



**Workplace Injury Management Procedure**

<b>Category/Business Group</b>	UNSW Global Pty Limited – All Business Groups
<b>Published Externally (Yes/No)</b>	Yes
<b>Responsible Officer</b>	Head of Human Resources
<b>Contact Officer</b>	Return to Work Coordinator
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<b>Version</b>	1

**Procedure Approval**

<b>Responsible Officer</b>
Glenn Jacob
Date: 23/10/2018



## 1 Purpose

The purpose of this Procedure is to:

- (a) ensure that all Employees who suffer a workplace injury or illness are supported and enabled to recover and return to pre-injury wellbeing;
- (b) ensure that all managers and Employees understand their obligations under Workplace Health and Safety legislation and Workers Compensation legislation regarding workplace injuries and illness.

This Procedure should be read in conjunction with the Return to Work Program Procedure.

## 2 Scope

This Procedure applies to all Employees whilst at work at any UNSW Global premises or whilst travelling on UNSW Global business.

The Procedure documents the process for assisting Employees who have suffered a workplace injury within the meaning of the Workers Compensation legislation. The Procedure does not apply to other kinds of injuries or illness.

## 3 Definitions

**Certificate of Capacity** means a NSW Workers Compensation Certificate of Capacity, a document issued by SIRA which is completed by a medical practitioner regarding the injured person, and includes information about the injured person's capacity for activities and capacity for work: see [www.sira.nsw.gov.au](http://www.sira.nsw.gov.au).

**Employee** means a person who carries out work in any capacity for a person conducting a business or undertaking (PCBU), including work as: an employee, contractor or subcontractor, an employee of a contractor or subcontractor, or an employee of a labour hire company assigned to work for a PCBU, an outsourced employee, an apprentice or trainee, a student gaining work experience, volunteer.

**Incident** has the meaning given by the *WHS Incident Reporting and Investigation Procedure*.

**Injury** means workplace injury, namely:

- (a) personal injury arising out of or in the course of employment; and
- (b) includes a *disease injury*, which means:
  - (i) a disease that is contracted by a worker in the course of employment but only if the employment was the main contributing factor to contracting the disease; and
  - (ii) 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; and
- (c) does not include (except in the case of a worker employed in or about a mine) a dust disease, or the aggravation, acceleration, exacerbation or deterioration of a dust disease, as so defined.



Note that under the Workers Compensation Legislation, Injury also includes psychological injury, however there are some restrictions on when a claim for psychological injury can be made.

**Injury Management Plan** means a specific plan developed by the Insurer for an Employee who has suffered a Significant Injury. The Injury Management Plan details the treatment, rehabilitation and retraining of an injured Employee, for the purpose of achieving a timely, safe and durable return to work.

**Injury Management Program** means a program which the Insurer is required to develop for integrating all aspects of injury management (including treatment, rehabilitation, claims management and employment management practices). See icare's Injury Management Program dated 31 May 2018 [www.icare.nsw.gov.au](http://www.icare.nsw.gov.au).

**Insurer** means Employers Mutual NSW Limited (**EML**) acting as the approved insurance agent of Insurance and Care NSW (**icare**), the Workers Compensation nominal insurer in NSW.

**Nominated Treating Doctor** means the medical practitioner an injured Employee nominates to manage their recovery and assist in safely returning the Employee to work, and to complete an Injury Management Plan if the Employee has suffered a Significant Injury. It is possible to nominate a medical practice (which includes the doctors working at that particular practice) as the Nominated Treating Doctor.

**Notifiable Incident** has the meaning given by the *WHS Incident Reporting and Investigation Procedure* and the *Work Health and Safety Act 2011* (NSW).

**Recover at Work Plan** means a plan prepared by UNSW Global for managing the process of recovery and return to full pre-Injury work or as close to it as is possible once the Employee has returned to work.

**Return to Work Coordinator** means the person appointed by UNSW Global to assist with recovery at work planning and managing Employees with an Injury.

**Return to Work Program** means a program developed by UNSW Global which summarises the system UNSW Global will use to manage Employees with work related Injuries or illnesses. It is found in the Return to Work Program Procedure.

**Significant Injury** means an injury that is likely to result in an Employee being incapacitated for work for a continuous period of more than 7 days, whether or not any of those days are work days and whether or not the incapacity is total or partial or a combination of both.

**Suitable Employment** in relation to an Employee, means employment in work for which the Employee is currently suited, having regard to the Employee's incapacity, age, education, skills and work experience.

**SIRA** means the State Insurance Regulatory Authority. It is the NSW Government organisation responsible for regulating and administering the NSW workers compensation system.

**WHS Regulator** means SafeWork NSW, the regulator for workplace health and safety in NSW.

**WorkCover Authority** is the name of the former regulator and nominal insurer for all workplace injury and workers compensation matters in NSW. In 2015 it was split into SIRA (as the insurance regulator), icare (as the nominal insurer) and SafeWork NSW (as the workplace safety regulator).



**Workers Compensation** means a form of insurance payment to employees if they are injured at work or become sick due to their work. It is part of a compulsory insurance scheme for all employers in NSW. Workers Compensation includes payments to employees to cover their:

- (a) wages while they are not fit for work; and/or
- (b) medical expenses and rehabilitation.

**Workers Compensation Legislation** means:

- (a) *Workers Compensation Act 1987* (NSW);
- (b) *Workplace Injury Management and Workers Compensation Act 1998* (NSW);
- (c) *Workers Compensation Regulation 2016* (NSW); and
- (d) Any guidelines issued by SIRA under section 52 of the *Workplace Injury Management and Workers Compensation Act 1998* (NSW) (eg SIRA Guidelines for Claiming Workers Compensation 2016 and SIRA Guidelines for Workplace Return to Work Programs 2017) as currently in force or as amended from time to time.

## 4 Procedure Detail

### 4.1 Health and Safety Commitment

- (a) UNSW Global is committed to preventing workplace Injury or illness and ensuring, so far as is reasonably practicable, the health and safety of its Employees while at work on UNSW Global premises.
- (b) While at work Employees must take reasonable care for their own health and safety and must take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

### 4.2 UNSW Global Commitment to Management of Workplace Injury

UNSW Global makes the following commitments to the management and rehabilitation of all injured Employees who suffer a workplace Injury.

UNSW Global will:

- (a) ensure that injured Employees receive prompt first aid or medical treatment;
- (b) support commencement of return to work as soon as practicable, so that returning to work after Injury is a normal practice and expectation;
- (c) implement a Return to Work Program Procedure that helps injured Employees recover at work and/or return safely as soon as possible following a work-related Injury or illness;
- (d) ensure that all Employees understand their responsibilities under the Workers Compensation Legislation;
- (e) commence and facilitate Injury management activities as soon as practicable following an Injury, irrespective of an injured Employee's compensation claims status;



- (f) ensure that an Employee's participation in the Workplace Injury Management Procedure and Return to Work Program Procedure will not, of itself, jeopardise job security;
- (g) consult with injured Employees and relevant stakeholders to ensure the Workplace Injury Management Procedure and Return to Work Program Procedure operate effectively; and
- (h) collect, keep and disclose personal information and records in the Injury management process in accordance with the Australian Privacy Principles, the *Privacy Act 1988* (Cth), the *Privacy Policy* and the Workers Compensation Legislation.

#### 4.3 Notification of Workplace Injury by Employee

- (a) Employees must report all Injuries in the following way:
  - (i) to the immediate supervisor or manager, as the case may be, as soon as possible after the Injury occurs; and
  - (ii) to the UNSW Global Human Resources team within 24 hours.
- (b) Employees may elect to report an Injury by completing:
  - (i) the [WHS Incident Report and Investigation Form](#); and/or
  - (ii) the [Register of Injuries](#); and/or
  - (iii) by other effective means.
- (c) Alternatively, a notification of Injury can be made by another person acting on behalf of the injured Employee.
- (d) When making a notification, Employees must also indicate whether the Injury is a Significant Injury.
- (e) If an injured Employee makes a claim for weekly payments under the Workers Compensation Legislation, they must provide a Certificate of Capacity to the Return to Work Coordinator.
- (f) When an Employee signs a Certificate of Capacity they authorise the Nominated Treating Doctor to provide relevant information about the Injury to UNSW Global and to the Insurer.

#### 4.4 Where Employee Unable to Notify Workplace Injury

- (a) If for any reason the Employee has not notified an Injury, is absent from work and is not able to be contacted, UNSW Global may use the Employee's emergency contacts provided to Human Resources, for the purposes of obtaining information about the Injury.
- (b) In addition, the Insurer may also take steps to contact the Employee directly.

#### 4.5 Notification of Workplace Injury by UNSW Global

Upon notification of the Injury:



- (a) The manager or supervisor of the injured Employee must:
  - (i) contact Human Resources within 24 hours to report the Injury, and provide any information available at that time;
  - (ii) complete a [WHS Incident Report and Investigation Form](#), if one has not already been completed, within 48 hours of the Injury occurring; and
  - (iii) notify the Return to Work Coordinator immediately if the injured Employee presents a Certificate of Capacity or other medical certificate.
- (b) Human Resources must:
  - (i) notify the Insurer within 48 hours of becoming aware that an Employee has received an Injury or a Significant Injury;
  - (ii) if the Incident which gave rise to the Injury is a Notifiable Incident, Human Resources must also notify the WHS Regulator as soon as possible, following the process as set out in the *WHS Incident Reporting and Investigation Procedure*.
- (c) The Return to Work Coordinator must:
  - (i) ensure the Employee has signed a consent to disclose personal information on a Certificate of Capacity before obtaining, using or disclosing Injury management information or contacting the Nominated Treating Doctor;
  - (ii) liaise with the injured Employee, their supervisor or manager and, if necessary, the Nominated Treating Doctor within 3 working days of becoming aware that the Injury requires a Recover at Work Plan; and
  - (iii) following the provision of a Certificate of Capacity:
    - contact the injured Employee to determine the expected capacity for work and current treatment;
    - if the injured Employee is not be able to resume their pre-Injury duties and/or usual hours of work, contact the Nominated Treating Doctor to determine the injured Employee's likely needs and restrictions.

## 4.6 Register of Injuries

- (a) UNSW Global maintains a [Register of Injuries](#) which can be completed by an injured Employee and/or their manager or supervisor. The Register is maintained by the Return to Work Coordinator.
- (b) If particulars of an Injury are entered by an injured Employee or any person acting on behalf of an injured Employee in the [Register of Injuries](#) as soon as possible after an Injury has occurred, then the entry is sufficient notification of a workplace Injury, and the time limits in clause 4.5 will apply.

## 4.7 Recover at Work Plans for Injured Employees

- (a) Where an Employee has suffered an Injury which results in any period of medically certified reduced work capacity (but still has capacity to work), an individual [Recover](#)



- [at Work Plan](#) will be developed by the Return to Work Coordinator (or accredited rehabilitation provider if involved), in consultation with the injured Employee and their manager or supervisor.
- (b) Not every Injury will require the development of a Recover at Work Plan; only those preventing the Employee from returning to work and performing their full pre-Injury duties.
  - (c) The [Recover at Work Plan](#) will include the following information:
    - (i) the Employee's pre-Injury duties;
    - (ii) the Employee's recover at work goal;
    - (iii) details of the current Certificate of Capacity;
    - (iv) details of suitable work available;
    - (v) a review date for the plan; and
    - (vi) agreement to the plan by the Employee and their manager or supervisor.
  - (d) The [Recover at Work Plan](#) will also take into account the medical information provided by the Nominated Treating Doctor and any other treatment providers.
  - (e) The following factors will be considered in developing the Recover at Work Plan:
    - (i) special needs of the individual injured Employee or their personal circumstances;
    - (ii) modification of any factors that may have contributed to the Injury;
    - (iii) ways to minimise the workload impact on other employees; and
    - (iv) industrial or other issues in the workplace.
  - (f) The injured Employee's Nominated Treating Doctor must be supplied with all relevant information that will assist them with the Recover at Work Plan.
  - (g) Employees must participate in the Recover at Work Plan, as well as any updated Plan. Employees must be careful to follow any restrictions identified in the Recover at Work Plan, so as to support optimal rehabilitation of the Injury.
  - (h) The [Recover at Work Plan](#) will continue to be monitored and reviewed as required, and may be reviewed in consultation with the Nominated Treating Doctor, on receipt of the Certificate of Capacity at the end of each plan period, or when there is a change in work capacity or significant change in the injured Employee's treatment plan.
  - (i) The injured Employee's manager or supervisor is expected to monitor the Employee's progress on a weekly basis, and to regularly report to the Return to Work Coordinator for the duration of the Employee's [Recover at Work Plan](#) (or the Certificate of Capacity where a Recover at Work Plan has not been developed).
  - (j) An injured Employee will report on their progress at regular intervals while participating in a Recover at Work Plan.



#### 4.8 Significant Injuries and the Insurer's Injury Management Plan

- (a) Once the Insurer has been notified of a Significant Injury, the Insurer will initiate action under its Injury Management Program within 3 working days of notification and must, in accordance with its Injury Management Program, make contact with the Employee, UNSW Global and the Employee's treating doctor.
- (b) The Insurer must establish an Injury Management Plan for an Employee with a Significant Injury. The Injury Management Plan must be established in consultation with UNSW Global, the treating doctor and the Employee concerned, to the maximum extent that their cooperation and participation allow.
- (c) The Insurer must provide UNSW Global and the injured Employee with information regarding the Injury Management Plan, and keep UNSW Global informed of significant steps taken or proposed to be taken under the Injury Management Plan.
- (d) An Employee who has suffered a Significant Injury must:
  - (i) nominate a Nominated Treating Doctor or medical practice who is prepared to participate in the development of, and in the arrangements under, the Injury Management Plan;
  - (ii) authorise their Nominated Treating Doctor to provide relevant information to the Insurer or UNSW Global for the purposes of an Injury Management Plan;
  - (iii) participate and cooperate in the establishment of an Injury Management Plan; and
  - (iv) comply with any obligations imposed on them under the Injury Management Plan.
- (e) UNSW Global must participate and cooperate in the establishment of an Injury Management Plan.
- (f) UNSW Global must comply with any obligations imposed on it by or under an Injury Management Plan.

#### 4.9 Employee's Return to Work Obligations

- (a) An injured Employee who has current work capacity must, in cooperation with UNSW Global or the Insurer, make reasonable efforts to return to work in suitable employment or pre-Injury employment at UNSW Global or at another place of employment.
- (b) If the Insurer considers that an injured Employee has not made reasonable efforts to return to work, the Insurer may elect to take various steps under the Workers Compensation Legislation, including:
  - (i) suspending the payment of compensation in the form of weekly payments to the Employee;
  - (ii) terminating the payment of compensation in the form of weekly payments to the Employee; or





- (iii) ceasing and determining the entitlement of the Employee to compensation in the form of weekly payments.

Further information regarding the process for taking these steps is set out in the Workers Compensation Legislation.

- (c) An injured Employee must schedule any medical treatment appointments outside of work hours where possible. Any treatment that is required during working hours due to availability is to be negotiated with the Employee's supervisor or manager, with consideration of the operational requirements of their business unit.

#### **4.10 Suitable Employment and Re-deployment Process**

- (a) If an Employee who has been totally or partially incapacitated for work as a result of an Injury is able to return to work, UNSW Global must, at the request of the Employee, provide Suitable Employment.
- (b) So far as it is reasonably practicable, UNSW Global will provide Suitable Employment which is the same as, or equivalent to, the employment in which the Employee was at the time of Injury.
- (c) Suitable Employment identified by UNSW Global will be provided to an injured Employee on a temporary basis only. It will be monitored closely and regularly upgraded towards pre-Injury hours and duties where appropriate.
- (d) UNSW Global is not required to provide Suitable Employment in the following circumstances:
  - (i) it is not reasonably practicable to provide such employment; or
  - (ii) the Employee voluntarily left the employment after the Injury happened; or
  - (iii) UNSW Global terminated the Employee's employment after the Injury happened (where unconnected with the Injury).
- (e) UNSW Global will not terminate an injured Employee's employment within the first six months of Injury as a result of the Injury.
- (f) When it is medically determined by the Nominated Treating Doctor or specialist that it is not appropriate for the injured Employee to return to their pre-Injury duties, permanent medical restrictions will need to be determined.
- (g) When permanent medical restrictions are determined, consultation with the injured Employee's supervisor or manager will be completed to determine if alternate duties are able to be offered, taking into account the operational needs of the business.
- (h) The injured Employee will be referred to a rehabilitation provider where an assessment will be completed to further assist with the identification of other vocational skills for alternate employment either within UNSW Global or external to UNSW Global.
- (i) In cases of redeployment, UNSW Global will consider accessing vocational programs administered by SIRA under the Workers Compensation Legislation.



## 4.11 Finalisation of Workplace Injury Management

- (a) UNSW Global will conclude Injury management upon:
  - (i) the injured Employee achieving the goal specified within the [Recover at Work Plan](#) (or Certificate of Capacity if no Recover at Work Plan has been developed); or
  - (ii) the review date specified in the Certificate of Capacity, unless a further Certificate of Capacity is provided; or
  - (iii) the Insurer informs UNSW Global that the Workers Compensation claim has been finalised.
- (b) A closure letter will normally be sent by the Insurer to the injured Employee once there is confirmation that pre-Injury duties have been maintained without the need for ongoing treatment.
- (c) Injury management may also conclude in other circumstances, including but not limited to:
  - (i) the Employee is unable to continue to participate in Injury management activities for reasons unconnected with the workplace Injury;
  - (ii) the Employee has achieved maximum medical improvement and is considered likely to gain no further benefit from continued rehabilitation;
  - (iii) the Employee's Workers Compensation claim is ended by way of legal determination or settlement; or
  - (iv) the Employee resigns from employment with UNSW Global for reasons unconnected with their Injury or Workers Compensation claim.

## 4.12 Record Keeping

- (a) UNSW Global will maintain records relating to the [Register of Injuries](#) and [WHS Incident Report and Investigation Forms](#) for 5 years.
- (b) Records relating to Workers Compensation claims not involving serious personal injury or incapacity must be retained for 25 years after the action is completed.

## 5 Procedure Implementation

- (a) The UNSW Global Executive Team is collectively responsible for the implementation of this Procedure.
- (b) The Head of Human Resources is responsible for the coordination of implementation actions relating to this Procedure.
- (c) The UNSW Global WHS Committee exercises a consultation oversight on behalf of employees.

## 6 Procedure Review

This Procedure is due for review three (3) years from date of approval.



**7 Related Documentation**

- (a) [WHS Incident Report and Investigation Form](#)
- (b) [Register of Injuries](#)
- (c) [Recover at Work Plan](#)

**8 Related Policies and Procedures**

- (a) [WHS Policy](#)
- (b) [WHS Incident Reporting and Investigation Procedure](#)
- (c) [WHS Hazard Reporting and Risk Assessment Procedure](#)
- (d) Return to Work Program Procedure

**9 Version History**

<b>Version Control</b>	<b>Date Effective</b>	<b>Approved By</b>	<b>Amendment Notes</b>
1.0	See page 1	See page 1	N/A