

Adobe Systems Pty Ltd – Return to Work Program

PROCEDURES

Issue date: August 2019

Contents

1. BACKGROUND	4
1.1 About this document	4
1.2 Who is covered	4
1.3 Adobe’s commitment	4
2. RETURN TO WORK/RECOVER AT WORK ARRANGEMENTS	5
2.1 Making a claim for workers compensation	5
2.2 Role of the Manager	5
2.3 Role of Return to Work Coordinator (RTWC)	6
2.4 Approved Workplace Rehabilitation Provider	7
2.5 Return to Work Program Consultation and Implementation	7
2.6 Return to Work Program Communication and Training Arrangements	7
2.7 Return to Work Program Program Monitoring	7
3. INJURY MANAGEMENT AND RECOVER AT WORK PROCESS	7
3.1 Informing Workers of their Rights and Obligations	7
3.2 Worker Obligations	8
3.3 Worker Rights	8
3.4 Responsibilities and Obligations of Support Teams	8
3.5 Consent to Release and Exchange Information	10
4. AFTER AN INCIDENT OCCURS	10
4.1 First Aid Arrangements	10
4.2 Register of Injuries	100
4.3 Notifiable Incidents	11
5. SUPPORTING WORKERS	11
5.1 Positive Communication with Injured Workers	11
5.2 Managing Weekly Payments	121
5.3 Commitment to Participate and Cooperate in Injury Management Plan	12
6. RECOVERY AT WORK	12
6.1 Early commencement of suitable duties in the workplace	12
6.2 Developing a Return to Work Plan	13
6.3 Taking leave on a Return to Work Plan	13
6.4 Workers with other injuries or illness not related to their workers compensation claim	13

6.5 Appointment times for treatment while a worker is on a Return to Work Plan.....	14
7. CHANGE OF RETURN TO WORK GOAL.....	14
7.2 Obtaining Relevant Information	15
7.3 Consultation with the injured worker and their representative(s)	15
7.4 Support during the job seeking.....	16
7.5 Temporary Continuation of Suitable Duties	16
7.6 Increasing job seeking efforts to maximise employment.....	17
7.7 Responsibility to reasonably consider suitable employment options.....	17
7.8 Obligation to resign if suitable employment is found	17
7.9 Reimbursement of ‘out of pocket’ expenses.....	17
7.10 Union Support and Representation	17
8. DECLINED LIABILITY (disputed claims).....	18
8.1 Procedures for declined liability	187
8.2 Termination of employment contract on medical grounds	188
9. DISPUTE PREVENTION AND RESOLUTION	19
10. RETENTION OF RECORDS AND MAINTAINING CONFIDENTIALITY	19
LIST OF APPENDICES	21-23

1. BACKGROUND

1.1 About this document

Adobe Systems Pty. Ltd. (the “Company” or “Adobe”) is committed to ensuring a healthy and safe workplace for all employees. If you are injured at work, Adobe will work with you on your recovery and to support your return to work, in compliance with applicable law. This policy explains Adobe’s commitment to ensure:

- An early, safe and sustainable recovery at work of an injured worker
- The recovery at work of an injured worker is consistent with medical assessment and in accordance with relevant legislation
- The provision of suitable employment is an integral part of the recover at work plan
- Consultation occurs with the injured worker and any other relevant parties regarding recover at work plans.

The Return to Work (RTW) Program does not apply to non-compensable injuries, i.e. non work-related injuries/illnesses.

The Return to Work Program shall be reviewed every two years in consultation with workers.

Policies and procedures may be reviewed following an injury to identify gaps and opportunities for improvement.

1.2 Who is covered

All Adobe employees are covered by a Workers Compensation Insurance policy specific to the State or Territory in which they work. Applicable legislation in each State or Territory varies, so this policy provides an outline of the Company’s national approach to the rehabilitation of employees injured at work. Adobe will comply with the relevant legislation in the State or Territory applicable to you, and to the extent that this policy is inconsistent with such legislation, the requirements under that legislation shall apply.

If you are injured at work, you will be offered the support described in this policy – provided the claim is approved by the relevant insurer. Depending on the insurer, you may also seek compensation for medical expenses, and in some cases, loss of income while you’re injured and cannot work.

This policy does not apply if you are injured outside of work (for example, a sprained ankle while playing sport over the weekend). The policy also does not apply if your claim is not approved, or an approved claim is closed by the relevant insurer.

1.3 Adobe’s commitment

If you are injured at work, Adobe is committed to:

- Managing your claim and return to work (where it is reasonable to do so) with our internal Return to Work coordinator;

- Planning for your return to work as soon as possible after an injury, where reasonable to do so and consistent with medical advice and any work restrictions;
- Providing suitable duties to you during your recovery, to the extent that it is reasonable to do so, taking into consideration your capacity to work, the needs of the business and medical advice
- To the extent that it is reasonable to do so, developing a reasonable return to work plan in consultation with you and your treating medical practitioner; and
- Maintaining confidentiality of information obtained during work rehabilitation and return to work programs.

Victoria only: To the extent that it is reasonable to do so, provide pre-injury or suitable employment to an injured worker for a period of 52 weeks of the worker's incapacity. This will commence from the date a Certificate of Capacity or a Worker's Injury Claim Form in which weekly payments are claimed is received from you or from when the authorised Agent notifies us of receipt of same (whichever is the earliest).

NSW only: To the extent that it is reasonable to do so, provide pre-injury or suitable employment to an injured worker for a period of 6 months of the worker's incapacity. This will commence from the date an injured worker becomes unfit.

2. RETURN TO WORK/RECOVER AT WORK ARRANGEMENTS

Adobe has an arrangement in place with Marsh to manage the Return to Work program on its behalf in conjunction with the Insurer Claims Manager and the relevant insurers. This includes the services of an appropriately qualified Return to Work Coordinator/Recover at Work Coordinator. The Return to Work Coordinator (RTWC) meets legislative requirements for the role by having completed the relevant state based approved Return to Work Coordinator training, in addition to holding experience in the field.

2.1 Making a claim for workers compensation

All workers are entitled to make a claim for workers compensation arising from a workplace injury or illness

2.2 Role of the Manager and Employee Experience team

- Implements the Recover at Work/RTW Program after consultation with key stakeholders
- Ensures that the *If you get injured at work poster* is displayed in the relevant states in accordance with legislation
- Maintains a record of work-related injuries
- Advises RTWC upon notification of injury/illness from workers for which workers compensation may apply
- Identifies and provides suitable roles to support worker's recovery at work

- Has regular communication with RTWC to remove roadblocks so that the worker can return to suitable roles or pre-injury duties as early as possible
- Assists in exploring options for employment outside of Adobe where all options for return to pre-injury duties have been exhausted
- Promotes the health benefits of good work to the workforce
- Meets with the Insurer Claims Manager and RTWC when required to facilitate the return to and/or recovery at work of injured workers
- Improves relevant policies and systems.

2.3 Role of Return to Work Coordinator

The Return to Work Coordinator (RTWC) aims to facilitate the recovery at work process for Adobe injured workers. They also look after the lodgement of claims and payment of Workers Compensation weekly benefits on behalf of the Insurer Claims Manager. The primary point of contact of the RTWC, and their contact details are found in [Appendix A](#):

- Notify the Insurer Claims Manager of all workplace injuries within 48 hours of becoming aware of the injury
- Communicate with the Insurer Claims Manager on all aspects of worker recovery at work
- Compile the initial notification information
- Provide information to injured workers about the workers compensation process including their right to nominate their treating doctor (usually their GP) and to have an independent rehabilitation assigned to them by the Insurer Claims Manager to assist with the recovery at work process.
- Provide information to injured workers about their rights at work even when there is a dispute as to liability as required under the relevant state legislation
- Prepare, monitor and review RTW Plans that document the worker's capacity, in consultation with workers, their treating practitioner and other key stakeholders such as rehabilitation providers where required
- Liaise with external stakeholders such as the treating practitioner, insurer, treatment provider and workplace rehabilitation provider.
- Support the reassignment of workers in conjunction with Adobe (internally or externally) into suitable role/employment when they cannot return to their pre-injury duties
- Meet with Adobe at agreed intervals, or as required, to discuss workers recovery and progress, and if necessary highlight any challenges or barriers to the recovery at work process in order to remedy any issues
- Facilitate referral to Rehabilitation Providers in collaboration with the Insurer/Governing body for injured workers as required
- Keep confidential case notes and records in line with relevant privacy legislative requirements
- Contribute to the improvement of relevant policies and systems.

2.4 Approved Workplace Rehabilitation Provider

If required, the Insurer Claims Manager or the RTWC will engage an external Rehabilitation Provider, in consultation with the injured worker and the treating practitioner. This provider will be selected in line with the Insurance Rehabilitation Provider Panel arrangements. Alternatively, the injured worker or their doctor may request that the Insurer Claims Manager approve a different provider of their choosing.

Adobe will collaborate and communicate with the rehabilitation provider, so as to ensure that the worker receives optimal support with their recovery at work. This includes ensuring that the provider has reasonable access to the workplace and the injured worker.

An injured worker has a choice to select another rehabilitation provider, provided they are approved by the agent.

2.5 Return to Work Program Consultation and Implementation

The Recover at Work/RTW Program will be implemented following consultation with relevant stakeholder and workers by email where the draft of the Program will be available on the Australian benefits web page for feedback.

2.6 Return to Work Program Communication and Training Arrangements

Workers will be given four weeks to review the draft Program, after which the RTW Program will be finalised and implemented.

The relevant links for information about rights, obligations and the procedures for workplace rehabilitation and recovery at work will be provided on the Australian benefits web page.

2.7 Return to Work Program Monitoring

Adobe RTW Program will be monitored and reviewed every two years or sooner if required.

3. INJURY MANAGEMENT AND RECOVER AT WORK PROCESS

3.1 Informing Workers of their Rights and Obligations

Information about the workers' rights, obligations and the procedures for workplace rehabilitation and recovery at work will be provided through Adobe's internal communication such as Benefits.Adobe.Com.

3.2 Worker Obligations

Workers must:

- Cooperate with the employer to prevent work-related injuries to self and others

- Notify Adobe’s Global Security Operations Center (GSOC) and manager of any work-related injury or illness as soon as possible after it has occurred. They may also wish to inform their Employee Experience Human Resources Business Partner (‘HRBP’) and / or ERC.
- Complete the *Register of Injuries* form which will be available on the Australian benefits web page
- Specify a treating practitioner or medical practice that is prepared to participate in the development and implementation of the return to work plan(s).
- Obtain a Workers Compensation Certificate of Capacity from their treating practitioner, by the expiry date noted on the certificate, or within 28 days of the last certificate being issued, whichever comes first.
- Provide their consent for information regarding their injury management and recovery at work to be shared between the insurer, employer, treating doctor, treating practitioners, rehabilitation providers and relevant Insurers and state based regulators.
- Adhere to the activities detailed in the injury management and recover at work plan(s). Workers are obliged to participate in a recover at work plan and abide by the requirements of the plan. Principal responsibility rests with the local supervisor/manager to monitor and support the worker in the workplace while on a recover at work plan, under the guidance and advice of the RTWC. Principal responsibility will be allocated to another supervisor, if there is a conflict of interest with the normal supervisor. If the injured worker unreasonably refuses to comply with their injury management plan, the Insurer Claims Manager may consider suspending weekly benefits. Before suspending benefits, the Insurer Claims Manager must write to the worker stating the reasons for suspension and what the worker must do to prevent the suspension.
- Advise of any difficulties with return to work as soon as practical to prevent delays in addressing any problems.
- Work with the employer to assist the employer to meet their return to work obligations.
- Make all reasonable efforts to return to work with the pre-injury employer as soon as possible. Cooperate in workplace changes designed to assist the return to work of fellow workers if injured.

3.3 Worker Rights

Workers have the right to:

- Nominate their own treating doctor/practitioner
- Undertake duties that are both suitable and, so far as reasonably practicable, the same or equivalent to their pre-injury role, where possible.
- Be consulted and involved in identifying suitable roles and developing their recover at work plan
- Privacy and confidentiality.

3.4 Responsibilities and Obligations of Support Teams

Return to Work Coordinator (RTWC)

- The RTWC is the representative of Adobe in providing workplace based rehabilitation and recover at work strategies. The RTWC will be involved in all aspects of the workplace based rehabilitation and is the first point of contact for the injured worker, the worker’s

managers, and is responsible for: Identification of the location and type of suitable duties, in consultation with the worker, their treating practitioner and independent rehabilitation provider (if involved)

- Development and management of Return to Work Plans in consultation with the treating practitioner, the worker's independent rehabilitation provider (if involved), the Insurer Claims Manager, the manager and the worker.
- Participation if required in case conferences with treating practitioners, while also allowing injured workers due privacy in their consultations with their treating practitioner
- Maintaining communication and transparency between injured workers, management, treatment providers and the Insurer Claims Manager
- Record keeping - including contemporaneous records of conversations held with various stakeholders, copies of documents obtained and used in the rehabilitation process, and case notes relevant to the management of a Return to Work Program. Records will be kept electronically and held and maintained in accordance with each state's legislative requirements

Details of the RTWC are at Appendix A

Manager

The worker's manager has principal responsibility to provide supervision and support in the workplace, and the HRBP and Benefits team will maintain regular contact with the RTWC. When required, the manager, HRBP and / or Benefits team may be asked to participate in case conferences and/or medical reviews with the RTWC, injured worker and the treating practitioner for the purpose of identifying additional and/or on-going suitable duties at each step of the plan.

Adobe is committed to ensure workers feel well supported and valued. As such, the manager and/ or HRBP will make all attempts to contact any injured worker following an injury or illness which may include discussions around preparing for a return to work.

Where appropriate, in the event a conflict has been raised, an alternative manager or HRBP will oversee the Recover at Work Plan, and provide support and supervision until the conflict can be resolved.

Treating Practitioner

An injured worker must nominate a treating practitioner participate in their Injury Management Program and Return to Work Program. The role of the treating practitioner is to:

- Assess the injury and confirm diagnosis
- Recommend the appropriate treatment to help the worker recover
- Make any imaging or specialist referral to assist with the injury
- Provide a medical certificate specifying the capacity an injured worker has for work
- Participate in the Return to Work Program

It is expected that the advice and direction from the treating practitioner will be based on a strong body of research about the health benefits of good work and how returning to and, where possible, recovering at work after an injury, can promote healing and facilitate recovery.

Workers Compensation Insurer

The insurer:

- Gathers information to determine liability on each claim in accordance with legislative timeframes.
- Requests further information from the treating practitioners where necessary.
- Assesses and determines reasonably necessary medical treatment.
- Arranges independent medical examinations and investigations into the circumstances where necessary.
- Authorises weekly benefit payments and ensures that the injured worker's entitlements are correctly calculated and paid within required timeframes.
- Arranges for payment of medical and like expenses within the required timeframes.
- Reviews claims in line with legislative requirements.
- Provides advice to workers and assists with injury management issues and queries.
- Develops strategies to promote claim resolution in consultation with the claims team management and early intervention consultant.

3.5 Consent to Release and Exchange Information

In accordance with each state's legislative guidelines, information privacy and health record laws, the employer is required to seek injured workers' consent to gather and exchange information regarding their health, injury and recovery. This consent enables the exchange of information between the Insurer Claims Manager, RTWC, the doctor and other health practitioners. This transparency allows all parties to work collaboratively towards the common goal of supporting the injured worker with their recovery and return to pre-injury duties.

Upon notification of injury, RTWC, or Claims Agent will seek the injured worker's written consent to release and exchange medical information. In particular, an 'Authority to Obtain/Release Medical Information' will be sent to the injured worker (Appendix B).

4. AFTER AN INCIDENT OCCURS**4.1 First Aid Arrangements**

In line with Work Health and Safety legislation, Adobe has certified First Aid Officers, in Sydney and Melbourne, to respond to injuries and illnesses and provide a basic level of medical care.

4.2 Register of Injuries

Adobe maintains a register of injuries as required by legislation and in accordance with the [NSW State Records Act 1998](#), and the [Health Records and Information Privacy Act 2002](#), for the purpose of

reporting and managing workplace injuries. This register is electronic and is maintained by Employee Experience and not publically available.

If you are injured at work and wish to lodge a claim for Workers' Compensation you must:

- Inform Adobe's Global Security Operations Center and your Manager of any injury within 24-Hours
- Get treatment and a WorkCover Certificate of Capacity from your doctor
- Send the WorkCover Certificate of Capacity to your Manager
- Participate in injury management and return to work plans
- Consult with your manager, RTWC, your treating doctor, rehabilitation providers and Insurer Claims Manager, to facilitate your early return to work.

In the event of a claim, Adobe's RTWC will:

- Inform the Insurer Claims Manager about your injury within 48-Hours
- Consult with you - the injured worker, your treating doctor and the Insurer Claims Manager to review your return to work options
- Organise suitable duties (unless not practicable to do so)
- Maintain regular contact until you have returned to pre-injury duties.

4.3 Notifiable Incidents

To comply with legal responsibilities incidents of a notifiable employee injury should be provided to each state's regulator/governing body.

What is a "notifiable incident"

In the Act, **notifiable incident** means:

- a) the death of a person, or
- b) a serious injury or illness of a person, or
- c) a dangerous incident.

Each state's regulator/governing body **must be notified IMMEDIATELY**.

Keep records of the above notifiable incidents for 5 years.

5. SUPPORTING WORKERS

5.1 Positive Communication with Injured Workers

Managers and / or HRBP will make early and regular contact with the injured worker. This includes when the injured worker is assessed by their doctor as having no capacity for work, and are not in the workplace. Contact will occur as soon as practicable after becoming aware of the injury/illness, and ongoing during the course of recovery and rehabilitation. This may include contacting the worker at

home by phone, mobile phone, mail or email. This process will be undertaken by another manager in the event that a conflict has been raised with the usual HRBP or manager.

The RTWC will also make early contact with the injured worker, as well as the Insurer Claims Manager, nominated treating doctor and other treatment providers. This is for the purpose of identifying any needs for the injured worker, and the development of an early and supportive RTW Plan. This contact will continue for the duration of the worker's recovery.

Consent

At the time an injured employee lodges a notification of injury Adobe may request that they provide consent for the exchange of personal information. Consent is important because it promotes good communication and transparent decision making between all stakeholders involved in the recovery at work process. In some circumstances consent may be requested via the insurer. A copy of the Consent form is located at Appendix B.

5.2 Managing Weekly Payments

The insurer Claims Manager will make a decision on liability for weekly (wage) and medical compensation in accordance with legislative requirements on a claim. If the relevant Insurer/Governing Body approves weekly payments, Adobe will process these through the injured worker's pay, on behalf of the Insurer.

While the liability decision is pending, the injured worker will be paid sick leave. If Sick Leave is not available, the worker may request Annual Leave. If liability is accepted or provisionally accepted, Sick Leave and Annual Leave taken will be reimbursed.

5.3 Commitment to Participate and Cooperate in Injury Management/ RTW Plan

The RTWC develops the Injury Management Plan (IMP)/RTW plan and ensures that all stakeholders are made aware of their legislative and compliance obligations. The IMP/RTW plan is a coordinated and managed plan integrating all aspects of injury management (including treatment, rehabilitation, re-training, claims management and employment management practices) for the purpose of achieving optimum results in terms of a timely, safe and sustainable recover at work for the injured worker.

Injured workers and their Manager or HRBP are required to participate and comply with the Injury Management Plan, developed by the Insurer Claims Manager.

If the injured worker unreasonably refuses to comply with their injury management plan, the Insurer Claims Manager may consider suspending weekly benefits. Before suspending benefits, the Insurer Claims Manager must write to the worker stating the reasons for suspension and what the worker must do to prevent the suspension.

6. Recovery at Work

6.1 Early commencement of suitable duties in the workplace

Adobe is committed to the recovery at work philosophy, which is promoted by each states governing bodies and supported by extensive research and evidence. In particular, research shows that recovering at work after an injury can help with healing and recovery. It can also reduce disruptions to the injured worker, their family, the employer and co-workers.

In keeping with this commitment, Adobe will, wherever possible, offer suitable duties and facilitate an early recovery at work for injured workers. This process will include the RTWC making contact with the treating practitioner for the purpose of negotiating appropriate suitable duties that positively

contribute to workplace rehabilitation. These duties will, wherever possible, be in the workers workplace, in a suitable capacity. It may be necessary, depending upon the worker's capacity, including psychological considerations, the nature of the workplace and the capacity of the workplace to accommodate the suitable duties, to offer the suitable duties in an alternate workplace.

These duties will, as far as practicable, be similar to the worker's ongoing role. Suitable duties in alternate locations will be within the worker's current capacity and will positively contribute to the worker's rehabilitation.

6.2 Developing a Return to Work Plan

When an injured worker is fit to work in a medically restricted capacity (i.e. fit for suitable duties), the RTWC will develop a written RTW Plan, in consultation with the key stakeholders, including the injured worker, manager, HRBP and treating practitioner. The RTW Plan will be based on medical restrictions listed on the work capacity certificate and clearly list appropriate suitable duties for the worker to undertake. The RTW Plan is designed to be a graded plan and will be reviewed following any changes to the work capacity certificate to ensure it is up to date and consistent with the worker's recovery goals.

6.3 Taking leave on a Return to Work Plan

As suitable duties are considered an integral component of the injured worker's treatment and rehabilitation, workers with a capacity to work have an obligation to be available to participate in a RTW Plan.

The following principles apply in relation to leave:

- All requests for leave during a RTW Plan will be reasonably considered on individual merit
- It is also recognised that approved leave is an entitlement of all workers
- Where an injured worker has been participating in a RTW Plan for a reasonable period it may be unreasonable to decline an application for leave. All such requests will be considered on their merits
- Where pre-arranged travel has been made prior to a worker commencing a RTW Plan, such as accommodation or travel bookings, the RTWC will consult with the worker regarding their obligations to participate in workplace rehabilitation, and consider whether the leave approval is able to be maintained, dependent on medical clearance to travel.
- Workers should not make travel arrangements or bookings whilst on a RTW Plan without first consulting their manager or HRBP and RTWC regarding their obligations to participate in workplace based rehabilitation
- In cases of recreation leave involving overseas or extended travel arrangements, the manager or HRBP and RTWC may consult with the treating practitioner to determine capacity of the worker to travel. For example, injured workers with an existing restriction on periods of sitting or travelling.

6.4 Workers with other injuries or illness not related to their workers compensation claim

If there is reasonable cause to believe the pre-existing or secondary injury will impact on the recovery process of the work-related injury, Adobe may seek to obtain information from the worker's nominated treating doctor, or other medical specialists as agreed with the Insurer Claims Manager,

for further information relating to this illness or injury. This information will assist Adobe to provide a safe work environment and safe systems of work whilst meeting its obligations for workplace based rehabilitation.

6.5 Appointment times for treatment while a worker is on a Return to Work Plan

Workers, who are not in the workplace on a full time basis, either because their RTW Plan specifies this, or they are part time workers, are expected to arrange treatment and medical appointments outside of working hours.

Where workers voluntarily make appointments for treatment during working hours they may be making themselves unavailable to participate in workplace rehabilitation and may have their flexible work time adjusted in order to fulfil the work hours prescribed to be in the workplace by the treating practitioner. This includes medical appointments voluntarily made by the worker or their legal representative for the purpose of medico-legal assessments.

Where injured workers are working full time hours and it is not possible to make treatment or medical appointments outside working hours, appointments if possible should be made either at the beginning or at the end of the work day. Appointments should not be made in the middle of a working day requiring extended time away from the workplace. Workers should provide a minimum of 48 hours' notice to their manager or HRPB of the need to start work late or finish work early, in order for the manager or HRBP to make adequate arrangements for continuation of service provision.

Where workers inform management that there are no other appointments available other than during working hours, management may contact the service provider directly to confirm this information and/or negotiate alternate arrangements.

Adobe recognises that some injuries require treatment by a medical specialist, with appointments fixed by the medical specialist during the working hours of the injured worker. Such circumstances would not be regarded as a worker making themselves unavailable to participate in workplace based rehabilitation.

The above arrangements do not apply to appointments made by the Insurer Claims Manager or RTWC on behalf of the worker.

7. CHANGE OF RETURN TO WORK GOAL

7.1 General Principles

It is in the best interest of injured workers to obtain durable roles within their capacity. In the first instance the goal of workplace based rehabilitation should always be to return a worker to their pre-injury capacity and workplace. Likewise Adobe has a duty to provide a healthy and safe workplace for the return of the injured worker.

Where it becomes evident that a worker, due to permanent incapacity, is unable to return to their pre-injury duties, Adobe will make all reasonable attempts to assist that worker to find alternative durable role within their capacity. It is not in the best interests of an injured worker to remain in temporary duties for extended periods of time. As such, once the treating practitioner has stipulated no further improvements or changes are likely on the work capacity certificate, job seeking may commence.

When commencing the job seeking process, suitable role options will be established by the Insurer Claims Manager with the assistance of an accredited Rehabilitation Provider. Suitable role is work that matches the worker's medically certified work capacity, as well as the worker's skills and work

experience. In the first instance, roles within Adobe will be assessed. Only after an extensive assessment to locate duties internally has been unsuccessful will external job seeking commence.

7.2 Obtaining Relevant Information

Adobe may obtain information regarding the ability of an injured worker to resume pre-injury capacity from a number of sources. These may include:

- Workers Compensation Certificate of Capacity indicating that permanent restrictions are required
- Report from the treating practitioner, a treating specialist, or approved Rehabilitation Provider that the worker is unlikely or unable to resume pre-injury capacity
- Receipt by an injured worker of compensation for Whole Permanent Impairment (WPI).

Situations that may suggest a worker has reached maximum medical improvement, and indicate to Adobe the need to obtain advice on whether maximum medical improvement has been reached, can include:

- Prolonged suitable duties exceeding 52 weeks and/or
- No change in functional capacity for 13 weeks or more and/or
- Assessments and/or reports indicating return to pre-injury capacity is unlikely.

Once it has been determined that the worker has reached maximum medical improvement as described above, the RTWC will firstly consult with the injured worker and, in so doing, giving the injured worker an opportunity to confer with their treating practitioner and independent Rehabilitation Provider (where applicable). This will include determining whether permanent reasonable adjustment can be made within the existing workplace. Factors that Adobe may consider include:

- The size of the worker's current workplace
- Whether permanent accommodation of the worker's medical restrictions places unsafe additional work onto other workers in the workplace
- Whether reasonable work adjustments can be sustained by the worker/ and or business long term.
- Whether it is reasonably practicable to do so, as per Section 49 of the 1998 Act.

7.3 Consultation with the injured worker and their representative(s)

Where Adobe receives information confirming that the worker has reached maximum medical improvement, Adobe will in the first instance consult with the injured worker and any support person/s that the worker may request. Consultation will take the form of a written request to attend a meeting, and outlining the purpose of the meeting. The following will be invited to participate in such a meeting:

- The injured worker
- Support person(s)
- The injured worker's immediate manager or HRBP
- The injured worker's RTWC

- Another Employee Experience representative, if necessary or desirable
- A Rehabilitation Provider either appointed by the Insurer Claims Manager’s Rehabilitation Provider panel, or a provider chosen by the worker.

The purpose of the meeting is to review the medical information available and discuss available suitable job option, either within the business or externally

At the commencement of the job seeking process the worker will be assisted to find alternate suitable work within Adobe.

During this time workers will be encouraged to identify potential suitable roles within Adobe. In the first instance the worker, upon identifying a potentially suitable role, is asked to contact their Rehabilitation Provider and notify them of the position. The Rehabilitation Provider will carefully evaluate the role, including examining the position description and job demands checklist, to ensure the role is durable for the worker given their current capacity.

7.4 Job seeking support

Some workers will not be able to return to their pre-injury workplace. During the process of assisting the worker to obtain a durable role the following assistance will be provided:

1. If an independent Rehabilitation Provider was not previously chosen, one will be appointed, or the worker will be invited to choose a rehabilitation provider, who will provide various supports to assist the injured worker to apply for and obtain employment opportunities
2. The injured worker will be asked to participate in a vocational assessment to identify appropriate job opportunities, available transferable skills held by the worker, interests and preferences of the worker
3. The injured worker may be asked to participate in a functional capacity evaluation to accurately determine the type or nature of work that is safe and sustainable for the worker
4. Where a worker has capacity for full time employment, agreed time away from the workplace to develop and participate in the support strategies above will be provided.
5. Where a possible role is identified, work trials of up to one month with the team or branch will be provided, to be funded by the worker’s cost centre. Work trials will include a formal graded training program in the new role with agreed targets for competency. Should the worker not achieve agreed competencies for the role within one month, a subsequent assignment is not expected to be made.

7.5 Temporary Continuation of Suitable Duties

During the job seeking process noted above the worker will be provided with temporary suitable duties. Suitable duties are provided for as long as it is reasonably practicable. Internal work trials can be provided in accordance with state legislation. During this period the Rehabilitation Provider will be actively providing the worker with job seeking assistance as noted above, and within these Guidelines. Broadening the employment market to include external employers

If the worker has been unable to identify or maintain durable work within Adobe, the worker will be expected to broaden their job seeking market to include positions with external employers. The Rehabilitation Provider will assist with job seeking strategies and advocacy with potential employer.

7.6 Increasing job seeking efforts to maximise employment

If the worker has been unable to identify or maintain permanent and durable work for the period as per state legislation, the relevant insurer may provide additional job seeking assistance.

7.7 Responsibility to reasonably consider suitable employment options

Where a Rehabilitation Provider identifies a suitable opportunity for a work trial, or a suitable employment position, the injured worker has an obligation to participate in the trial and/or employment. While Adobe understands that some positions may not necessarily be perceived as preferred types of work by injured employees, the employee has an obligation to reasonably participate in employment options that are within their capacity.

Failure of a worker to reasonably participate in suitable employment, or workers who deliberately self-sabotage an employment option, may result in a non-compliance process being initiated.

7.8 Obligation to resign if suitable employment is found

Injured workers who are successful in obtaining suitable work with another employer will be requested to submit their resignation to Adobe in a timely manner. This will ensure prompt payment of accrued entitlements, and will ensure a smooth transition to the new suitable employment. For most workers a voluntary transition from one employer to another forms a better work history for future employment prospects than having had a contract of employment terminated on medical grounds.

7.9 Reimbursement of 'out of pocket' expenses

Where workers incur out of pocket expenses reimbursement is evaluated and provided directly from the Insurer/Governing body. Workers are reminded that the legislation prescribes that treatment expenses be approved by the Insurer/Governing body prior to the expense being incurred. Workers are directed to send receipts and claims for reimbursement directly to the Insurer/Governing body or RTWC. When the RTWC receives receipts or claims for reimbursement from injured workers they will be forwarded to the Insurer/Governing body. Workers submitting receipts or claims for reimbursement to Insurer/Governing body are advised to keep copies of all documents for their own records.

7.10 Support and Representation

Injured workers may seek assistance from a support person where appropriate for any disputes relating to this program.

8. DECLINED LIABILITY (DISPUTED CLAIMS)

8.1 Procedures for declined liability

Each state's legislation will reflect the procedures for declined liability on claims. Adobe will continue to provide workplace rehabilitation as described above when a claim is declined (in dispute), as required by the relevant sections of the Act. The table below outlines relevant benefit or entitlements for workers whose claim for workers compensation has been declined or is under reasonable excuse for payment by the Insurer Claims Manager.:

Benefit or Entitlement	Eligibility
Salary or Wages benefits whilst on reduced hours	No. Injured workers may access their own leave entitlements if required. If the claim is accepted at a later date, any leave taken will be reversed and entitlements back paid.
Medical expenses for treatment related to their injury	Not covered by the workers compensation scheme when a claim is declined, but certain treatments may be as exercised by the Insurer/Governing body. All receipts should be kept, in the event the claim is later accepted reimbursements can be made through the Insurer/Governing body.
Legal expenses related to their claim	Available upon application by an approved legal provider and the approval by the Insurer/Governing body through each state's legal process.
Workplace based rehabilitation	Yes, by the injuring employer

8.2 Termination of employment contract on medical grounds

Termination of employment may be considered on medical grounds for an injured worker in the following circumstances.

1. It has been six months (NSW & ACT), 52 weeks (VIC), 12 months (QLD) or more since any time loss from the compensable injury; and
2. Where medical evidence has been provided that the worker is unable to return to their pre injury role and their condition is unlikely to change in the foreseeable future; and
3. The current suitable duties and/or medical restrictions cannot reasonably be made a permanent adjustment;
4. NSW only; Where a worker has been externally job seeking on a full time basis for four continuous months or more, and suitable role is not available with Adobe as defined by Chapter 49 of the WIM Act 1998
5. Where requested to do so by the injured worker.
6. Where an injured worker has failed to meet their obligations for workplace based rehabilitation and is not in the workplace.

The following process will be followed in these circumstances.

1. The injured worker will be asked to attend a meeting to discuss their ongoing employment. This will be requested by a formal letter, giving at least 24 hours' notice and the purpose clearly explained in the letter. The worker will be invited to bring a support person or persons as required.
2. The worker will be informed that their employer is now considering termination of employment with the worker on medical grounds. The injured worker will be invited to put forward any reasons why Adobe should not continue with this action.
3. Following the meeting, and confirming the worker has not put forward any valid reasons that Adobe should not proceed with this action, Adobe will write to the injured worker informing them that their contract of employment is being considered for termination on medical grounds. The injured worker is invited to submit in writing within fourteen (14) days any further information that Adobe should consider in taking this course.
4. If no written response is received from the injured worker, or a response is received and Adobe does not consider the reasons or information put forward by the injured worker would prevent Adobe from terminating the employment contract on medical grounds, the RTWC or Employee Experience representative will prepare a Brief, which will be used to consult with the following in considering the taking of this action:
 - Injured worker's local manager and / or HRBP and other management representatives
 - Workplace Relations representative/s
7. If agreement for the proposal is obtained from the above, the RTWC will write to the injured worker informing them that their contract of employment has been terminated on medical grounds. This letter will explain that under the relevant section of each state's Act, should the worker recover sufficiently within two years of the date of termination of contract such that they are able to perform all of the duties of your substantive role with no restrictions, they are entitled to request re-employment to their pre-injury role. Adobe reserves the right to ask for a comprehensive medical assessment and a workplace evaluation to confirm the worker's capacity should this arise

9. DISPUTE PREVENTION AND RESOLUTION

Adobe undertakes a collaborative and communicative approach with the injured worker and other key stakeholders, so as to prevent any avoidable disputes throughout the recovery at work and Workers Compensation process.

Where an injured worker is in disagreement with Adobe regarding any aspect of the Recover at Work /RTW Program the worker is able to seek advice and/or lodge a complaint. Workers are encouraged to contact the manager or HRBP, RTWC and Insurer, in the first instance as many disputes can be rectified internally, or alternative arrangements made.

Where the injured worker is not satisfied with the outcome of a grievance and/or its handling by the Manager, Recover at Work and Insurance, the worker has the following options available to escalate the dispute. It should be noted that these options are available at any time without reference to the Manager, Recover at Work and Insurance, but that process is always encouraged and available in the first instance.

- Advice from a legal practitioner
- Representation from the Insurer/Governing Body
- Advice from a NSW/VIC Return to Work Inspector

10. RETENTION OF RECORDS AND MAINTANING CONFIDENTIALITY

Adobe will keep records of discussions held with various stakeholders following an injury at work, copies of documents obtained and used in the rehabilitation process, and case notes relevant to the management of a recover at work plan. Records will be kept electronically and held and maintained confidentially in accordance with each states legislative requirements.

Workers are entitled to view and/or obtain a copy of all records held by Adobe that relate to their workplace rehabilitation. The worker may bring a support person, such as their Health & Safety Representative or union delegate to such a meeting.

LIST OF APPENDICES

- A. Adobe Return to Work Coordinators**
- B. Injured Worker Consent form**

Appendix A

Company	Name	Contact Details
Marsh	Nicole Morrison	P: 03 9603 2361 M: 0427 864 528 Email: nicole.morrison@mercermarshbenefits.com
Marsh	Michelle Klobas	P: 03 9603 2794 M: 0417 454 900 Email: michelle.klobas@mercermarshbenefits.com

Appendix B: MEDICAL CONSENT FORM**Authority to Obtain, Use and Disclose Injury Management Information**

I, _____ (name of employee) have discussed this consent form with my employer Adobe. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

- only collect health information that is relevant and necessary to manage my recovery at work and coordinate the workers compensation claim
- only use and disclose information for the purpose for which it was collected
- keep any information collected separate from my other personnel records
- take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately
- allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health

Considering the above, I authorise and consent the collection, use and disclosure of personal and health information relevant to managing my injury and workers compensation claim.

This information may be exchanged between my employer, my treating doctor(s), the insurer and the workplace rehabilitation provider.

I understand that my workers compensation entitlements may be affected if I withdraw my consent.

This consent is valid for the term of my workers compensation claim.

Worker

Signature: _____ Date: ____/____/____

Employer Representative

Signature: _____ Date: ____/____/____

Interpreter (where applicable)

Signature: _____ Date: ____/____/____