

## ILLNESS, INJURY & REHABILITATION POLICY

**XPower is committed to ensure, as far as is reasonably practicable, that all employees are safe from injury and risk to their health whilst at work.**

### Purpose

The purpose of this policy is to:

- (a) Enable XPower to take reasonable steps to provide a safe work environment, in compliance with its obligations under the *Occupational Health and Safety Act 2004* (Vic).
- (b) Provide employees with an understanding of XPower's expectations, and their obligations under employment and safety laws;
- (c) Prevent uncertainty where a situation arises; and
- (d) Provide an understanding of issues and supports available; and
- (e) Ensure evidence-based best practices are used where possible.

Under the *Occupational Health & Safety Act 2004* (Vic), all employees must take reasonable care for the health and safety of themselves and those they work with. This includes both physical and mental health.

### Application

This policy applies to all employees of XPower and covers injuries or illnesses that may occur at work, or outside the workplace.

This policy does not cover use of drugs or alcohol which may also affect fitness for work and are covered in XPower's Policy 09 - Alcohol and Drug Policy.

This policy does not cover Fitness for Work in its entirety and is covered in XPower Policy 02 – Fitness For Work.

This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies, but should be considered a lawful and reasonable direction to employees

### Definitions

- **Serious personal illness/injury** includes, but is not limited to, a condition where a person breaks a bone, tears or strains a ligament, requires time in hospital, has cancer treatment, requires time in quarantine, has a concussion, has been in a serious accident (e.g., car accident or fall from height), or has required more than 2 weeks off work.
- **Inherent requirements of a job** are those essential physical or mental abilities a person must be able to do as part of their job role. For example: in a labouring job this may require a certain amount of strength or mobility, capacity to walk over uneven ground on a job site and may also include a requirement to hold a licence, and to be able to deal with mental aspects such as alertness to machinery moving around a site, or able to accept changed priorities. Inherent requirements differ from role to role.

## Fitness for Work and Sick Leave

Under employment and safety law, employees must ensure they present to work fit for work.

As part of the fitness for work obligation, employees must take steps to ensure they present to work in a fit state, this includes, but is not limited to:

- Not impaired by drugs, alcohol or prescription medications
- Having had adequate rest
- Not hung over

An employee who is not fit for work may take personal leave (sick leave) for the time they are unfit – which may be a part day or whole day. An employee is entitled to take paid or unpaid sick leave where:<sup>1</sup>

- (a) They are not fit for work due to illness or injury; and
- (b) They have notified XPower as soon as practicable, advising how long they think they will need off; and
- (c) If the absence is on a day either side of a public holiday, weekend or RDO, or is for more than 1 day, a medical certificate or statutory declaration is provided as evidence on the next work day

Where an employee is fit for work but needs to have a medical check-up (e.g. annual medical, dental check-up or clean), they should discuss this with the Business Manager, and may arrange their work around it or take another form of leave.

**An employee who is knowingly ill or injured and attends work may be disciplined for failing to comply with this policy, and as a breach of OHS obligations to take reasonable care for themselves and others in the workplace.**

An employee is not entitled to take personal leave (sick leave or carer's leave) on a public holiday or on Rostered Day Off, as they were not required to be at work on that day.<sup>2</sup>

An employee who takes annual leave and is ill or injured in that time may convert it to personal leave, where evidence is provided for the period of illness/injury.

## Attendance Issues

Where an employee has an excessive level of absenteeism, a pattern of absence, or XPower has reasonable cause to consider the absences may not be genuine, this will be discussed with the individual to understand their circumstances, and why this may be occurring.<sup>3</sup>

Having considered their response, they may be directed in writing to ensure they provide notification of any further absences as soon as practicable and provide medical certificates for any and all absences for a defined period (e.g. 6 or 12 months) to substantiate the absences.<sup>4</sup> If a person is directed to do this, those medical certificates:

- Must be issued by a doctor, a pharmacy certificate will not be acceptable; and
- Must be issued at the time of the illness/injury and may not be retrospective.

If an employee has been given this direction and fails to notify of their absence or provide medical certificates, this may be addressed as “failure to follow lawful and reasonable directions” in a disciplinary process.

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<sup>1</sup> Fair Work Act 2009 (Cth) [section 97](#), and Fair Work Regulations (Cth), [regulation 3.01](#)

<sup>2</sup> Fair Work Act 2009 (Cth) [section 98](#)

<sup>3</sup> XPower may consider other ways to address the absences, for example by suggesting a flexible work arrangement, arranging for planned leave on certain days, or directing an employee to undertake a fitness for work medical.

<sup>4</sup> Under the Fair Work Act 2009 (Cth) Regulations, an employer can require evidence for any and all absences, however XPower will only require this where XPower notes excessive levels of absence, a pattern of absences, and/or has reason to believe the absence(s) are not genuine.

## Serious Personal Illness or Injury

Where an employee sustains a serious injury, or illness, they must notify XPower.

Before returning to work, XPower may:

- (a) Direct them to visit their doctor and get a certificate indicating they are fully fit for work; or
- (b) May write to their treating doctor outlining the inherent requirements of the job (to ensure their doctor is properly informed) and asking the doctor whether they are fit to return to work

Where a person has a prolonged illness or injury, or a condition which means they are unable to meet the inherent requirements of their job, they may request XPower consider providing a “reasonable adjustment”, to accommodate them for a defined period.

## Workplace Illness or Injury

### Reporting

An employee who is injured at work or becomes ill because of work must report it as soon as possible to XPower Management and must complete XPower Form 28 - S.H.I.T. Report and Form 12 – Register of Injuries.

These forms assist to ensure XPower does not miss injuries occurring and can follow up with employees as needed, to treat injuries early and before they become significant. It also allows for identification of patterns or risks, as best practice to improve safety in the workplace.

**A person who fails to report a workplace injury or illness or fill out the Register of Injuries may be disciplined for breaching this policy; and as a breach of their OHS obligations to take reasonable care for the health of themselves and others.**

### Worker's Compensation claims (WorkCover)

An employee who wants to make a worker's compensation claim may do so by providing a Worker's Compensation Claim Form and a medical certificate (Certificate of Capacity) to XPower Business Manager.

Once a worker's compensation claim is received, XPower has up to 10 days to lodge it with WorkSafe's agent (WorkCover Insurer).

The Insurer has 28 days to decide whether to accept or decline the claim. During this time an employee who is not fit for work will be paid from their sick leave and annual leave. These will be reimbursed to them if the claim is accepted.

Where a claim is accepted, XPower will appoint a Return to Work Coordinator<sup>5</sup>, and/or a Worker's Compensation Consultant to:

- liaise with the employee, their treating doctor(s), the insurer and XPower
- to prepare an appropriate return to work plan (which may change over time)
- to facilitate the return to work plan with XPower operational staff
- to foster an ongoing, positive working relationships; and
- provide guidance and support

An injured employee must participate in return to work plans and rehabilitation, as a legal requirement.

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<sup>5</sup> As required under the *Workplace Injury, Illness, Rehabilitation and Compensation Act 2013* (Vic)

Return to Work Plans may include a requirement to undertake administrative duties, or duties which may seem a bit menial. This is because:

- Research shows that a person has the best chance of full rehabilitation if they continue to attend for work in some capacity. This helps ensure they do not become disconnected from the workplace, and maintains work routines, which assist with mental aspects of injury recovery.
- It provides an opportunity for an injured person to spend some time with employees they would not normally work with, and experience other areas of the business.
- It continues to contribute to the business, as unfortunately those jobs need doing!

Under worker's compensation legislation, an employer has an obligation to provide suitable duties, and to hold a person's job open for 52 weeks.

### Support Available

We recognise there may be a number of life pressures that impact on your wellbeing and attendance at work.

We encourage you to let us know when life is not going to plan, and to seek support. Please refer to XPower Policy 08 – Health & Wellbeing Policy for further information and assistance.



**Signed:**

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Director

**Date:** 27.04.2023  
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