

# INJURY AND ILLNESS MANAGEMENT POLICY 2024

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

Dated: 29 January 2024 (commencing 31 January 2024)

Last amended: 22 April 2024 (administrative amendments)

Signature:

Position: Vice-President (Operations)

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## 1 Name of policy

This is the Injury and Illness Management Policy 2024

## 2 Commencement

This policy commences on 31 January 2024

## 3 Policy is binding

Except where expressly stated, this policy binds the University and all staff.

## 4 Statement of intent

- (1) This Policy states the University's commitment to:
  - (a) supporting staff who sustain an injury or illness in the course of their work for the University;
  - (b) supporting staff with non-work-related injury or illness to remain at work during recovery and work to their best capacity;
  - (c) providing a safe and timely return to work for all injured or ill staff; and
  - (d) the principles of return to work and acknowledgement of the negative impact that long term absence from work can have on an individual's health and wellbeing.
- (2) This policy:
  - (a) sets out the principles for managing the impact of injury or illness of a staff member in the workplace, whether the injury or illness is covered by workers' compensation or not; and
  - (b) is supported by the [Injury and Illness Management Procedures](#) and the [Return to Work Program](#).

## 5 Application

- (1) This policy:
  - (a) applies to all University staff including casual staff;
  - (b) does not apply to affiliates or students;  
**Note:** see [Affiliates Policy](#).
  - Note:** See [Student life, wellbeing support](#) and the [Student Critical Incident Procedures](#) for information on support for students.
  - (c) does not cover initial first aid response.  
**Note:** See [Emergencies and personal safety](#) for guidance on initial response to medical emergencies.
- (2) This policy is arranged in the following parts:
  - (a) **Part 1** applies to all injuries, illnesses and medical conditions, whether they are covered by workers' compensation or not.

- (b) **Part 2** applies to injuries or illnesses that are covered by workers' compensation.
- (c) **Part 3** applies to injuries, illnesses and medical conditions that are not covered in Part 2, including those that a claim for workers' compensation has been declined.

## 6 Definitions

<b>certificate of capacity</b>	an icare certificate completed by a registered medical practitioner attesting to a person's ability to work. Also known as certificate of fitness.
<b>claim</b>	a claim for compensation that a person has made or is entitled to make because of a workplace injury or illness.
<b>compensable injury</b>	<p>an injury that happened during, or because of work, as defined in section 4 of the <a href="#">Workers Compensation Act 1987(NSW)</a> which at the date of this policy is:</p> <ul style="list-style-type: none"> <li>• personal injury arising out of, or in the course of employment;</li> <li>• 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</li> <li>• 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.</li> </ul> <p><b>Note:</b> Also see the <a href="#">Workers' Compensation (Dust Diseases) Act 1942 (NSW)</a></p>
<b>delegate</b>	<p>has the meaning given in the <a href="#">University of Sydney (Delegations of Authority) Rule</a>, which at the date of this policy is:</p> <p style="padding-left: 40px;">the position upon the holder of which the delegation is conferred.</p>
<b>Enterprise Agreement</b>	the <a href="#">University of Sydney Enterprise Agreement 2023 – 2026</a> or any successor or replacement agreement.
<b>HR Partner</b>	a member of the Human Resources team.
<b>icare</b>	a NSW Government agency that provides insurance and care services to statutory authorities and people with injuries under various compensation schemes. The University is covered by icare.
<b>insurer</b>	the University's current provider of workers' compensation insurance.

<b>medical examination</b>	an examination conducted by a suitably qualified, independent medical practitioner, nominated by the University or insurer, to assess a staff member's fitness to work.
<b>personal ill health</b>	any injury or illness which is not a compensable injury or illness, but which impacts a staff member's ability to perform their normal work duties.
<b>return to work plan</b>	a written plan to meet the specific needs of a staff member, detailing the suitable duties that are being offered.
<b>return to work program</b>	all NSW employers must have a return to work program, consistent with the insurer's injury management program and any guidelines issued by the State Insurance Regulatory Authority (SIRA).
<b>RiskWare</b>	the University's online system for reporting and managing incidents, injuries, hazards and work health and safety risks.
<b>Staff Health Support Partner</b>	a member of the University's Health and Safety unit with responsibility for the injury management process.  <b>Note:</b> See the <a href="#">staff intranet</a>
<b>staff member</b>	an employee of the University, including a casual employee.
<b>suitable duties</b>	any temporary duties that may be assigned to a staff member who is working towards returning to pre-injury duties.
<b>suitable employment</b>	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 – GENERAL PROVISIONS**

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### **7 Principles of return to work**

- (1) The University is responsible for providing a safe and healthy work environment, so far as is reasonably practicable.
- (2) Staff are responsible for their own health and wellbeing, and their ability to perform the duties for which they are employed.
- (3) The University will support staff who have suffered injury or illness to return to work in a timely and safe way.
- (4) The University will maintain a documented return to work program meeting the requirements of the [Workplace Injury Management and Workers Compensation Act 1998 \(NSW\)](#).
- (5) Timely return to work after an injury or illness positively contributes to an individual's health and wellbeing.

- (6) In arranging a staff member's return to work, the University expects that:
  - (a) the staff member will actively contribute to and participate in the return to work plan;
  - (b) the staff member's treating medical practitioner will provide medical advice and recommendations.
- (7) A staff member may need to have an independent medical examination where they are unable to perform their duties.

## 8 Suitable duties

- (1) The University may offer, where practical, temporary suitable duties to injured or ill staff that cannot perform the essential duties that they have been employed to do.
- (2) Suitable duties may include:
  - (a) modifying their current role; or
  - (b) assigning them a suitable role within the University.
- (3) Suitable duties must be:
  - (a) consistent with the staff member's ability to do the work;
  - (b) meaningful; and
  - (c) provided for the purpose of increasing a staff member's ability to work.

## 9 Workplace adjustments

- (1) The University may provide for adjustments to the working environment or the way a staff member performs their duties to enable them to perform the inherent requirements of their role following an injury or illness.
- (2) Workplace adjustments may include, but are not limited to:
  - (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 workspace such as changes to furniture or access arrangements;
  - (d) providing software assistive technologies.
- (3) The University may require a medical assessment before implementing workplace adjustments in accordance with clause 10 of this Policy.
- (4) Staff Health Support will manage the assessment and implementation of workplace adjustments.

## 10 Independent medical assessment

- (1) The relevant delegate, after consulting with the HR Partner, may require a staff member to have an independent medical assessment where:
  - (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 staff member's ability to do the essential duties of their role due to injury or illness may be affected;
  - (d) the safety or welfare of the staff member, or other staff or students may be at risk of being negatively impacted by the staff member's injury or illness; or
  - (e) the staff member has taken more than 20 days sick leave in the preceding 12 months.

**Note:** See Part K of the [Enterprise Agreement](#).

- (2) The staff member must comply with a reasonable direction to attend and participate in a medical assessment.
- (3) The relevant delegate must:
  - (a) advise the staff member in person where reasonably possible, and in writing, of the decision for an independent medical assessment and the reason for doing so.
  - (b) ensure the staff member is advised that they can have a support person present at the assessment.

**Note:** See clause 12 of the [Injury and Illness Management Procedures](#) for further information on independent medical assessments.

## 11 Confidentiality and records management

- (1) The University will maintain full confidentiality of injury and medical information in accordance with the [Health Records and Information Privacy Act 2002 \(NSW\)](#) and the University's [Privacy Policy](#).
- (2) Injury and medical information will be handled in accordance with the staff member's consent.
- (3) Staff Health Support will only disclose injury management information on a need-to-know basis to HR staff, supervisors and the insurer on the consent of the staff member.

# PART 2 – COMPENSABLE INJURIES AND ILLNESSES

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## 12 Workers' compensation

- (1) The University is responsible for having current workers' compensation insurance covering all staff suffering an injury or illness arising out of, or in the course of their employment.

- (2) Staff suffering a workplace related injury may be eligible to claim reimbursement of wages and medical costs under the [Workplace Injury Management and Workers Compensation Act 1998 \(NSW\)](#).
- (3) Workers' compensation may apply if a previous injury or condition is aggravated in the course of employment.  
**Note:** Information about the role of insurers, and other stakeholders in the workers' compensation system, is available from the [icare NSW website](#).

### 13 Reporting an injury and notifying the insurer

- (1) A staff member who sustains an injury or becomes ill because of the workplace must, if capable of doing so, report the injury or illness:
  - (a) to their supervisor as soon as reasonably possible; and
  - (b) in RiskWare within 24 hours of the injury occurring.
- (2) The supervisor must:
  - (a) ensure the injury is reported in RiskWare within 24 hours of the injury; or if this is not possible;
  - (b) notify Staff Health Support of any potentially compensable injury as soon as being made aware of the injury.
- (3) Staff Health Support must notify the insurer within 48 hours of the University becoming aware of the injury. Notifications can be written including online or by email, or verbal including by phone.

### 14 Certificate of capacity and lodging a claim

- (1) A staff member who wishes to claim workers' compensation must:
  - (a) obtain a [certificate of capacity](#) from a medical practitioner as soon as possible, documenting their capacity to perform pre-injury duties; and
  - (b) provide a copy of the completed certificate of capacity to their supervisor and [Staff Health Support](#).
  - (c) sign an information consent form, authorising Staff Health Support to obtain medical information required to manage the workers' compensation claim and return to work plan.
- (2) Staff Health Support will provide a copy of the certificate of capacity and necessary supporting documents to the insurer on behalf of the staff member when lodging a claim with the insurer.

### 15 Compensation benefits

- (1) The Insurer will assess and determine whether a staff member is entitled to receive compensation benefits.  
**Note:** See clause 18 of this Policy for information on reviewing disputed claims.
- (2) Weekly benefits for workers' compensation will be calculated and paid at rates determined by the [Workers Compensation Act 1987 \(NSW\)](#).  
**Note:** See sections 33 – 42 of the [Workers Compensation Act 1987 \(NSW\)](#).

- (3) A staff member:
- (a) may, upon request, use appropriate leave entitlements instead of claiming weekly compensation benefits or while waiting for a decision from the insurer;
  - (b) may not use leave entitlements to supplement compensation benefits.

**Note:** See the [Leave Policy](#) for leave entitlements.

- (4) Staff may be eligible to receive reimbursement of expenses related to medical treatment and other injury related expenses upon approval by the insurer.

**Note:** See clause 5 of the [Injury and Illness Management Procedures](#) for more information.

**Note:** See clause 59 of the [Workers Compensation Act 1987 \(NSW\)](#) for compensation of medical, hospital and rehabilitation expenses.

## 16 Return to work

- (1) The Staff Health Support Partner will:
- (a) coordinate the efforts of the staff member, supervisor, doctor or treating provider, and the insurer, to assist the staff member to return to work;
  - (b) implement and monitor arrangements for the staff member's Return to Work Plan in consultation with the staff member and the staff member's supervisor or relevant delegate.
- (2) Staff must make reasonable efforts to return to work, including:
- (a) be willing to accept work that is within their abilities and circumstances; and
  - (b) undertake any necessary rehabilitation or retraining to improve their chances of obtaining suitable work.

**Note:** See clause 7 of the [Injury and Illness Management Procedures](#) for more information.

## 17 Suitable employment

- (1) The University will, where reasonably practicable:
- (a) attempt to offer suitable employment where the staff member is unable to return to the role they were employed to do;
  - (b) try to match offers of suitable employment with pre-injury work and conditions;
  - (c) attempt to find suitable employment based on the return to work hierarchy, in priority order:
    - (i) same employer, same job
    - (ii) same employer, similar job
    - (iii) same employer, different job
    - (iv) new employer, same job
    - (v) new employer, similar job



- (vi) new employer, different job

**Note:** See the definition of suitable employment in section 32A of the [Workers Compensation Act 1987 \(NSW\)](#)

- (2) If a staff member refuses a reasonable offer of suitable employment whilst receiving workers' compensation benefits, their workers' compensation benefits may be suspended or reduced.
- (3) The insurer will continue to manage the claim if the University is unable to locate suitable employment for a staff member with a compensable injury. Under these circumstances, the staff member must:
- (a) take reasonable steps to find suitable work with another employer; and
  - (b) accept work if it is offered to them.

## 18 Review of claims

- (1) The staff member has the right to request a review where the insurer disputes liability or declines medical treatment on a claim. The request must:
- (a) be submitted to the insurer in writing; and
  - (b) include supporting evidence.
- (2) The staff member may refer any adverse decision to an Icare [Independent Review Office](#).

## PART 3 – PERSONAL ILL HEALTH

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### 19 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 adjustments to their work duties or workplace to accommodate personal ill health.
- (2) A staff member may seek support by contacting Staff Health Support as soon as possible after becoming aware of the need for support.
- (3) A supervisor or HR Partner may:
- (a) refer a staff member to [Staff Health Support](#); and
  - (b) seek guidance from [Staff Health Support](#).

**Note:** See clause 10 of the [Injury and Illness Management Procedures](#) for more information.

## 20 Leave

- (1) Staff covered by the [Enterprise Agreement](#) are eligible for the injury or illness leave provisions in clauses 253 – 271 of the agreement.
- (2) Relevant provisions in the staff member's contract of employment and University policy apply.

**Note:** See the [Leave Policy](#) for leave entitlements.

## 21 Recover at work

- (1) A staff member who requires support to recover at work must provide Staff Health Support with medical advice from their treating medical practitioner which describes:
  - (a) the staff member's capacity for returning to work, including whether a phased recovery at work plan is required;
  - (b) any support services or adjustments which may be needed to support the staff member's return to work; and
  - (c) whether regular reviews of medical advice are required to support ongoing recovery at work.
- (2) The Staff Health Support Partner will consult with the staff member and their supervisor to:
  - (a) determine if the medically recommended adjustments can be accommodated; and
  - (b) advise on a mutually agreed plan that aligns with medical advice.
- (3) A staff member who is not capable of performing their pre-injury duties due to injury or illness may:
  - (a) be assigned suitable duties on a temporary basis to assist with their recovery at work in accordance with clause 8 of this Policy;
  - (b) not be able to attend-work until appropriate adjustments can be made to facilitate their safe return.

## 22 Termination on the grounds of ill health

- (1) Termination of staff on the grounds of ill health will be done consistently with clauses 506 – 514 of the [Enterprise Agreement](#).

## 23 Rescissions and replacements

This document replaces the following, which is rescinded as from the date of commencement of this document:

- (a) Injury and Illness Management Policy 2015, which commenced on 1 January 2015

## NOTES

Injury and Illness Management Policy 2024

Date adopted: 29 January 2024

Date commenced: 31 January 2024

Date amended: 22 April 2024 (administrative amendments)

Review date: 31 January 2026

Related documents: [\*Anti-Discrimination Act 1977 \(NSW\)\*](#)  
[\*Disability Discrimination Act 1992 \(Cth\)\*](#)  
[\*Health Records and Information Privacy Act 2002 \(NSW\)\*](#)  
[\*Privacy and Personal Information Protection Act 1998 \(NSW\)\*](#)  
[\*Workers Compensation Act 1987 \(NSW\)\*](#)  
[\*Workers Compensation Regulation 2016 \(NSW\)\*](#)  
[\*Workers Compensation \(Dust Diseases\) Act 1942 \(NSW\)\*](#)  
[\*Workers Compensation \(Dust Diseases\) Regulation 2023 \(NSW\)\*](#)  
[\*Workplace Injury Management and Workers Compensation Act 1998 \(NSW\)\*](#)  
[\*University of Sydney \(Delegations of Authority\) Rule\*](#)  
[\*Injury and Illness Management Procedures\*](#)  
[\*Privacy Policy\*](#)  
[\*Student Critical Incident Procedures\*](#)  
[\*Work Health and Safety Policy\*](#)  
[\*Work Health and Safety Procedures\*](#)  
[\*The University of Sydney Enterprise Agreement 2023 - 2026\*](#)  
[\*Disability Inclusion Action Plan 2019 - 2024\*](#)  
[\*Return to Work Program\*](#)

## AMENDMENT HISTORY

Provision	Amendment	Commencing
Throughout	Administrative amendments to remove the year in policy references.	22 April 2024