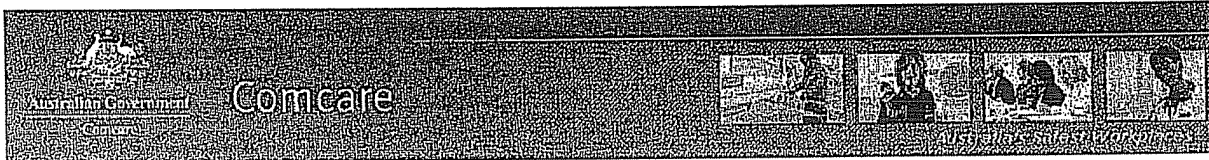
6. Complaint to the Australian Medical Association or State Medical Boards

- 6.1 If an employee or their representative has any concern about the appropriateness of their assessment or treatment by a FND, they may make a complaint to the Australian Medical Association (AMA) or to one of the Medical Boards that oversee the registration and practices of medical practitioners in a particular state.
- 6.2 Australia Post is not aware of any complaint being made by an employee to either the AMA or a state medical board in relation to their diagnosis or treatment by a FND in the past three years.

7. Fair Work Australia

- 7.1 The relevant union, on behalf of a member or members, may seek to bring a dispute to Fair Work Australia (FWA), formerly the Australian Industrial Relations Commission (AIRC), to hear disputes regarding the application of Australia Post's FFD provisions and the EIP.
- 7.2 In August 2008, the CEPU (Communications Division) brought an application to the AIRC, raising concerns about the treatment of certain Australia Post employees as a result of the use of FNDs by Australia Post.
- 7.3 The CEPU's case involved five individual case studies (some dating back approximately five years) to support the CEPU's concerns.
- 7.4 The matter was dealt with by both Commissioner Grainger and Senior Deputy President Drake. During 2008, Australia Post took part in three conciliation conferences conducted under the auspices of the AIRC to attempt a resolution of the issues and concerns raised by the union about these individuals. This included extensive discussion between the parties on each of the case examples raised and broad questions relating to FNDs and the associated policies and programs raised by the CEPU.
- 7.5 The discussions between Australia Post and the CEPU continued in 2009 with a conference before SDP Drake on 19 May 2009 and a further conciliation on 25 August 2009.
- 7.6 At the conclusion of the proceedings, the AIRC found there was nothing further the AIRC could do to assist the parties. No adverse finding was made against Australia Post in this matter and no recommendations were made by the AIRC in respect of the individual cases raised by the CEPU or more generally in relation to the EIP and FFD assessments.

Appendix 5 – Comcare's Early intervention checklist for senior managers



Early intervention checklist

Early intervention means identifying and responding to early warning signs and reports of accidents or incidents by providing assistance to employees before they develop an injury or illness, take extended absence from work or lodge a claim for workers' compensation.

The following is an early intervention checklist for senior managers:

Leadership commitment	
1. Executive has endorsed an early intervention policy (consistent with the above definition) which clearly defines early intervention objectives and the roles and expectations of each of the groups of stakeholders.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Other relevant policies that may assist employees to remain at work or return to work following an absence have been reviewed for consistency with the early intervention policy.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Early intervention and injury management are included as standing items on executive meeting agendas.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Systems review and improvement	
4. Systems for reporting and investigating incidents have been developed and implemented to underpin early intervention.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Contracts with external providers (such as: EAP, MAP, mediation, training and development, approved rehabilitation provider arrangements) are developed and reviewed to ensure consistency with the early intervention policy, and to meet the identified needs of the agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Regular review of the resources, training and support for case managers is undertaken with a view to continuous improvement of workplace rehabilitation outcomes.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Management systems for early intervention and return to work are assessed at defined intervals against the organisation's stated objectives and available performance data and opportunities for improvement are identified.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Accountability	
8. Systems are in place to ensure that managers are accountable for the prevention and management of illness and injury in their workplaces (e.g. clear expectations are established through performance management frameworks or workplace agreements, or premium devolution).	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Case managers have regular performance review against injury management performance indicators and RTW outcomes.	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. The organisation has clearly defined targets and positive performance indicators (both lead and lag) for return to work that are regularly reported to executive meetings.	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. The organisation's annual report includes performance against injury management targets and/or key indicators of injury management performance.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Information and Training	
12. Information has been provided to employees about reporting and contact procedures and what assistance is available if they are off work, or experiencing health problems that prevent them from working at their normal functional level.	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Line managers have been trained to recognise warning signs, support employees at risk of injury or illness and manage an employee with illness or injury in the workplace.	<input type="checkbox"/> Yes <input type="checkbox"/> No
14. Information has been provided to employees to increase their awareness of	<input type="checkbox"/> Yes

mental health issues and their understanding of behaviours that assist recovery in the workplace.	<input type="checkbox"/> No
15. Rehabilitation service providers have been given information about the agency's early intervention approach and the requirement for assessment to include identifying and addressing risks of long term absence from work.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Incentives	
16. Good performance in injury management is recognised and rewarded within the organisation.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Appendix 6 - Guidelines for the Use of Determination 10A – fitness for duty

Guidelines for the use of Determination 10A – FITNESS FOR DUTY

The "fitness for duty determination" provides the authority for Australia Post to obtain a medical assessment as to whether the employee is fit to perform all or part of his/her duties. This Determination comes into effect on 1 July 2006.

The exercise of powers under this Determination must be made with care and responsibility. Due consideration must be given to any specific circumstances applicable to the employee in each case.

This guideline outlines when and how the Determination should be used. A number of existing Australia Post policies rely on this authority including:

1. The Injury Management (Early Intervention) Policy – To direct an employee to attend an Australia Post nominated doctor for a fitness for duty assessment
2. Non-Work Related Medical Restrictions Policy – to have the employee examined by an independent medical practitioner in order to clarify conflicting medical information.
3. Managing long term absences – the practice of directing an employee to an Australia Post nominated doctor after a 13 week absence will continue.

We do not rely on this Determination where the employee has an accepted workers' compensation claim for that condition – in that case the Safety, Rehabilitation and compensation Act (1988) must apply.

Under section 8.6 of EBA6 Australia Post has agreed not to direct employees to attend Australia Post nominated doctors for same day medical assessments for the management of absenteeism. Attendance management issues are covered by the National Attendance guidelines. For advice on this, please contact your Human Resources Adviser.

We also do not rely on the Determination in circumstances where we believe an employee constitutes a danger to other staff or the public due to their state of health – in that case determination 10B provides the authority to direct an employee to attend a medical examination.

The following sets out a summary of the policy, and provides some examples of how the Determination would be correctly applied:

1. **Injury Management (Early Intervention) Policy**
Where an employee does not accept an offer to attend an Australia Post nominated doctor for treatment, and is provided with a certificate of incapacity from another treating doctor, this Determination would be used to direct the employee to attend a fitness for duty assessment to determine whether they are able to undertake all or part of their duties.
2. **Non – Work Related Medical Restrictions Policy**
Under this policy, the onus is on the employee to provide medical evidence as to their ability to perform work. In circumstances where an employee provides

conflicting medical information (e.g. where an employee with long term restrictions suddenly provides a certificate that they are fully fit) the determination would be used to clarify their fitness or otherwise to undertake all or part of their duties.

3. **Managing long term absences**

The current practice is for employees to be directed to attend a fitness for duty assessment where their absence is over 13 weeks. The authority for this direction will now be Determination 10A.

Previously, Australia Post relied on a clause in the award to require employees to attend a fitness for duty assessment. From 1 July it is Determination 10A that will be relied upon, and documentation in the above policies and procedures have been updated to reflect this.

There will be other circumstances where it is appropriate for Determination 10A to be used. In such circumstances, you must consult with your Human Resources Advisor before utilising this Determination. For example, where an employee has applied for an ongoing period of sick leave and Australia Post has reasonable grounds to believe that they may be fit to undertake all or part of their duties.

References

- American College of Occupational Health and Environmental Medicine, 'ACOEM Guideline: Preventing Needless Work Disability by Helping People Stay Employed' (2006) 48 *Journal of Environmental Medicine* 972
- Arnetz, Bengt et al, 'Early Workplace Intervention for Employees with Musculoskeletal-Related Absenteeism: A Prospective Controlled Intervention Study' (2003) 45 *Journal of Occupational and Environmental Medicine* 499.
- Australian Institute for Primary Care (La Trobe University), *Facilitators and Barriers to Return to Work: A Literature Review*, South Australian WorkCover Corporation (2006).
- Barnett, Kate et al, *The Role of the Workplace in Return to Work: Discussion Paper*, WorkCover SA, <www.workcover.com/Documents.aspx?fno=6806> at 19 November 2009.
- Carabelas, Tas, *What Happens When a Dispute is Lodged in the Workers' Compensation Tribunal?* (presentation to 2007 WorkCover SA Conference) <www.workcover.com/Documents.aspx?fno=5631> at 19 November 2009.
- Comcare, *Leadership Commitment – Early Rehabilitation Assistance to Employees* (2007) <http://www.comcare.gov.au/forms_and_publications/publications/injury_management/?a=41137> at 19 November 2009.
- Department for Work and Pensions, *Medical Evidence for Statutory Sick Pay, Statutory Maternity Pay and Social Security Incapacity Benefit Purposes - a Guide for Registered Medical Practitioners* (2004) <<http://www.dwp.gov.uk/docs/ib204.pdf>> at 19 November 2009.
- Franche, R L et al, *Workplace-Based Return-to-Work Interventions: A Systematic Review of the Quantitative and Qualitative Literature (Summary)* (2004) Institute for Work & Health, Ontario, Canada <http://www.iwh.on.ca/system/files/sbe/summary_rtw_interventions_2004.pdf> at 19 November 2009.
- Hanks, Peter, *Accident Compensation Act Review Final Report* (Hanks Report), August 2008.
- McCluskey, Serena et al, 'The Implementation of Occupational Health Guidelines Principles for Reducing Sickness Absence due to Musculoskeletal Disorders' (2006) 56 *Occupational Medicine* 237.
- *Thompson v IGT (Australia) Pty Ltd* [2008] FCA 994.
- Waddell, Gordon and Burton, A Kim, *Is Work Good for Your Health and Well-Being?* (2006) <<http://www.workingforhealth.gov.uk/documents/is-work-good-for-you.pdf>> at 19 November 2009.
- Waddell, Gordon and Burton, A Kim, 'Occupational Health Guidelines for the Management of Low Back Pain at Work: Evidence Review' (2001) 51 *Occupational Medicine* 124.
- WorkCover NSW, *Overview – Improving Outcomes: Integrated, Active Management of Workers with Soft Tissue Injury* (2008) <http://www.workcover.nsw.gov.au/publications/workerscomp/injurymanagement/pages/improving_outcomes_integrated_active_management_of_workers_with_soft_tissue_injury.aspx> at 19 November 2009.
- WorkCover WA, *Best Practice in Injury Management and Return to Work – Literature Review*, September 2007, <<http://www.workcover.wa.gov.au/NR/rdonlyres/813B9E3F-B99B-4E27-B261-DA58D9D56C2B/0/LiteraturereviewBrandedFINAL.pdf>> at 19 November 2009.
- WorkCover WA, *Management Practices, Medical Interventions and Return to Work* (1998) (a research report prepared for the Workers' Compensation and Rehabilitation Commission, Western Australia) <http://www.workcover.wa.gov.au/NR/rdonlyres/41AD9216-1AA9-4450-9320-5A167BB363F5/0/Man_Practices_Medi_Interventions_and_RTW0307.pdf> at 19 November 2009.

Endnotes

¹ See Gordon Waddell and A Kim Burton, *Is Work Good for Your Health and Well-Being?* (2006) <<http://www.workingforhealth.gov.uk/documents/is-work-good-for-you.pdf>> at 19 November 2009, 9.

² Peter Hanks QC, *Accident Compensation Act Review Final Report*, August 2008, [4.10] (**Hanks Report**).

³ Consensus Opinion Statement issued by the American College of Occupational and Environmental Medicine, *The Attending Physician's Role in Helping Patients Return to Work after an Illness or Injury*, cited in Waddell and Burton, above n 1, 138.

⁴ Waddell and Burton, above n 1, 9.

⁵ Waddell and Burton, above n 1, 27; Gordon Waddell and A Kim Burton, 'Occupational Health Guidelines for the Management of Low Back Pain at Work: Evidence Review' (2001) 51 *Occupational Medicine* 124, 128.

⁶ Australian Institute for Primary Care (La Trobe University), *Facilitators and Barriers to Return to Work: A Literature Review*, South Australian WorkCover Corporation (2006). <www.workcover.com/documents.aspx?fno=1353> at 19 November 2009, 18.

⁷ American College of Occupational Health and Environmental Medicine, 'ACOEM Guideline: Preventing Needless Work Disability by Helping People Stay Employed' (2006) 48 *Journal of Environmental Medicine* 972, 976.

⁸ WorkCover WA, *Best Practice in Injury Management and Return to Work – Literature Review*, September 2007, <<http://www.workcover.wa.gov.au/NR/rdonlyres/813B9E3F-B99B-4E27-B261-DA58D9D56C2B/0/LiteraturereviewBrandedFINAL.pdf>> at 19 November 2009, 16.

⁹ Tas Carabelas, *What Happens When a Dispute is Lodged in the Workers' Compensation Tribunal?* (presentation to 2007 WorkCover SA Conference) <www.workcover.com/Documents.aspx?fno=5631> at 19 November 2009, 14.

¹⁰ Department for Work and Pensions (UK), *Patients, their employment and their health: how to help your patients stay in work*, cited in Waddell and Burton, above n 1, 145.

¹¹ Comcare, *Leadership Commitment – Early Rehabilitation Assistance to Employees* (2007) <http://www.comcare.gov.au/forms_and_publications/publications/injury_management/?a=41137> at 19 November 2009, 4.

¹² Hanks, above n 2, [4.12].

¹³ Australian Social Trends, ABS 4102.0, *Work-Related Injuries*, 2007, p 4; Productivity Commission, *National Workers' Compensation and Occupational Health and Safety Frameworks*, Inquiry Report, No. 27, 2004, p XXIV cited in Hanks, above n 2, [4.13].

¹⁴ Hanks, above n 2, [4.12].

¹⁵ See Bengt Arnetz et al, 'Early Workplace Intervention for Employees with Musculoskeletal-Related Absenteeism: A Prospective Controlled Intervention Study' (2003) 45 *Journal of Occupational and Environmental Medicine* 499;

¹⁶ Serena McCluskey et al, 'The Implementation of Occupational Health Guidelines Principles for Reducing Sickness Absence due to Musculoskeletal Disorders' (2006) 56 *Occupational Medicine* 237.

¹⁷ WorkCover WA, above n 8, 15.

¹⁸ WorkCover WA, above n 8, 15.

¹⁹ American College of Occupational Health and Environmental Medicine, above n 7, 977.

²⁰ Hanks, above n 2, [4.384].

²¹ Hanks, above n 2, [4.380]; N Kendall, *Evidence Review: Raising the awareness of key frontline health professionals about the importance of work, job retention, and rehabilitation for their patients* (internal document for Department for Work and Pensions) (2003) cited in Waddell and Burton, above n 1, 140.

²² Kendall, above n 22, cited in Waddell and Burton, above n 1, 140.

²³ See Part 2 above.

²⁴ WorkCover WA, above n 8, 13.

²⁵ Hanks, above n 2, [4.368].

²⁶ WorkCover WA, *Management Practices, Medical Interventions and Return to Work* (1998) (a research report prepared for the Workers' Compensation and Rehabilitation Commission, Western Australia) <<http://www.workcover.wa.gov.au/NR/rdonlyres/41AD9216-1AA9-4450-9320-5A167BB363F5/0/Man Practices Medi Interventions and RTW0307.pdf>> at 19 November 2009, xvii.

²⁷ R L Franche et al, *Workplace-Based Return-to-Work Interventions: A Systematic Review of the Quantitative and Qualitative Literature (Summary)* (2004) Institute for Work & Health, Ontario, Canada <http://www.iwh.on.ca/system/files/sbe/summary_rtw_interventions_2004.pdf> at 19 November 2009, 5;

Comcare, above n 12, 5; Australian Institute for Primary Care above n 7, 5, 18, 24; WorkCover WA, above n 8, 11.

²⁸ Ibid, 4.

²⁹ Ibid, 13.

³⁰ American College of Occupational Health and Environmental Medicine, above n 7, 979.

³¹ Department for Work and Pensions, *Medical Evidence for Statutory Sick Pay, Statutory Maternity Pay and Social Security Incapacity Benefit Purposes - a Guide for Registered Medical Practitioners* (2004) <<http://www.dwp.gov.uk/docs/ib204.pdf>> at 19 November 2009, 20.

³² Kendall, above n 22, cited in Waddell and Burton, above n 1, 140-141.

³³ Institute for Work and Health, *Seven Principles for Successful Return to Work*, Toronto (2007) cited in Kate Barnett et al, *The Role of the Workplace in Return to Work: Discussion Paper*, WorkCover SA, <www.workcover.com/Documents.aspx?fno=6806> at 19 November 2009, 22.

³⁴ WorkCover WA, above n 8, 5.

³⁵ Australian Institute for Primary Care, above n 7, 23.

³⁶ Comcare, above n 11, 4.

³⁷ Ibid, 4-5.

³⁸ Ibid, 5.

³⁹ WorkCover NSW, Overview – Improving Outcomes: Integrated, Active Management of Workers with Soft Tissue Injury (2008) <http://www.workcover.nsw.gov.au/publications/workerscomp/injurymanagement/pages/improving_outcomes_integrated_active_management_of_workers_with_soft_tissue_injury.aspx> at 19 November 2009, 5.

⁴⁰ See WorkCover WA, above n 8.

⁴¹ Comcare, above n 11, 7 and 9.

⁴² Comcare Jurisdictional Policy Advice No. 2000/05, 'Application of 'Fitness for Duty' Provisions', 27 June 2000.

⁴³ *Thompson v IGT (Australia) Pty Ltd* [2008] FCA 994, [49], Justice Goldberg held that: 'It is ... an established principle that it is reasonable to direct an employee to attend a medical examination to determine whether the employee is fit to perform his or her duties and whether he or she can do so safely'. In this case, Justice Goldberg followed the observations of Justice Madgwick in *Blackadder v Ramsay Butchering Services Pty Ltd* (2002) 118 FCR 395 which were not disturbed on appeal to the High Court of Australia.