The University of Sydney

Policy Document

INJURY MANAGEMENT POLICY

1. Policy

The University will provide staff with access to Injury Management where an employee has incurred a work related injury or illness and is eligible to submit a Workers Compensation Claim.

As required by the *Workplace Injury Management and Workers Compensation Act 1998* the University will maintain a Workplace Return to Work program consistent with the University’s Workers Compensation Insurer’s Injury Management Program.

2. Principles

The University is committed to:

i) Preventing occupational injury/illness by providing a safe and healthy working environment. (See the University of Sydney Occupational Health and Safety Policy.)

ii) Informing staff and supervisors of their responsibilities under the *Workers Compensation Act 1987 (as amended)* and the *Workplace Injury Management and Workers Compensation Act 1998*.

iii) Development and implementing a Workplace Return to Work Program that complies with the University’s Workers Compensation Insurer’s Injury Management Program.

iv) Ensuring a return to work occurs as soon as possible after injury.

v) Providing suitable duties, where practicable, as a key part of the injury management process.

vi) Consulting with staff and unions to ensure injury management operates effectively.

vii) Ensuring participation in a return to work program of itself will not disadvantage a staff member.

viii) Maintaining confidentiality of rehabilitation information relating to staff members.

The University is also committed to supporting staff with non compensable or non work related injury or illness through the Case Management Group.
3. Coverage

This policy covers all academic and general staff members of the University of Sydney including casual staff who are lodging a claim for workers compensation, which is either accepted by the University Workers Compensation insurer or is awaiting insurer claim determination.

4. Definitions

4.1 Workplace Injury Management
"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)

4.2 Workplace Return to Work Program
This is a series of return to work commitments and procedures developed by the employer, aimed at ensuring timely, safe and durable return to work of injured employees that must be consistent with the Insurer's Injury Management Program.

(Section 52: Workplace Injury Management and Workers Compensation Act 1998)

4.3 Injury Management Program
This is developed solely by the insurer. It is "a coordinated and managed program that integrates 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 durable return to work for injured workers."

(Section 42: Workplace Injury Management and Workers Compensation Act 1998)

4.4 Injury
Physical and psychological injuries are covered by the NSW Workplace Injury Management and Workers Compensation Act 1998. The definition of injury follows;

(a) "means a personal injury arising out of or in the course of employment, and

(b) Includes:
   (i) A disease contracted by a worker in the course of employment, where the employment was a contributing factor to the disease, or
   (ii) The aggravation, acceleration, exacerbation or deterioration of any disease where the employment was a contributing factor to the aggravation, acceleration, exacerbation or deterioration, but

(c) Does not include (except in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act 1982 applies):
   (i) A dust disease, or
   (ii) The aggravation, acceleration, exacerbation or deterioration of a dust disease.

(Section 4.1: Workplace Injury Management and Workers Compensation Act 1998)

Note: Where a person suffers from a dust disease, compensation is provided in the Workers Compensation (Dust Diseases) Act 1942.
4.5 Return to Work Plan
A written, agreed and time limited plan stating “suitable duties, restrictions, hours worked, supervision arrangements” including steps that will be taken to help the injured worker return to work. This plan must be regularly monitored and reviewed.

(Refer to WorkCover NSW: Guidelines for Employers Return to Work Programs 2000)

4.6 Suitable Duties
Duties intended to provide productive work for staff members to assist them in returning to their maximal work capacity at the University. Suitable duties are proposed after consideration of varied factors including, skills, experience, and access to the work area and medical restrictions.

(Section 42: Workplace Injury Management and Workers Compensation Act 1998)

Procedures

See Appendix A: Injury Management Procedures

Administration

Background/Context

The return to work of injured staff is a core principle of the Workers Compensation System in NSW. The underlying focus is that the workplace is the most appropriate and effective place to rehabilitate the majority of injured employees.

The University recognises the social and economic benefit in providing assistance to injured staff members following a work related injury. The University requires early reporting of injury and illness to maximize recovery and return to work outcomes. The Injury Management Coordinator seeks a coordinated effort from all parties to facilitate early commencement of injury management services and safe return to work.

1 Authority/Consultation

This policy has been developed by the Injury Management Office in consultation with the Case Management Group and the Workplace Injury Management Committee. The Workplace Injury Management Committee consisted of the Case Management Group, Industrial Relations This is historical and consultation with the Industrial Relations group was part of the development of the policy., Injury Management and a representative with OHS Committee experience, the NTEU and the CPSU.
2 Management Responsibility

Chief Operating Officer and DVC of The University of Sydney

3 Implementation Responsibility

Operational issues: Manager, Workers Compensation and Injury Management Office

4 Implementation Date

Policy Approved by: Mr Bob Kotie Chief Operating Officer and DVC

Policy Approval: [Signature] Date: 5/5/2009

Proposed Date of Review

The date of review of this policy is expected to be within two years from the date of approval, or earlier where the University is required to comply with changes to NSW Workers Compensation legislation.

5 References

- Occupational Health and Safety Policy
- The University of Sydney Privacy Policy
- The Case Management Group
- University of Sydney General Staff Enterprise Agreement 2006-2008
- University of Sydney Academic and Teaching Staff Enterprise Agreement 2006-2008
- University of Sydney Code of Conduct
- University ohsrm program (Occupational Health and Safety Risk Management Program)

Attachments

- Appendix A: Injury Management Procedures
- Appendix B: Injury Management Roles and Responsibilities
Workplace Return to Work Program

Appendix A: Injury Management Procedures

1. What is workplace injury management?
2. WorkCover NSW return to work hierarchy
4. OHS action required in department after report of injury/illness
5. Return to work
6. The initial injury management phase
7. Extended injury management
8. Unsuccessful attempts to return to pre injury duties
9. Conclusion of injury management
10. Completion of employment
11. Leave forms and medical certificates
12. Staff working reduced hours
13. Reduction in benefits due to delayed return to full duties
14. Confidentiality of rehabilitation information
15. Early dispute resolution
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 Injury Management Coordinator, treating health professionals, accredited providers, Head of School / Head of Administrative Unit, 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 Injury Management 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 Injury 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:

- Injury Treatment
- Keystone Professionals
- Lifeworks Health Services
- Re-Start Consulting
- Pronto Health
- Balmain Rehabilitation Services

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:

Enquiries about the University of Sydney Workplace Injury Management Policy should be addressed in the first instance to the Injury 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 Injury 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: OHSIM Office K07
Telephone: (02) 9351 4175

Injury Management Coordinator: OHSIM 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 Injury Management Office and submit this with a NSW Workers Compensation Medical certificate to the Injury 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 Injury 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 ohsim documentation on web at [http://www.usyd.edu.au/ohs/policies/index.shtml](http://www.usyd.edu.au/ohs/policies/index.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 School / Head of Administrative Unit 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. Head of School / Head of Administrative Unit should consult with the work group to solve occupational health and safety issues. Where a local solution cannot be determined, the Head of School / Head of Administrative Unit may seek additional assistance through Safety Officers, OHS Committees and the Injury 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/hr/policydev/Academic_Workloads.pdf

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 Injury Management 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 School/Head of Administrative Unit, 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 Injury Management 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 staff from Injury Management and Human Resources 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 School/Head of Administrative Unit 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. Injury Management 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 Injury Management 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 Office of General Counsel, Human Resources, Case Management Group 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 Injury Management 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 Case Management Group will routinely review advertised or soon to be advertised job vacancies at the University in line with these assessed skills and interests. The Case Management Group 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
- Returns 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 2006-2008 and Clause 71 of the University of Sydney General Staff Agreement 2006-2008.

• 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, Injury 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 Injury Management Coordinator and/or the Workers Compensation Claims Officer and Human Resources 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 School/Head of Administrative Unit Head of Department, for authorisation and forwarding to the Workers Compensation Claims staff, Injury 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 "scheduled 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 Case Manager 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 Injury Management Coordinator
  - Staff member
  - Head of School / Head of Administrative Unit 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
  - Case Management Group
  - Human Resource and Office of General Counsel 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 Case Management Group 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 Doctor. The staff member's request for these documents should be made in writing to the Manager, Injury Management Unit at the Injury 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 Injury Management 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 amendments 19/05/2008
Workplace Return to Work Program

Appendix B: Roles and Responsibilities

1 University Injury Management Coordinator
2 Accredited Rehabilitation Provider
3 Staff Members
4 Heads of School/ Heads of Administrative Units
5 Injury Management Consultant
6 Nominated Treating Doctor
7 Case Management Group
8 Workers Compensation Staff
9 Insurer
1. University Injury Management Coordinator

The University Injury Management Coordinator is a key person in the injury management process and acts as the focal point with all of the principal parties involved.

The role of the Injury Management Coordinator includes the following:

- Overseeing the provision of these services from accredited Rehabilitation Providers
- Complying with WorkCover training requirements for Return to Work Coordinators
- Developing and implementing the return to work program, educating the workforce, keeping injury and return to work statistics and consulting on policy development.
- Providing information on the return to work process and associated Workers Compensation benefits to injured staff members
- Obtaining the injured staff member’s consent before obtaining or releasing rehabilitation information about the staff member
- Determining the injured staff member’s return to work needs by discussion with the staff member, the nominated treating doctor and other treatment practitioners
- Liaising with the Insurer as they develop and monitor an injury management plan for the injured staff member
- Identifying appropriate suitable duties with the employing department and assisting the injured staff member to return to work as soon as possible
- Preparing a return to work plan to document suitable duties and work restrictions so that all parties are informed and managing the return to work process
- As approved by the Insurer, coordinating referral to external specialist services.

2. Accredited Rehabilitation Providers

- At times the University will utilise the services of external Accredited Rehabilitation Providers to assist in establishing and monitoring the return to work process. The Injury Management Coordinator will orientate these providers to the University and monitor their performance.

- The University’s current nominated rehabilitation providers are detailed in Appendix A Injury Management Procedures.

- The term "Provider" refers to an approved multi-disciplinary team which provides rehabilitation services, not to individual health professionals.

- The Provider liaises with the staff member’s treating professionals and ensures rehabilitation in the workplace is consistent with their recommendations.

- The University will facilitate reasonable access to the workplace by any accredited provider who is involved in the rehabilitation of a staff member.

3. Staff Members

Staff members on return to work programs should be aware of their rights and responsibilities. The University acknowledges staff are entitled:

- To be actively involved in their rehabilitation at all stages
To involve a union representative or other person of their choice at any time but not a solicitor or barrister
To be consulted about any proposed change in their employment conditions and/or work organisation
To be treated by the health professionals of their choice
To nominate an accredited rehabilitation provider of their choice as long as they are accredited by WorkCover NSW, as approved by the Workers Compensation Insurer.

Staff members:
- Will advise their Head of School/ Head of Administrative Unit or supervisor immediately of any injury/illness which they consider may be work-related or which affects their ability to perform their duties
- Must participate and co-operate in the establishment of their injury management plan
- Must co-operate with the obligations of an appropriate injury management plan designed to facilitate their rehabilitation
- Must nominate a medical practitioner who is prepared to participate in the development and ongoing arrangements of the return to work plan
- Will provide authorisation for the treating doctor to release relevant information to the University or insurer
- Will cooperate in recommended treatment and follow advice on overall management, and attend approved treatment outside work hours wherever practicable
- Will report their progress at regular intervals as required including:
  - Advise their supervisor and the Injury Management Coordinator immediately if their condition becomes worse
  - Reporting to their supervisor and ceasing any task which adversely affects their condition and report the problem without delay
  - Inform the Injury Management Coordinator of any changes in their treatment
- Will submit all medical certificates and reports relevant to the return to work program
- Will submit leave forms for all absences from work together with relevant medical certificates (see Appendix A: Injury Management Procedures Section 12)
- Will attend any rehabilitation assessments arranged with sufficient notice by the University, the University's Insurer or the rehabilitation provider for the purpose of facilitating progress in a return to work program.

Non-Compliance
- If a staff member unreasonably refuses to comply with their workplace injury management program after being requested to do so by the insurer, the staff member has no entitlement to weekly payments of compensation during any period that the failure continues. This action can only occur if the insurer has given the staff member written notice to that effect, together with a statement of the reasons for entitlement ceasing and the action that the insurer considers the staff member must take to be entitled to the resumption of weekly payments.

Subsequent reinstatement of weekly payments does not entitle the staff member to payments for the period of non-compliance. (Section 57, Workplace Injury Management and Workers Compensation Act 1998).

4. Heads of Departments

Heads of School / Head of Administrative Units or their nominees are responsible for:
• Ensuring the University's obligations under the *Occupational Health and Safety Act 2000* and other relevant legislation are met within the department by providing safe systems of work, information, instruction, training and supervision and by maintaining a place of work which is safe and without risk to health.

• Ensuring any work-related condition requiring medical treatment, time off work or work restrictions is reported to the Injury Management Office without delay.

• Facilitate and encourage staff to promptly report work related injury or illnesses to the Injury Management Office.

• Ensuring any accident or incident is reported on myHRonline an online incident and injury reporting system and is properly investigated to prevent similar problems occurring in the department or elsewhere in the University (Refer to the University of Sydney Policy on Accident Reporting and Investigation).

• Facilitating the staff member's return to work by providing suitable duties where practicable, in consultation with the Injury Management Coordinator and/or provider, and arranging flexibility of working hours if required.

• Must comply with obligations imposed by or under the injury management plan for an injured/ill staff member.

• Ensuring any necessary modifications to the workplace and/or work practices are made as soon as possible in consultation with relevant staff member representatives to prevent future injury.

• Employing temporary or relief staff as required to maintain the department's essential operations to minimise risk of injury or illness to other staff members.

• Seeking the cooperation of other members of the department in implementing reasonable workplace changes designed to assist the rehabilitation of a fellow staff member.

• Ensuring all those concerned are aware of and observe any work restrictions which apply to a staff member.

• Assisting and cooperating with those concerned in the design, implementation and supervision of an appropriate return to work program, for example the rehabilitation provider.

• Continuing to provide suitable duties for six months from report of injury/illness, and beyond this period wherever possible as agreed in the return to work plan.

• Ensuring leave applications are submitted for all work absences, together with medical certificates as required.

**Non-Compliance**

Failure of the University to comply with a requirement of injury management legislation can result in the following penalties:

• Any increased costs associated with the University's failure can be taken into account with respect to the calculation of the claims experience factor.

• As enacted by regulation – a premium surcharge, payable as part of the University's premium.

The University will only be required to comply with this requirement (being Section 56 of the *Workplace Injury Management and Workers Compensation Act 1998*), if the insurer has taken appropriate steps to ensure that the University is aware of its obligations.

### 5. Injury Management Consultant

• Injury Management Consultants (IMC) are registered with WorkCover NSW and are medical practitioners experienced in occupational injury and work place based rehabilitation. IMC are facilitators who will assist the insurer, the University, staff members and treating doctors find solutions to the problems in complex return to
work plans and injury management. IMC are not involved in the treatment of an injured staff member, nor do they provide any opinion on the current treatment regime.

- Referral to an IMC should be considered when the following situations arise: confused goals; complexity of injury or workplace environment; poor communication between insurer, University and nominated treating doctor; perceived conflict between the nominated treating doctor's recommendations and the workplace requirements; disagreement about the suitability of duties offered to an injured staff member.

- An IMC may be requested to undertake a work site visit to obtain clear information on pre-injury or suitable duties.

6. Nominated Treating Doctors

- The Nominated Treating Doctor is the doctor nominated by the injured staff member to manage their injury and assist them in the return to work. They will:
  - Recommend treatment
  - Write initial and ongoing WorkCover medical certificates
  - Inform the University, insurer and rehabilitation provider (if involved) about the current health condition and progress of the staff member
  - Review the staff member's condition regularly
  - Assist the insurer to develop an injury management plan
  - Advise the University, insurer and rehabilitation provider about suitable work
  - Complete a WorkCover medical certificate to advise the University of any work restrictions that may be needed.

- A staff member must notify the insurer of their intention to change Nominated Treating Doctors prior to doing so and discuss their reasons.

7. Case Management Group

- The Case Management Group is responsible for coordinating the return to work programs for staff with injury/illness that are non compensable.

- Staff requiring such assistance are recommended to refer to the Case Management Group for further guidance on the services available at http://www.usyd.edu.au/sydneypeople/about/team_responsibilities.shtml#case_management_group

8. Workers Compensation Staff

The Workers Compensation Staff, located in the Injury Management Office, are responsible for:

- Providing information to staff members about their entitlements under the Workers Compensation Act 1987 (as amended), and the Workplace Injury Management and Workers Compensation Act 1998.
- Processing reports of work related injury and illness to the University Workers Compensation insurer
• Assisting with completion of claim forms if required
• Receiving, recording and forwarding to the insurer the following: medical certificates, treating practitioner accounts and reports, receipts, leave and/or record of hours worked forms relating to time lost, and records of any other expenses incurred
• Communicating with the following parties regarding claim status: staff member, the University's insurer, Injury Management Unit, Workers Compensation Manager and employing departments
• Calculation and processing of time lost and preparation of reimbursement schedules to recover wages from insurer.

9. University Workers Compensation Insurer

The insurer must:
• Ensure that the University is made aware of their legislative obligations in relation to the insurer's injury management program
• Contact the University, staff member and doctor if necessary within 3 days of being notified by the University that a staff member has sustained a significant injury
• Establish an injury management plan in consultation with the University, injured staff member and the staff member's nominated treating doctor and monitor progress on this plan
• Provide both the University and the injured staff member with information with respect to the injury management plan
• Inform the staff member that entitlements to weekly benefits can be suspended, if the staff member does not reasonably comply with the injury management plan
• Inform the staff member regarding procedures for changing the nominated treating doctor
• Ensure vocational retraining is provided or arranged for an injured staff member where appropriate, i.e. when a return to pre-injury duties and provision of suitable duties is no longer possible
• Approve and monitor necessary and reasonable treatment as per the relevant WorkCover guidelines, to ensure treatment is necessary and reasonable
• Manage claims in a cost effective and timely manner.