

# **KiwiRail & RMTU Injury and Illness Management Programme (IIMP)**

**KIWI RAIL LIMITED AND THE RAIL & MARITIME TRANSPORT UNION  
— WORKING TOGETHER TOWARDS SUCCESSFUL RETURN-TO-WORK**

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## 1. Agreed Policy Statement

- 1.1 The Injury and Illness Management Programme (IIMP) involves the combined efforts of KiwiRail Group (KiwiRail), its workers and their union representatives, the Rail and Maritime Transport Union (RMTU), in reducing the human and economic costs of injury and illness for all concerned. This guide sets out the agreed objectives and processes for injury and illness management.
- 1.2 Workplace based rehabilitation is an effective and proven way to help get people back to good health and work more quickly and achieve a more durable recovery following injury and/or illness. Undertaking medically appropriate tasks in a supportive, familiar environment is essential, and also reduces the secondary effects such as depression and loss of confidence which are known to prolong recovery time and sometimes prevent recovery altogether.
- 1.3 The IIMP seeks to reduce health costs by promoting:
- Overcoming barriers to reporting work-related injury or illness
  - Pre-claim advice and assistance
  - Early referral to medical treatment
  - Early intervention through on-site rehabilitation (e.g., self-assessment, first aid or agreed light duties)
  - Early, medically appropriate, return-to-work by negotiated agreement
  - Ensure people who are injured at work are topped up and face no upfront treatment and rehabilitation costs
  - Acceptance in the workplace of alternative duties
  - Provide supernumeraries when required
  - Provision of ongoing support for injured or ill workers by both their Union and KiwiRail
  - Linking rehabilitation to injury prevention
- 1.4 The IIMP has become an integral part of the workplace based on a cooperative approach between KiwiRail, its workers, union representatives, the RMTU and the KiwiRail appointed Third Party Administrator (TPA). This cooperative approach, which is supported by the parties concerned, encourages an early safe return-to-work following incapacity (work or non-work related), or enables a worker to remain in the workplace while undergoing rehabilitation where safe to do so.
- 1.5 The signatures below show the commitment of KiwiRail and the RMTU to work together to assist workers to return to work following an injury, medical or health issue. Both organisations are committed to ensuring that the IIMP continues and is applied in a fair and equitable manner. Both parties are committed to achieving agreed injury and illness management objectives detailed in this document.



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Alastair Cumming, GGM of Zero Harm, KiwiRail

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Wayne Butson, General Secretary, RMTU

03/06/2021

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Date

08/06/2021

\_\_\_\_\_  
Date



## 2. Objectives

- 2.1 To assist workers in an early and safe return-to-work following an injury, medical or health issue (work and non-work related)
- 2.2 To assist in maintaining workers at work wherever possible. This may include:
  - The same job and same duties
  - Same job, modified duties, and/or modified hours of work
  - Another job
- 2.3 To establish an organisational culture that links rehabilitation to injury prevention, where system and behavioural contributors to injury or illness are identified and managed to prevent further injury or illness from occurring
- 2.4 To establish in KiwiRail and the RMTU a culture which reinforces that return-to-work rehabilitation is the usual course of action. This will begin at the time the injury or ill health is reported by the worker to his/her supervisor and/or manager

## 3. Programme Oversight

KiwiRail and RMTU will be responsible for providing oversight to the management of the IIMP including ensuring the objectives of the programme are being met and the tripartite nature of the programme is maintained. The operation of the IIMP and associated procedures and reporting will be reviewed by KiwiRail and the RMTU from time to time.

## 4. Reporting of Incident Statistics

Under the ACC partnership programme, KiwiRail's Third Party Administrator will provide monthly reports to KiwiRail detailing work rehabilitation statistics, therefore maximising the possibility of constantly evaluating and improving the programme. KiwiRail will provide a copy of relevant information from this report to Health and Safety Action Teams (HSATs) and the RMTU.

## 5. Roles of Key People

The signatories to this agreement recognise that their organisation will be responsible for the following roles in the program.

### 5.1 KiwiRail Manager/Supervisor

- Educate workers with regards to rehabilitation, its purpose and process
- Assist worker to medical treatment
- Ensure all incident investigations are completed in a timely manner
- Ensure that incident investigation reports that identify harm or potential harm are provided to the injured worker, HSATs and the RMTU upon completion
- Ensure the RMTU is informed of any injury events
- Ensure TPA case manager has been advised through the automated incident process within the required timeframes under the ACC Partnership guidelines



- Participate in the return-to-work process
- Assist with the identification of meaningful and safe alternative duties
- Advise fellow workers of the returning worker's capabilities and negotiate any workplace adjustments in advance of the return-to-work
- Organise supernumerary staffing as required
- Provide support and encouragement
- Supervise return-to-work daily (or delegate this)
- Maintain regular contact with incapacitated worker and complete weekly monitoring
- Liaise with TPA or ACC case manager over any changes or concerns to the RTW plan
- Organise and participate in rehabilitation meetings ensuring all parties are included
- Ensure all workers have the right to representation throughout the rehabilitation process
- Work towards agreement
- Raise concerns in relation to individual cases with KiwiRail Rehabilitation Manager
- Raise complaints and disputes with the KiwiRail Complaints and Disputes Manager

## 5.2 Union / Worker Representative

- Support the worker with claim lodgement such as getting a medical certificate from either the Registered Medical Officer (RMO) or their own GP for return to work
- Support the worker in the return-to-work process
- Keep in touch with the injured worker if they are off work
- Participate in the return-to-work process by attending meetings with the injured worker as a support person
- Understand and communicate the relevant provisions of the MECA such as accident compensation pay, health assessment and termination for incapacity.
- Promote the concept of rehabilitation and return-to-work with workers
- Assist in identifying meaningful alternative duties
- Raise concerns in relation to individual cases with the KiwiRail Rehabilitation Manager
- Raise complaints and disputes with the KiwiRail Complaints and Disputes Manager
- Work with KiwiRail, TPA or ACC case manager to assist with issues on individual cases
- Work towards agreement

## 5.3 TPA / ACC Case Manager

- Contact injured worker and assess needs
- Advise worker of their entitlement under the ACC Act such as social rehabilitation, medical treatment, vocational rehabilitation, and lump sum payment
- Discuss with treatment providers, KiwiRail and RMTU/Worker representative as necessary
- Maintain appropriate file records
- Develop a return-to-work plan in consultation with all parties
- Schedule rehabilitation meetings with worker and manager as required under the return-to-work plan
- Liaise with other support providers (e.g., EAP)

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- Liaise with claims/case managers concerning other ACC entitlements
- Pay upfront assessment and treatment costs so the injured worker is not forced to seek reimbursement.
- Work towards agreement

#### **5.4 Injury management Advisor**

Complete the Initial Needs Assessment in conjunction with the injured worker within 2 working days of receipt of the work injury report (this only applies to Lost Time Injuries and Restricted Work Injuries).

#### **5.5 Incapacitated Worker**

- Notify manager/supervisor of injury, medical or health issue as soon as possible
- Where practicable complete incident report with manager/supervisor within 24 hours
- Has representation throughout the rehabilitation process (e.g., union delegate)
- Entitled to have a support person throughout the rehabilitation process (e.g. family member, friend)
- Communicate with TPA case manager
- Attend and participate in rehabilitation meetings
- Help identify meaningful alternative duties
- Actively participate in the return-to-work process
- Undertake appropriate medical treatment to facilitate a safe return-to-work
- Take a proactive approach to recovery
- Work towards agreement
- Present Injury Management Wallet card to all Treatment Providers

### **6. How the IIMP Process Works**

#### **6.1 The Process**

- 6.1.1 The inclusive and consultative nature of the rehabilitation meeting and plan is crucial in gaining acceptance of the programme in the workplace and in providing benefits for all involved.
- 6.1.2 KiwiRail will have robust procedures covering the processes required to ensure work and non-work-related injury and illness is managed across the organisation in a fair and equitable manner.
- 6.1.3 Key components of these procedures are described below:

#### **6.2 Alternative Duties**

- 6.2.1 If a worker is unable to return to normal duties following injury or ill health, the TPA Case Manager and KiwiRail manager/supervisor will work with the incapacitated worker and worker representative on an appropriate return-to-work plan with meaningful alternative duties. These may include reduced working hours on normal tasks or duties in other divisions/business units.





6.2.2 Any proposed alternative duties regime must be assessed by the Treatment Provider to determine its physical, mental, and emotional suitability for the individual involved. Duties must be within the medical restrictions.

6.2.3 There may be cases where alternative duties are not possible given medical restrictions and/or business needs.

### **6.3 Negotiation of the Return-to-work Process**

6.3.1 If a prospective alternative duties programme is found to be medically appropriate, a return-to-work (RTW) plan shall be developed in negotiation with the incapacitated worker, supervisor of the alternative duties area and the union/worker representative and the TPA case manager. The RTW plan shall be acceptable to all involved.

6.3.2 Where no agreement can be reached, rehabilitation and treatment will be in accordance with the Accident Compensation Act 2001 (ACC Act) (and all amendments).

6.3.3 The incapacitated worker's manager shall be actively involved in monitoring the rehabilitation progress and communicating this with the TPA case manager on a weekly basis.

### **6.4 Earnings Make-up**

Where an incapacitated worker is returning to work on alternative duties, their wage will be paid in accordance with ACC entitlements and any applicable worker agreements and will be based on the rates for their pre-injury role at 100% of pre-injury earnings.

### **6.5 Supernumerary Status**

Where an incapacitated worker returns to work other than 100% fit, it may be necessary for them to return on a supernumerary basis. This means that if ten people are normally required to do the task, the incapacitated worker will return as an eleventh person. The need for supernumerary status will be discussed at the time of the rehabilitation meeting and will take into account medical and business considerations.

### **6.6 Medical Confidentiality**

6.6.1 The TPA Case Manager will work within the ACC Act 2001 with regards to informed consent. Medical and case management information will only be released to the parties to this programme with appropriate consent in accordance with this Act.

6.6.2 This does not affect KiwiRail's right to obtain an assessment of the worker's health in accordance with the worker's employment agreement.

### **6.7 Worker Support and Advice**

Workers requiring support and advice may utilise services provided by the KiwiRail Zero Harm Team, KiwiRail's TPA, Employee Assistance Programme provider and/or the RMTU.

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## **6.8 Mutual Agreement**

Mutual agreement will be reached on a RTW plan between the worker, their manager/supervisor, TPA Case Manager and union/worker representative as appropriate. Where no agreement can be reached, the case will be managed in accordance with the ACC Act 2001.

## **6.9 Medical Clearance**

Where a worker is in a safety critical role KiwiRail retains the right to request a medical clearance from a KiwiRail approved Registered Medical Officer (RMO) before the worker is deemed able to return to work. RMO costs will be at KiwiRail's expense.

## **6.10 Complaints Disputes Resolution**

- 6.10.1 Disputes related to individual cases should be discussed at an arranged rehabilitation meeting with all the relevant parties present. These meetings will be without prejudice to the injured person's rights (including review and appeal) under the ACC Act 2001 or any other enactment.
- 6.10.2 The General Manager, Zero Harm Delivery, is the KiwiRail designated person dealing with complaints and disputes.

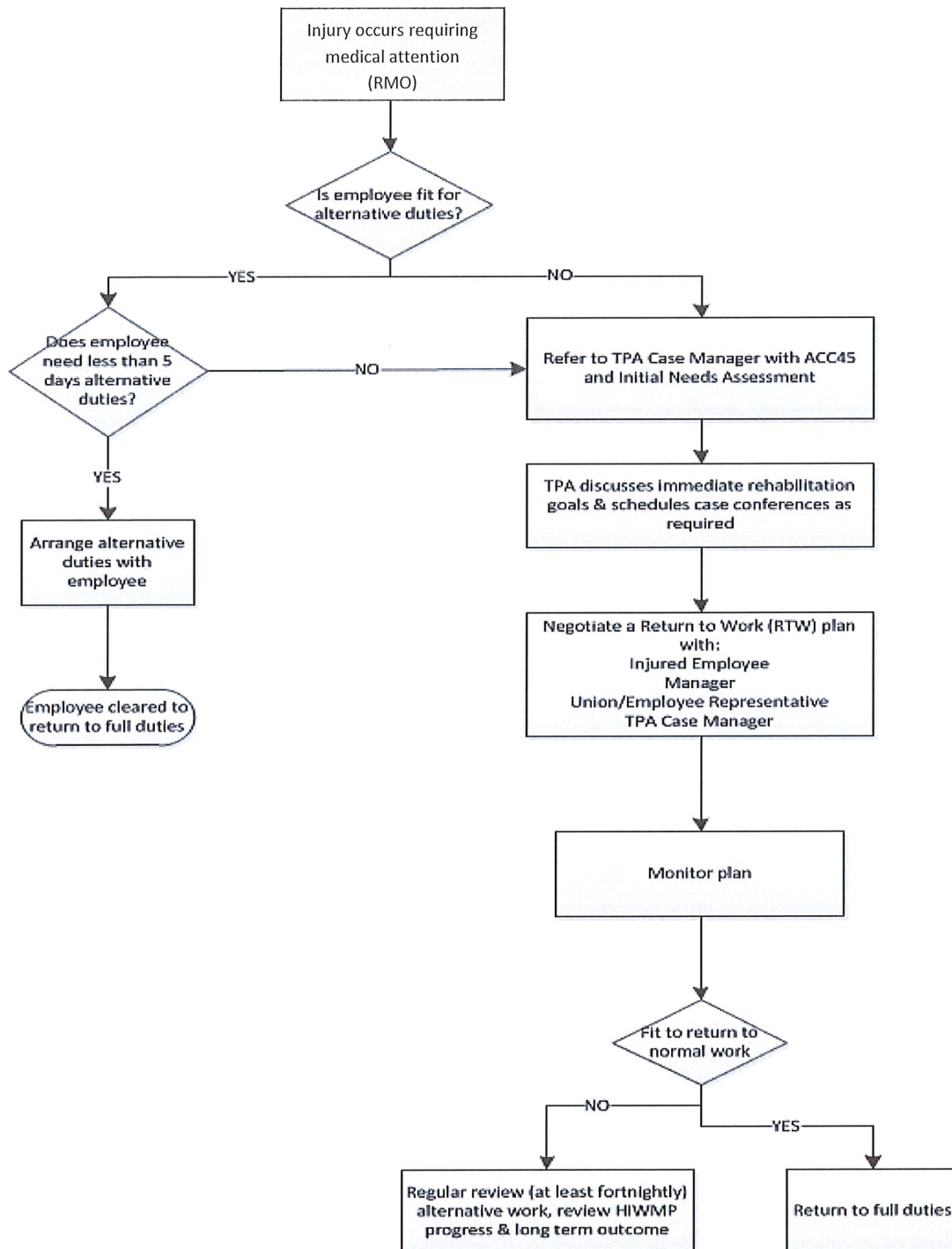
## **6.11 Related Documents**

This document is to be read in conjunction with relevant Safety and People policies, guidelines and procedures, flowcharts, and forms.

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## APPENDIX 1: IIMP PROCESS FLOW – Injury Management



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## APPENDIX 2: IIMP PROCESS FLOW – Illness Management

