



TRAINING NEED

If you deal with performance and behavioural issues then you know they are increasingly interrelated with mental health issues or the effects of other medical conditions (whether work related or not). This may mean an employee 'can't' perform to the expected standard rather than they 'won't'.

Because this is a highly regulated area, it is a complex issue to manage from a legal and business perspective. Increased awareness of mental health issues has increased our understanding that performance and mental health issues are often interrelated and cannot be managed in isolation. This has led to a more proactive approach to dealing with mental health issues in the workplace with serious legal consequences for organisations that adopt the old thinking of 'don't ask - don't tell'. The new challenge is how to manage the many challenges when you 'do ask' and properly support employees without dropping standards or impacting on the rest of the team.

ACTIONABLE OUTCOMES

Training utilises recent case law, case studies, and activities so participants can:

1. Manage the tension supporting employees with health issues and ensuring performance standards are met and other team members are ok
2. Apply an effective Fitness for Work Procedure rather than traditional Performance Improvement Plans where health issues impact on performance
3. Troubleshoot complex issues such as suspected personal leave abuse, associated workers compensation claims and 'push back' with fitness for work concerns, obtaining medical evidence and return to work requirements
4. Deal with perceptions of bullying that are connected to mental health issues where there is no actual bullying
5. Implement the right process using reasonable response action options to get acceptable performance or removal with respect

MANAGING FITNESS FOR WORK (CAPACITY)

OVERVIEW OF TRAINING

Understanding Capacity as a workplace issue

- What is mental illness and what is wrong with the current approach
- Symptoms and effects of Depression and Anxiety in the workplace
- Separating a disability (physical and mental) from its symptoms and effects
- Relevant legal framework and commonly arising legal claims such as unfair dismissal, adverse action, discrimination, bullying and stress claims, and workers compensation

3 Step approach to dealing with Capacity (Fitness for Work) issues: Assess Risk, Determine Facts and Decide Outcomes

- WH&S Approach to assessing relevant risk
- Risk and Protective factors at work
- Classifying behaviours and issues into a legal framework of Performance, Conduct (Disciplinary) and Capacity (Fitness for Work) or a combination and the differences
- How to determine the inherent requirements of a position (physical and mental)

Using a Response Action Plan to implement the 3 Step approach

- How to seek medical advice and options when an employee is resisting
- Dealing with conflicting medical opinions
- Treating health care professionals v medico-legal assessments
- Requiring medical certificates and dealing with lack of co-operation
- Difference between Temporary and Permanent Incapacity
- How to provide reasonable adjustments, return to work plans, redeployment, reasonable management action and exit employees as response action
- Workers compensation considerations

Examples of scenarios

- Practice by applying the 3 steps to case studies and actual previous issues dealt with and considering different outcomes