



INJURY MANAGEMENT POLICY

Workplace Return to Work Program

Appendix A: Injury Management Procedures

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1. What is Workplace Injury Management

Workplace injury management is defined as:

“the process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable return to work for workers following workplace injuries”. (Section 42: *Workplace Injury Management and Workers Compensation Act 1998*).

Effective injury management commences as soon as possible after an injury or illness is reported and takes account of the individual's state of psychological as well as physical recovery.

Workplace injury management provides physical, psychological and financial benefits to staff members, minimises disruption to work and reduces costs. Following injury or illness, staff members return to work in accordance with the advice of treating health professionals and gradually resume their usual duties or are given other appropriate work, if practicable.

Injury management requires the cooperation and close involvement of the staff member, the insurer, the Rehabilitation Coordinator, treating health professionals, accredited providers, heads of departments, supervisors and, where the staff member wishes, the relevant union. Administrative staff, other University resources and external injury management specialist services may also be involved where appropriate.

The University's Rehabilitation Coordinator liaises with the principal parties involved and coordinates the return to work program in the workplace and in accordance with the insurer's injury management program.

The University's Injury Management Unit, part of the Risk Management Office, is available to assist in injury management for staff. In some cases it may be appropriate to refer staff to external Rehabilitation Providers.

Apart from the University's Injury Management Unit on Camperdown/Darlington Campus, the following accredited Rehabilitation Providers are utilised in specific cases and nominated via Insurer approval to assist in the injury management of University staff:

- WorkFocus Australia
- Konekt (formerly IRS Total Injury Management)
- APM –Advanced Professional Management
- MEND
- HCG Resolutions
- Stresswise Occupational Health Services
- Case by Case
- MP Safety Management
- Lifeworks Health Services
- Macarthur Rehabilitation
- Workers Health Centre

Other accredited providers are available and may be used if their services or location are more appropriate to the individual's needs.

The University Workers Compensation Insurer has the discretion to approve the services of an accredited Rehabilitation Provider. If the insurer has approved the involvement of a provider, staff members retain the right to nominate an accredited provider of their choice.

This policy is available on the web at the following address:
http://www.usyd.edu.au/risk/injury_management/policy.shtml

Enquiries about the University of Sydney Workplace Injury Management Policy should be addressed in the first instance to the Risk Management Office.

Staff members may also wish to seek advice from union representatives, members of occupational health and safety committees, solicitors or other outside authorities, including the WorkCover Authority and the Labor Council of NSW.

Staff who experience difficulty in reading or speaking English can request assistance from the Risk Management Office regarding interpreters or translation services in the course of their injury management program.

Contacts

University of Sydney

Manager Workers Compensation
and Injury Management:

Ms Rosemary Sexton
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Rehabilitation Coordinator:

Ms Anne-Maree Brookes
Risk Management Office K07
Telephone: (02) 9351 4714

WorkCover Authority NSW

Claims Assistance Service:

131 050

Publications

Several publications and videos are available from WorkCover on 131 050.

Interpreters

Ethnic Affairs Commission

1300651500

2. WorkCover Return to Work Hierarchy

The WorkCover Injury Management guidelines require the following return to work hierarchy to be followed in returning staff with injury or illness to work, with return to the same job, same employer the priority goal.

Return to:

- same job, same employer
- different job, same employer
- same job, different employer
- different job, different employer

The injury management needs of each person will be individually assessed in conjunction with medical advice and the return to work programs will therefore vary from case to case.

3. Report of Injury/Illness

All staff who have work related injuries or illness for which they wish to lodge a claim for workers compensation benefits for medical expenses and/or wages must follow the following procedure;

- Staff should seek appropriate medical attention and obtain a NSW WorkCover medical certificate
- All injuries and illnesses need to be reported to the University Workers Compensation Insurer within 48 hours. Late reporting can delay staff access to benefits.
- Staff need to complete insurer documentation as provided by the Risk Management Office and submit this with a NSW Workers Compensation Medical certificate to the Risk Management Office
- Additional information may be requested from staff by the insurer by completion of claim forms, according to the procedures of the University workers compensation insurer.
- The University Workers Compensation Insurer is required to make prompt decisions on approval for treatment and wages. If staff have questions or concerns about the insurer claims process they can seek advice from the Workers Compensation claims officer at the Risk Management Office on 02 93514052, and/or the NSW WorkCover Assistance Service on 131050.
- Staff need to keep their supervisor informed about any anticipated leave from work, prescribed medical restrictions and any specific needs at work in relation to their injury or illness.

4. OHS Action Required in the Department after Report of Injury/Illness

In keeping with the principles of workgroup consultation as outlined in the University Occupational Health and Safety Risk Management Program;
(See ohsrm documentation on web at http://www.usyd.edu.au/risk/ohs_manual/ohsrm.shtml)

- An "Occupational Injury, Illness and Incident Report" form is to be completed to report on the injury/illness including noting the investigation of the circumstances and recommendations on action to prevent similar incidents in future
- The workplace is inspected and work practices are examined under the supervision of the Head of Department or their nominee.
- Any essential modifications are made as soon as possible.
- Staff with the injury or illness are expected to participate and cooperate with work group efforts to improve workplace health and safety.

- It is essential that fellow staff members recognise the benefits of workplace-based injury management, are supportive of the injured person and cooperate in reasonable workplace changes designed to assist rehabilitation.
- Temporary staff may need to be employed to maintain the department's normal operations without adding risk of injury or illness to other staff members.
- Failure to address Occupational Health and Safety issues related to an injury can delay progress with injury management. Heads of Departments should consult with the work group to solve occupational health and safety issues. Where a local solution cannot be determined, the Head of Department may seek additional assistance through Safety Officers, OHS Committees and the Risk Management Office. Discussion of individual staff members' personal medical/injury management details in open meetings should only proceed on a need to know basis as per the confidentiality guidelines (Refer Section 14).
- The responsibility to correctly manage staff workloads is outlined in the University of Sydney, Management of Staff Workloads policy 2001, authorised by Personnel Services. See web link at <http://www.usyd.edu.au/personnel/22/wkld.html>

5. Return to Work

It is important the staff member remains at work or returns to work as soon as possible. An individual return to work plan is developed for each staff member, where necessary.

An Injury Management Plan is developed by the insurer for every staff member who is or is likely to be unfit for their normal duties for 7 days or more. It is a legislative requirement that this plan:

- be prepared in consultation with the treating doctor
- identifies suitable duties for the injured staff member, where practicable
- outlines the steps to be taken by the University to facilitate return to work
- has a review date.

Choice of return to work duties will be made on the basis of:

- the nature and severity of the injury/illness
- the staff member's age, education, skills and work experience
- restrictions imposed by treating doctor, treating health professionals and the rehabilitation provider
- the previous work undertaken by the staff member
- the predicted time frame for rehabilitation
- where the member of staff lives
- duties available in the department or elsewhere in the University.

The University Rehabilitation Coordinator or Accredited Rehabilitation Provider may devise a return to work plan where required in addition to the Injury Management Plan provided by the insurer. It is also advisable that any return to work plan contain:

- the job title and location
- the supervisor
- hours/days to be worked
- duties, including restrictions or specific duties to be avoided
- commencement date
- length of program
- review dates
- recommended treatment

- vocational training arrangements if required
- documented agreement by all parties.

The routine involvement of the injured staff member's immediate supervisor in the identification of suitable duties and in monitoring a return to work plan is a required element of injury management. The immediate supervisor must advise the Head of Department, seeking allocation of suitable duties, where they have experienced difficulty in identifying appropriate options in their local work area.

6. The Initial Injury Management Phase

- A goal for the return to work program is determined in consultation with all parties, in accordance with medical advice. This goal may be reviewed and modified in the course of an injury management program in consultation with all parties in accordance with medical advice.
- Close liaison is maintained between the staff member concerned, the Rehabilitation Coordinator, treating health professionals, the department, and, where appropriate the rehabilitation provider, in the monitoring of progress on the agreed return to work program. If the staff member wishes, the relevant union will also be involved.
- Where there is no possibility of a return to temporary suitable duties in the original department the staff member may be offered temporary suitable duties in another area of the University for the purposes of assisting with their upgrading towards their pre-injury duties.
- Prompt acceptance of an offer of suitable duties ensures staff members meet their obligations under the *Workers Compensation and Injury Management Act 1998*. The Workers Compensation insurer can suspend weekly benefits if staff members do not comply with these obligations.
- Staff members retain their salary and conditions of employment while on suitable duties within the provisions of the *Workers Compensation Act 1987 (as amended)*. Where appropriate, relevant unions will be kept informed.
- Where provision of suitable duties is not practicable, the insurer maintains the injured staff member's salary in accordance with the *Workers Compensation Act 1987 (as amended)*.
- It is expected staff will work the hours for which they are medically certified and attend any approved treatment outside work hours wherever practicable.

The staff member's progress towards the rehabilitation goal will be reviewed at regular intervals.

A Case Review Committee comprising Injury Management staff from Risk Management and Personnel Services staff meets at regular intervals to assist in the integration of information regarding rehabilitation. Information provided is restricted to a legitimate need to know basis.

7. Extended Injury Management

- Some very serious injuries or illness may require extended injury management.
- Whilst progress is being made towards the agreed long term goal further support for a graded return to work is likely to be offered by the University.
- In agreeing to long term injury management programs, departments should consider the long term impact on other staff within the work group and the need for appropriate staffing arrangements.
- Negotiation between the staff member and the Head of Department or their nominee, may be required in regard to treatment attendance where there are long term treatment arrangements, to allow the department to determine how this may be accommodated. Attendance at treatment outside work hours wherever practicable is the preferred arrangement.
- Where total or partial incapacity exceeds 26 weeks there will usually be a reduction in a staff member's salary. (See Injury Management Procedures Section 13).

8. Unsuccessful Attempts to Return to Pre-injury Duties

- The University will try to further assist staff who are medically not able to return to their pre injury duties but remain certified fit for some work. It should be noted, however, that the University can give no undertaking to provide employment on an unlimited basis.
- In keeping with the WorkCover Return to Work Hierarchy, as noted in Section 2, the following activities may be undertaken as appropriate to each case. RMO will notify the employing department, the staff member and their union representative where applicable, of the range of assistance available and seek to clarify the expectations and obligations of all parties in this process.
- The University, through the insurer, may seek additional medical information to clarify medical needs if staff advise they cannot return to their pre-injury duties.
- Staff who have been medically certified with permanent restrictions associated with their pre-injury duties, will receive assistance from the Rehabilitation Coordinator or Rehabilitation provider, in establishing formal negotiations with their original department. These negotiations are to seek formal agreement on permanent accommodation of medical restrictions and job modifications to the pre injury role. Such negotiations will need to be focused on the inherent requirements of the pre injury position. Consultation with Industrial Relations, Personnel, Staff Support and Development Unit and union representatives may be recommended to staff and departments in these situations.
- Where the above negotiations do not prove successful, the employing department will be requested by the Rehabilitation Coordinator to explore the availability of suitable long term alternative positions in their department.

- Once temporary suitable duties cease at the University, the insurer will inform the staff member of their obligations to actively seek work as per Section 38 of the *Workers Compensation Act 1987 (as amended)* and the *Workplace Injury Management and Workers Compensation Act 1998*. The insurer will request the staff member submit a job seeking diary detailing job seeking activities undertaken.
- Staff can receive assistance from an Accredited Rehabilitation Provider to help them in seeking new long term appropriate employment both within and external to the University, including assistance with resume development, job applications, interview skills, formal training courses and work experience style programs outside the University. The Rehabilitation provider will formally assess the staff member's skills, experience and interest areas and help to identify specific employment goals.
- Concurrently the Staff Support and Development Unit will routinely review advertised or soon to be advertised job vacancies at the University in line with these assessed skills and interests. The Staff Support and Development Unit will advise the staff member of opportunities for:
 - job applications
 - application for job transfers
 - short term on the job skill development.
- Funds may also be available from the Insurer or WorkCover NSW as per the *Workplace Injury Management and Workers Compensation Act 1998, Section 53* to assist with upgrading of work skills or retraining where a staff member does not have sufficient transferable skills to obtain suitable new employment. The staff member may also be assisted to approach their department to fund specific training assistance to improve their prospects of obtaining new suitable employment.

9. Conclusion of Injury Management

Injury Management in the workplace will conclude when the staff member:

- resumes and maintains all the duties of the position to which he/she was appointed
- to full employment in his/her original position but with formalised modified duties acceptable to the department
- is successful in gaining appointment to another position in the University, the duties of which fall within their medical restrictions
- is considered likely to gain no further benefit, or only minimal benefit, from continued rehabilitation
- withdraws from the program, having been advised of further action that may need to be taken by the University and the Workers Compensation Insurer e.g. insurer suspension of benefits for non participation
- ceases to be employed by the University.

10. Completion of Employment

- If, after a reasonable period of time, a staff member is unable to perform productive work normally available within the University, termination of employment on medical grounds may be initiated by the staff member's department.
- The *Industrial Relations Act 1996* (NSW) Section 99 (1A)(a) and (b) provides that an employer shall not dismiss an injured worker for six months after the worker is incapacitated by a work-related injury, solely or principally because of that injury.

- The University Enterprise Bargaining Agreement specifies the Industrial Relations procedures that must be followed by departments in regard to termination of employment on medical grounds for both Academic and General Staff. Please refer to Clause 65 of the *University of Sydney Academic and Teaching Staff Agreement 2003-2006* and Clause 71 of the *University of Sydney General Staff Agreement 2003-2006*.
- Staff are recommended to seek guidance from their union representative on these complex employment matters.
- When a staff member undergoing injury management ceases to be employed by the University and remains medically certified fit for work, referral will be made to facilities outside the University for further injury management. Services including assistance with resume development, job applications, interview skills, formal training courses and work experience style programs outside the University, may be provided as approved by the workers compensation insurer.
- In accordance with the *NSW Workers Compensation Act 1987 (as amended)* and the *Workplace Injury Management and Workers Compensation Act 1998*, the University's workers compensation insurer is required to formally notify individuals of their requirements for seeking suitable new employment and active participation in rehabilitation when employment with the University ceases.
- At the cessation of employment with the University the Workers Compensation Insurer will maintain the staff member's salary in accordance with the provisions of the *NSW Workers Compensation Act 1987 (as amended)* and the *Workplace Injury Management and Workers Compensation Act 1998*.

11. Leave Forms and Medical Certificates

- Staff members with a workers compensation claim who are absent from work or working reduced hours must submit leave forms for all time lost. These are to be signed by the head of the department and forwarded with supporting medical certificates to the Workers Compensation Claims Staff, Risk Management Office, K07, if the reason for absence is considered to be work-related.
- A medical certificate in a form prescribed under WorkCover legislation is likely to be required by the Workers Compensation Insurer before a workers compensation claim can be processed.
- Staff members should advise the Rehabilitation Coordinator and/or the Workers Compensation Claims Coordinator and Personnel Team in addition to their work supervisor if they plan to take leave (e.g. annual leave, long service leave) while on a return to work program.
- Staff need to submit ongoing NSW Workers Compensation medical certificates throughout the course of their workers compensation claim.

12. Staff Working Reduced Hours

Staff who are working reduced hours in accordance with medical advice:

- must submit promptly and regularly to their Supervisor/Head of Department, for authorisation and forwarding to the Workers Compensation Claims staff, Risk Management Office:
 - medical certificates confirming the number of hours and days to be worked during a specified period
 - Record of Hours Worked form confirming the number of hours worked each week and any absences for treatment
 - leave forms for all time lost in the preceding week
- are not entitled to "rostered days off" under any reduced working hours arrangement
- may be required to vary the hours or days worked according to departmental and/or rehabilitation needs
- will be expected to work the total number of hours prescribed and attend routine medical appointments outside these hours where practicable or as negotiated with the employing department
- will only receive salary loadings (e.g. shift allowances, higher duties allowances) if these are being earned as a result of work actually performed or are claimable under the Workers Compensation Act.

13. Reduction in Benefits due to Delayed Return to Full Duties

- In accordance with legislation, if a staff member is receiving weekly workers compensation benefits, there may be some reduction in salary when their incapacity for their pre-injury duties exceeds 26 weeks. The level of wage reduction is dependent on many factors including salary level, number of hours a staff member is medically fit to work, number of dependant family members and is calculated by the Workers compensation insurer.
- Staff members will be advised individually by the Workers Compensation insurer claims officer if this is to apply in their case.
- Staff who do not wish to have their salary reduced may authorise the University to use available recreation leave and long service leave to maintain their salary. Sick leave cannot be used for this purpose.

14. Confidentiality of Rehabilitation Information

- A separate confidential rehabilitation file will be established to document a staff member's injury management and return to work progress. This file will not form part of the staff member's employment file or workers compensation file.

- Access to relevant information is confined to those who have a direct responsibility for coordinating, monitoring or providing services to assist in rehabilitation. Examples of people who may have a legitimate need to know can include the:
 - University of Sydney Rehabilitation Coordinator
 - Staff member
 - Head of Department and staff member's immediate supervisor
 - Manager in the area in which suitable duties have been identified and arranged for the staff member
 - Injury Management Consultant
 - University of Sydney Workers Compensation staff
 - Accredited Rehabilitation Provider
 - Staff Support and Development Unit personnel
 - Industrial Relations officer, in situations where employment arrangements are being negotiated with staff
 - Staff member's nominated representative

- If a staff member's workers compensation claim has been declined by the University's Workers Compensation Insurer and there are ongoing rehabilitation needs, the rehabilitation file will be transferred to the Staff Support and Development Unit for continued assistance.

- Authorisation is given via the NSW Workers Compensation Medical certificate for liaison between key professionals regarding the subject of a workers comp claim including Nominated Treating Doctor, insurer and employer

- WorkCover NSW guidelines state that a staff member's consent is not required to release information to the University's Workers compensation insurer or the WorkCover Authority.

- Copies of documents provided by the University's workers compensation insurer are not able to be released without the prior consent of the insurer.

- If requested by a staff member, the University will release reports where the University has required a staff member to attend an assessment. The University preference is to release these reports to the staff member's nominated treating health practitioner. The staff member's request for these documents should be made in writing to the Manager, Injury Management Unit at the Risk Management Office.

- The staff member may withdraw consent to the University obtaining or releasing information at any time. However, the staff member should be aware that if consent is withdrawn, injury management usually will not be able to proceed and benefits may be suspended by the insurer.

- The University will ensure its procedures are in accordance with any guidelines on confidentiality issued by the WorkCover Authority. For further information see WorkCover 'Confidentiality of Rehabilitation Information - Guidelines for Employees', September 1995.

- The Injury Management Unit will apply the principles of the University of Sydney Privacy Management Plan.

15. Early Dispute Resolution

- Successful injury management in the workplace requires cooperation between all parties. Any conflict of interest or dispute should be resolved as quickly as possible.
- Failure to address Occupational Health and Safety issues related to an injury can delay progress with injury management
- The Rehabilitation Coordinator should be advised immediately of any problem which may result in a conflict situation which is likely to jeopardise the rehabilitation process. The Coordinator will review the rehabilitation issues, seek to negotiate with those directly concerned and attempt to resolve the problem by informal consultation in the workplace.
- Staff members are entitled to involve a union representative or other person of their choice at any time in dispute resolution, but not a solicitor or barrister.
- As per WorkCover NSW guidelines for injury management, in a dispute regarding injury management, the services and assistance of the insurer may be called upon by all parties to assist in achieving resolution. An accredited Injury Management Consultant or Approved Medical Specialist may also be called upon to facilitate further progress where a dispute regarding duties or fitness for work exists.
- If resolution of a dispute regarding injury management cannot be reached, any party can lodge a formal application for Dispute Resolution with the NSW Workers Compensation Commission. Advice may also be obtained from the WorkCover Claims Assistance Service on 131 050.

Administrative amendment to Section 14 made 31/08/06