

INJURY AND ILLNESS MANAGEMENT POLICY 2015

The Vice-Principal (Operations), as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 16 December 2014

Amended: 6 June 2018(administrative amendments only)

Position: Vice-Principal (Operations)

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1 Name of policy

This is the Injury and Illness Management Policy 2015.

2 Commencement

This policy commences on 1 January 2015.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University and all staff.

4 Statement of intent

This policy:

- (1) states the University's commitment to providing a safe and timely return to work for all injured or ill staff members; and
- (2) sets out the principles for managing the impact of illness or injury of a staff member in the workplace, whether or not the illness or injury is compensable.

5 Application

- (1) This policy applies to all University staff.
- (2) **Part 1** of this policy applies to all injuries or illnesses, whether compensable or not.
- (3) **Part 2** of this policy applies to injuries or illnesses in relation to which workers' compensation is payable.
- (4) **Part 3** of this policy applies to all other injuries or illnesses, including injuries or illnesses for which a claim for workers' compensation has been declined.

6 Definitions

certificate of capacity	means a Icare certificate completed by a registered medical practitioner attesting to an individual's ability to undertake work.
claim	means a claim for compensation that a person has made or is entitled to make on account of a workplace injury or illness.
compensable injury	means a personal injury arising out of or in the course of employment, as defined in section 4 of the Workers Compensation Act 1987(NSW) . It includes: <ul style="list-style-type: none">• a disease that is contracted by a staff member in the course of employment, but only if the employment was the main contributing factor to contracting the disease; and

- the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease, but only if the employment was the main contributing factor to the aggravation, acceleration, exacerbation or deterioration of the disease.

Note: Also see the [Workers' Compensation \(Dust Diseases\) Act 1942 \(NSW\)](#)

delegate	means an employee, member or committee of Senate or any other person or entity to whom or which a delegation has been made by Senate. Note: See University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016 .
Enterprise Agreement	means the University of Sydney Enterprise Agreement 2018 – 2021 or any replacement agreement.
Health Support Coordinator Health Support Coordinator	means a staff member of the University Human Resources unit with responsibility for the injury management process.
injury management plan	means a plan, written by the insurer, used to co-ordinate and manage the treatment, rehabilitation and, where appropriate, retraining of an injured worker.
insurer	means the University's current provider of workers' compensation insurance.
medical assessment	means a medical examination conducted by a suitably qualified independent medical practitioner, nominated by the University, for the purposes of assessing a staff member's fitness to work.
medical consent	means a written document provided by a staff member to a medical practitioner consenting to that practitioner releasing the staff member's medical information to the University.
non-compensable injury	means any injury or illness which is not a compensable injury but which impacts on a staff member's ability to perform their normal work duties.
Work Health Plan	means a written plan developed to meet the specific needs of a particular staff member detailing the suitable duties that are being offered.
return to work program	means the program of established policies, procedures and processes developed by the University for the rehabilitation of injured or ill workers.
RiskWare	means the University's online system for reporting and managing incidents, injuries, hazards and work health and safety risks.
suitable duties	means any temporary duties that may be assigned to a staff member who is working towards a return to pre-injury duties, in order to assist in the recovery from an injury or illness.

suitable employment means work that is modified to suit long term injury or illness and which is provided when a return to pre-injury duties is not medically possible.

PART 1 – GENERALLY APPLICABLE PROVISIONS

7 Rescissions and replacements

This document replaces the *Injury Management Policy* which commenced on 15 December 2010, and which is hereby rescinded.

8 Principles of return to work

- (1) The University is responsible for providing a safe and healthy work environment.
- (2) Staff are responsible for their own health, wellbeing and ability to perform the duties for which they were employed.
- (3) The University is committed to achieving a timely, safe and sustainable return to work for staff following injury or illness.
- (4) A staff member must seek medical or other appropriate advice when directed to do so by the University when it is evident that they have a reduced capacity to perform requirements of their role safely by reason of injury or illness.

9 Role of Health Support Coordinators

- (1) The principal role of Health Support Coordinator is to assist injured or ill staff members to remain at, or to return to, work in a safe and durable manner.
- (2) Affected staff must cooperate with the Health Support Coordinator and, in relation to compensable injuries, with the insurer.

10 Suitable duties

- (1) Where reasonably practical and appropriate, an offer of suitable duties will be made to all injured or ill staff.
- (2) Suitable duties must be:
 - (a) consistent with the staff member's capacity for work;
 - (b) meaningful; and
 - (c) provided for the purpose of increasing a staff member's capacity for work.
- (3) All offers of suitable duties must be agreed and confirmed in writing in a Work Health Plan which sets out the duties assigned to the staff member, consistent with their certified capacity.

11 Suitable employment

- (1) Staff must make reasonable efforts to return to work, including:

- (a) being willing to accept work that is within their abilities and circumstances; and
 - (b) undertaking any necessary rehabilitation or retraining to improve their chances of obtaining suitable work.
- (2) Where appropriate and reasonably practical, an offer of suitable employment will be made and will take into account:
- (a) the nature of the staff member's incapacity;
 - (b) the staff member's age, education, skills and work experience;
 - (c) the staff member's injury management plan;
 - (d) workplace rehabilitation services (including retraining) available to the staff member.
- Note:** These criteria are in accordance with Section 32A of the [Workers Compensation Act 1987 \(NSW\)](#)
- (3) The University will always endeavour to match offers of suitable employment with pre-injury work and conditions.
- (4) The offer of suitable employment will not take into account:
- (a) the nature of the pre-injury work;
 - (b) the staff member's place of residence;
 - (c) whether the work is of a type or nature generally available in the employment market.
- (5) Suitable employment will not include employment that is:
- (a) merely of a token nature and does not involve useful work;
 - (b) demeaning in nature, having regard to:
 - (i) the nature of the staff member's incapacity;
 - (ii) the staff member's pre-injury role; and
 - (iii) the staff member's age, education, skills and work experience.
- (6) A staff member receiving workers compensation benefits who refuses a reasonable offer of suitable employment may have their benefits suspended or reduced.
- (7) If the University is unable to locate suitable employment for the staff member with a compensable injury, that staff member's claim will continue to be managed by the insurer. This involves the staff member:
- (a) taking reasonable steps to find suitable work with another employer; and
 - (b) accepting such work if it is offered to them.

12 Workplace adjustments

- (1) In appropriate circumstances the University may provide adjustments to the working environment or manner in which a staff member carries out their duties, in order to accommodate the staff member's illness or injury.
- (2) Workplace adjustments may include:

- (a) flexible working arrangements;
Note: See the [Flexible Working Arrangements Policy](#)
 - (b) supporting the staff member to apply for other roles better suited to their capacity;
Note: Any application to transfer to another role within the University will be subject to merit selection requirements.
 - (c) adjusting the physical work space which may include, but is not limited to, changes to furniture or access arrangements and provision of software assistive technologies.
- (3) The University may require a medical assessment before implementing workplace adjustments.
 - (4) The Health Support Coordinator will be responsible for managing the assessment and implementation of workplace adjustments.

PART 2 – COMPENSABLE INJURIES AND ILLNESSES

13 Notification and referral

- (1) A staff member who sustains an injury or becomes ill as a result of the workplace must report the injury or illness within 24 hours of becoming aware of it to:
 - (a) RiskWare; and
 - (b) the supervisor responsible for the person injured or responsible for the relevant activity.
- (2) A staff member who observes the existence of a hazard or incident which might cause an injury or illness must report it within 24 hours to:
 - (a) RiskWare; and
 - (b) either their own supervisor or the supervisor responsible for the relevant activity.

14 Weekly compensation benefits

- (1) Entitlement to receive compensation benefits will be assessed and determined by the insurer.
- (2) Weekly benefits for workers' compensation will be calculated and paid at rates determined under the [Workers' Compensation Act 1987 \(NSW\)](#).
Note: See, in particular, sections 33 - 42
- (3) Sick leave may not be used to supplement compensation benefits.

15 Medical and related benefits

- (1) Staff must:

- (a) provide a current certificate of capacity, stating the treatment required, to the Health Support Coordinator; and
 - (b) submit all requests for treatment to the insurer.
- (2) Treatment will be:
- (a) approved by the insurer and provided by independent providers; and
 - (b) provided consistently with statutory obligations.

16 Return to work

The Health Support Coordinator will:

- (a) liaise with the staff member and their supervisor; and
- (b) be responsible for managing, implementing and monitoring the arrangements for the staff member's return to work.

17 Review of claims

- (1) Where the insurer disputes liability on a claim, the staff member has the right to a review. Such requests must be made in writing to the insurer, accompanied with supporting evidence.
- (2) The Health Support Coordinator will provide support to staff members in the process of seeking a review.
- (3) If the decision refers to a review of work capacity, staff have access to the Workers Compensation Independent Review Officer. Any adverse decision may be referred to the Workers Compensation Independent Review Officer using the form [Work capacity – application for merit review by the authority](#).

PART 3 – ALL OTHER INJURIES OR ILLNESSES

18 Referral for support

- (1) Support is available to a staff member who:
 - (a) is away, or expects to be away, from work for a period of more than 10 working days due to injury or illness; or
 - (b) requires modification of their work duties or workplace to accommodate injury or illnessby contacting either their [HR Partner](#) or [Staff Health Support](#) as soon as possible.
- (2) A staff member may seek support for personal illness or injury by contacting the [Health Support Coordinator](#).
- (3) A staff member may also be referred for such support by their HR Partner or by their supervisor.
- (4) Participation in such support is voluntary.

- (5) The supervisor of a staff member with personal illness or injury may also seek support, whether or not the staff member is directly supported by the Health Support Coordinator.

19 Leave

- (1) The provisions of the Enterprise Agreement relating to leave for injury or illness will apply to staff members subject to it.

Note: Refer to [clauses 207 – 213](#) of the Enterprise Agreement

- (2) In all other cases, the relevant provisions of the staff member's contract of employment and University policy will apply.

Note: All University policies are available in the [Policy Register](#). Leave policies are listed [here](#).

20 Medical assessment

- (1) The Health Support Coordinator may request the staff member to provide a medical consent.
- (2) The relevant delegate may direct the staff member to attend and participate in a medical assessment if:
 - (a) the staff member declines to provide a medical consent or fails to provide it within a reasonable time;
 - (b) the staff member's treating medical practitioner does not provide requested information within a reasonable time;
 - (c) the provided information is, in the opinion of the Health Support Coordinator, insufficient or impractical; or
 - (d) the relevant delegate considers that:
 - (i) the staff member's ability to perform the inherent requirements of their substantive role may be adversely affected by illness or injury; or
 - (ii) the staff member's safety or welfare, or that of other staff or students, may be adversely affected by the staff member's illness or injury.
- (3) Any such direction must be made in accordance with the procedures required by the [Enterprise Agreement](#) or the staff member's contract of employment and University policy, as appropriate.
- (4) The staff member must comply with a reasonable direction to attend and participate in a medical assessment.

21 Return to work

- (1) A staff member who requires support to return to work after injury or illness must provide, to Injury Management Services, a medical certificate outlining their capacity to work.
- (2) The Health Support Coordinator will be responsible for developing a mutually agreed Work Health Plan.

- (3) A staff member who is not medically capable of performing their pre-injury duties may be assigned alternate duties on a temporary basis to assist with their return to work.
- (4) The Health Support Coordinator may direct a staff member to stay away from work until appropriate adjustments can be made to facilitate their safe return.

22 Termination on the grounds of ill health

- (1) The University may terminate a staff member's employment on grounds of ill health if they are determined after a medical assessment to be unfit for duty.
- (2) Any termination on the grounds of ill health will be undertaken consistently with the provisions of the Enterprise Agreement.

Note: See [clauses 423 – 430](#) of the Enterprise Agreement

NOTES

Injury and Illness Management Policy 2015

Date adopted: 16 December 2014

Date commenced: 1 January 2015

Date amended: 6 June 2018

Administrator: Chief Human Resources Officer

Review date: 1 January 2020

Rescinded documents: Injury Management Policy adopted December 2010.

Related documents: *Disability Discrimination Act 1992 (Cth)*

Anti-Discrimination Act 1977 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

Privacy and Personal Information Protection Act 1988 (NSW)

Workers Compensation Act 1987 (NSW)

Workplace Injury Management Act 1998 (NSW)

Workers Compensation Dust Diseases Act 1942 (NSW)

Workers Compensation Regulation 2016

Workers Compensation (Dust Diseases) Regulation 2013

WorkCover Guidelines for Claiming Compensation Benefits - Government Gazette of the State of New South Wales Number 101 Friday, 28 September 2012.

[The University of Sydney Enterprise Agreement 2018-2021](#)

[Disability Action Plan 2013-2018](#)

[Injury and Illness Management Procedures 2015](#)

[Work Health and Safety Policy 2016](#)

[Work Health and Safety Procedures 2016](#)

AMENDMENT HISTORY

Provision	Amendment	Commencing
6	Amended references to University of Sydney (Delegations of Authority – Administrative Functions) Rule 2016	1 June 2017
Related documents	Inserted hyperlink to related procedures; updated reference to <i>Work Health and Safety Policy</i> and <i>Procedures</i> .	1 June 2017
6	References to WorkCover changed to icare	27 April 2018
18(1)	References to Injury Management changed to Staff Health Support	27 April 2018
6; 9; 9(1); 9(2); 12(4); 15(1)(a); 16; 17(2); 18(2); 18(5); 20(1); 20(2)(c); 21(2); 21(4)	References to Injury Management Coordinator changed to Health Support Coordinator	27 April 2018
6; 10(3); 21(2)	References to return to work plan changed to Work Health Plan	27 April 2018
18(1); 18(3)	References to HR Adviser changed to HR Partner	27 April 2018
6; 19(1); 22(2); related documents	Updated references and clauses to align with Enterprise Agreement 2018-2021	27 April 2018
Related documents	Update Workers Compensation Regulation 2010 to Workers Compensation Regulation 2016	6 June 2018
Related documents	Update Workers Compensation (Dust Diseases) Regulation 2008 to Workers Compensation (Dust Diseases) Regulation 2013	6 June 2018