

Health and Safety Guideline

HSG 5.4 Return to Work Program Injury Management

1. Purpose

This Return to Work (RTW) Program sets out the mechanism and system the University of Newcastle (the University) will use to support and manage workers with a work-related injury or illness. The RTW Program is written to comply with obligations outlined in the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998. Most importantly, it is designed to promote the benefits of good work and recovery in the workplace to assist the injured or ill worker to return to pre-injury duties in a safe and timely manner.

2. Scope

This Guideline specifically applies to employees of the University who, by their employment, are insured for workplace injury and illness under the University Workers Compensation policy. The Guideline forms part of the Health Safety Management System Framework which guides all health, safety and wellbeing activities of staff, students, visitors (including volunteers and contractors), Council members, and other persons interacting with the University of Newcastle (workers); the operations of staff of University aligned Research Centres and controlled entities; and all activities conducted by or on behalf of the University of Newcastle on and outside of the University's campuses.

3. Guidelines

3.1. The University's Commitment and Leadership

The University of Newcastle and leaders and supervisors recognise the value its workers provide to the organisation. In the unfortunate event that a worker sustains a work-related injury or illness, the University is committed to providing a caring and efficient Recover at Work Program with the aim of supporting and restoring the injured worker to the fullest physical, psychological, social and vocational usefulness of which they are capable, consistent with their pre-injury status.

The University is committed to:

- educating all workers about the Return to Work (RTW) Program and associated process including the importance of early notification of injury or illness via entry of the event in the All Incident Management System (AIMS), by contacting the Health, Safety and Wellbeing (HSW) Team directly on (02) 4033 9999 (select #4), or by emailing usafe@newcastle.edu.au.
- providing information and training with regard to the University RTW Program occurs via the mandatory WHS Induction training completed by workers on commencement of employment and as a refresher every 2 years.
- developing a culture that promotes recovery at work by fostering positive attitudes
 towards workers recovering in the workplace and promoting the health benefits of
 good work. This is outlined in <u>Work Health Safety Policy</u>, the <u>Wellbeing Health and
 Safety Charter</u> and the documents of the University <u>Health Safety Management
 System (HSMS) Framework</u>. Further details are also available in the guideline <u>HSG</u>
 3.4 Wellbeing
- educating injured workers and supervisors about the health benefits of recovering at
 work and working with all key stakeholders to develop the most appropriate plan for
 the injured or ill worker to stay active and return to health.
- returning an injured worker to work as soon as practicable, subject to medical recommendations and assessing suitable duties to minimise the risk of harm to all workers.
- providing information to workers regarding reporting and management of work
 related injury and illness in the workplace which includes physical display of the "If
 you are injured at work" poster on staff noticeboards and digital display on the
 University website and publication of this document as part of the University Health
 Safety Management System Framework on the website.
- maintaining the confidentiality of worker records in accordance with privacy provisions and the University Records Governance Policy.

3.2. Notification

- a) When a worker becomes injured or ill at work, where available and required, they will be provided with immediate first aid and encouraged to seek further medical treatment where required. Further detail is available in the guideline HSG 5.2: First Aid.
- b) A worker with a work related injury or illness is required to advise their supervisor at the first available opportunity.
- c) The injured worker should complete an incident report in the online <u>Incident</u>

 <u>Management System (AIMS)</u> as soon as reasonably practicable following the injury or diagnosis of illness. Information and training on how to report an incident in AIMS is available on the "Online Incident Reporting" webpage. Where the worker is unable, or

- unwilling, to do this the worker's leader or supervisor must complete it on their behalf. It is essential that work related illnesses and injuries are reported through AIMS as it generates the University's Register of Injuries and enables the University to meet its obligation to notify the insurer (icare) and provide early support in facilitating recovery at work. This notification is a requirement, though the worker may not wish to proceed with a claim for workers compensation. For further information, please refer to the <u>Injuries at</u> Work webpage.
- d) The worker's supervisor must inform the injured or ill worker that they have notified the injury through AIMS and that the purpose of this is to ensure they receive timely offers of support and make any appropriate notification or claims for workers compensation, which they will have the right to accept or reject.
- e) In the absence of the ability to make early notification to AIMS, the worker or supervisor should notify the HSW Team (usafe@newcastle.edu.au) as soon as possible when an injury requiring medical treatment occurs. This allows for timely support for the worker, assistance to the work area and contact with the Nominated Treating Doctor (NTD) to provide advice regarding the RTW program.
- f) The Return to Work (RTW) Coordinator will notify the University's workers' compensation insurer of the injury or illness within 48 hours, as well as inform the direct supervisor and relevant member of Executive via email.
- g) The RTW Coordinator will contact the worker within one business day and provide verbally and/or in an email the claim number, information including next steps and the State Insurance Regulatory Authority (SIRA) "A recovery at work guide for workers". Information in the email will also include a link to this Return to Work Program which details the rights and obligations of all parties including the worker and mechanisms available to resolve disputes with the University and the University Consent For Release of Personal Information form.
- h) Incidents will be investigated in line with Health and Safety Guideline HSG 5.1: Health, Safety and Wellbeing Event Notification and Investigation.
- i) If the injury or illness is the result of a 'notifiable incident' an authorised delegate of the University will notify SafeWork NSW on 13 10 50 immediately and follow the process outlined in HSMS Guideline HSG 5.1: Health, Safety and Wellbeing Event Notification and Investigation. A notifiable incident involves a:
 - death;
 - serious injury or illness; and or
 - dangerous incident.
- The University periodically reviews WHS Policy and procedures (HSG 8.2 Management Review of the HSMS) taking into account hazards, near miss and injury and illness investigations (HSG 5.1 Health, Safety and Wellbeing Event Notification and

Investigation) to identify workplace improvements and reduce the risk of workplace injury and illness.

3.3. Medical Treatment

Where a workplace injury or illness results in a medical intervention, the injured or ill worker should notify the Nominated Treating Doctor (NTD) that the injury or illness is work related and obtain a receipt of any payment made to the NTD.

The NTD should issue a <u>SIRA Certificate of Capacity</u>. The injured or ill worker should sign the "Injured Person Consent" section and send, along with any receipts and referrals for medical investigations or specialists, to the RTW Coordinator as soon as practicable following the appointment (<u>usafe@newcastle.edu.au</u>). Emailed photographs of the documents will be accepted.

Approval for some medical treatment and investigations may be required by the insurer prior to the medical treatment or consultations or the worker may not be reimbursed for the cost. The RTW Coordinator will assist the worker with this process.

3.4. Return to Work (RTW) Coordinators

The RTW Coordinator assists workers with developing an appropriate recovery at work and is responsible for carrying out the day-to-day duties of the RTW Program. They are an advocate for a safe and timely recovery at work and will be the link between the worker and their support team including their supervisor, treating health professionals and the insurer.

The University has a number of appropriately trained and experienced RTW Coordinators as part of the HSW team who report to the Associate Director Wellbeing Health and Safety. Identified RTW Coordinator contact details can be found on the lnjuries.at.work webpage and workers can also email usafe@newcastle.edu.au.

The RTW Coordinator, with knowledge of the workers compensation legislation and roles and responsibilities of stakeholders, has the responsibility to represent and make decisions for the University in relation to the following:

- preparing, monitoring and reviewing Recover at Work Plans in consultation with all stakeholders
- referring workers to external Workplace Rehabilitation Providers where deemed appropriate or requested by the NTD
- Understanding a worker's situation and offering them support which will positively
 affect the worker's response to their injury and enable successful recovery at work.

- Maintain positive and effective verbal and written communication with workers and all other stakeholders
- Negotiating consensus and commitment of all parties to support a safe recovery at work and develop in consultation, solutions to barriers to recovery at work
- Facilitating and maintaining the obligations of the University, the worker and the insurer

The RTW Coordinator does not make decisions regarding compensation liability including funding of treatment. This is the responsibility of the claims service provider acting for the insurer.

3.5. Informed Consent

- a) Informed consent is where a worker is properly and clearly informed about how their personal information will be handled before consenting to the release and exchange of information. It ensures the worker understands the benefits of providing consent and implications of not providing consent.
- b) The RTW Coordinator will verbally discuss informed consent with the worker and provide written information, including the Consent for Release of Personal Information form.
 (Appendix 1) when the claim commences.
- c) When the worker agrees to informed consent and has returned the signed Consent For Release of Personal Information Form, they understand they are consenting for the University represented by the RTW Coordinator to receive and exchange information about their health, injury and recovery with the insurer, the NTD and other key stakeholders for the purpose of managing the worker's injury or illness.
- d) The worker is responsible for obtaining a SIRA Certificate of Capacity and providing this to the insurer, employer and other providers managing their injury or illness. The "Injured Person's Consent" on the SIRA Certificate of Capacity will be noted but will be required in addition to Consent For Release of Personal Information form.
- e) Insurers and other key stakeholders must also gain consent from a worker in order to exchange and receive information about their health, injury and recovery. This promotes good communication and transparent decision-making between the worker, employer and the return to work team. Information obtained during the management of a workers injury or illness will be treated with sensitivity and confidentiality in line with the Commonwealth and State Privacy provisions and the University's Privacy Management Plan and will only be disclosed in accordance with these and/or the requirements of the workers compensation legislation.
- f) The worker may withdraw informed consent at any time in writing or verbally to the RTW Coordinator or other key stakeholders. If the worker withdraws consent, The RTW Coordinator will discuss the benefits of information exchange with the work, their rights,

obligations an any potential implications for recovery at work when consent is not given. The RTW Coordinator will also request, either verbally or in writing that the insurer also inform the worker of their ongoing rights and obligations and any potential impacts the withdrawing of consent may have worker's recovery at work planning or management of the claim itself.

g) Workers compensation files, including case file notes, are maintained and secured in line with the University's Records Governance Policy.

For more information on Informed Consent, please visit SIRA Standards of Practice

3.6. Rights, obligations and support

Injured and ill workers will be provided support by key stakeholders throughout the claim. This includes the NTD, treatment providers, Case Manager for the Claims Service Provider (CSP), University RTW Coordinator, a workplace rehabilitation provider (if engaged) and union representatives (where appropriate).

Rights and obligations are communicated in writing and verbally to all key stakeholders consistent with this RTW Program. At the commencement of a claim and in early communication with the worker, the worker will be advised verbally and provided with a link to this RTW Program in an email, describing their rights and obligations with regards to workers compensation and injury management. This includes rights regarding dismissal as described below.

- a) Under NSW workers compensation legislation the University is required to:
 - Have workers compensation insurance.
 - Develop and implement a RTW Program in consultation with unions and workers, aligned to the Injury Management Program of the Claims Service Provider.
 Consistent with the University policy, this consultation will be designed to accommodate the needs of workers consistent with the <u>Equity, Diversity and Inclusion Strategy</u> and the <u>Inclusive Language Policy</u>.
 - Make the RTW Program available to workers and communicate it to workers through
 the mandatory WHS induction noting its publication as part of the <u>Health Safety</u>
 <u>Management System Framework</u>. The University also communicates the RTW
 Program in the first email communication following reporting of a work related injury
 or illness.
 - Display information to workers regarding reporting and management of work related injury and illness in the workplace, which includes physical display of "If you get injured at work" posters in common areas and digital display on the University

- website. A summary of how a worker notifies an injury and how they may make a claim is also available on Injuries at Work and WorkersCompensation webpage.
- Appoint one or more RTW Coordinators, support their appropriate training and retain
 evidence of their relevant qualifications. The individual RTW Coordinator must also
 be able to carry out their function addressing any actual or potential conflict of
 interest in performing the role of RTW Coordinator.
- Maintain a record of work-related injuries (Register of Injuries).
- Notify the insurer of all workplace injuries within 48 hours.
- Inform workers of their rights and obligations, which is done through this RTW
 Program and email that all injured or ill workers are directed via email following a report of a work related injury or illness.
- Participate in the development of the worker's injury management plan, written by the insurer, and comply with the employer obligations within it.
- Nominate a Workplace Rehabilitation Provider and in doing so, cooperate with the
 provider to ensure the unique needs and arrangements of the workplace are
 understood by the provider and where required reasonable access to the workplace
 and injured or ill workers.
- Provide suitable work (as far as reasonably practicable) when a worker is able to return to work, either on a full-time or part-time basis.
- Provide suitable work that is (as far as reasonably practicable) the same as or equivalent to the work being performed at the time of the injury.
- Not dismiss a worker because of a work-related injury within six months from when
 the worker first became unfit as a result of the injury or illness. If a worker is
 dismissed due to a work related injury the worker may apply to the employer to be
 reinstated in line with section 241 of the Workers Compensation Act 1987.
- Where the University replaces the worker within two years of dismissal, it will inform
 the replacement worker that the dismissed worker may be entitled to be reinstated to
 the role.
- b) A worker with a work-related injury or illness must co-operate and comply with the RTW Program and make all reasonable efforts to recover in the workplace.

In doing so workers are obliged to:

- Focus on recovery and aim to stay at work in some capacity or return to work as soon as possible.
- Engage in supports and services available to help them to take an active role in their recovery at work as their capacity for work increases.
- Stay in touch with the University and the people they work with there may be training opportunities that can be undertaken while recovering.

- Adhere to any conditions contained in the Recover at Work Plan.
- Advise their Supervisor and RTW Coordinator if they experience difficulty performing the duties in the Recover at Work plan or if they have an exacerbation of the injury or illness.
- Attend treatment as directed by their NTD or Specialist.
- Ensure their SIRA Certificate of Capacity is current and is provided to the RTW Coordinator.
- Provide a SIRA Certificate of Capacity for all workplace absences related to the claim.
- Where practicable attend treatment outside of normal working hours. Where this is
 not possible workers should try and schedule appointments first thing in the morning
 or later of an afternoon and advise their supervisor.

Workers have the right to:

- Nominate their own treating doctor. Any change to the NTD needs to be advised to the RTW Coordinator and the insurer as soon as practicable.
- Be provided with duties that are both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury duties.
- Be consulted and involved in identifying suitable work and developing their Recover at Work Plan.
- Privacy and confidentiality.
- Access to mechanisms for resolving complaints and disputes.
- Where applicable, have access to an interpreter service(where possible);
- Refuse or request a change in workplace rehabilitation provider, however this must be discussed with the RTW Coordinator and insurer.
- Protection from dismissal due to their work-related injury/illness within six months of first becoming unfit for employment.
- Apply for reinstatement within two years if terminated due to a work-related injury/illness with the provision to the University of a fit for pre-injuries SIRA Certificate of Capacity
- For more information refer to Injured at Work: A recovery at work guide for workers.
- c) Leaders and Supervisors are obliged to:
 - Consult and work with the worker and RTW Coordinator to develop a Recover at
 Work plan by identifying duties that are both suitable and, as far as reasonably
 practicable, the same as or equivalent to the employment the worker was in at the
 time of the injury consistent with the NTD's recommendations; and

Establish the worker's preferred method of contact and ensure regular check-in times
where the worker is unfit for duties and consents. Once the worker is recovering in
the workplace, the Supervisor should regularly check-in with the worker to assess
progress with the Recover at Work Program and discuss any concerns.

d) The Return to Work Coordinator is obliged to:

- Complete the appropriate training and maintain competency in RTW functions.
- Compile the initial notification information for the injury/illness and complete the notification to SIRA.
- Coordinate the worker's recovery at work, including working with the area and injured
 worker to identify suitable duties. This will include advising leaders and supervisors of
 the injury and promoting the health benefits of good work and recovery at work.
- Prepare draft Recover at Work Plan, monitor and review agreed Recover at Work Plan (in consultation with key parties) that documents the worker's capacity as determined by the NTD and suitable duties available;
- Liaise with external stakeholders, such as the Nominated Treating Doctor, Insurer, treatment providers, relevant union contacts and workplace rehabilitation provider;
- Implement the RTW program;
- Request a Workplace Rehabilitation Provider be engaged and work with them in supporting the redeployment of workers (internally or externally) to suitable employment when they cannot return to their pre-injury duties;
- Keep injury and recover at work statistics;
- Keep confidential case notes and records in line with laws, guidelines and policies of the University; and
 Contribute to the improvement of relevant policies and systems.

e) The Nominated Treating Doctor (NTD) is obliged to:

- Continue their usual role as a doctor including assessing, diagnosing, treating and certifying workers capacity.
- Supporting the worker to return to, and where possible to recover at work, through appropriate clinical intervention and management; and
- Contribute to return to work and recover at work planning, in collaboration with the worker and other members of the support team.
- Ensure timely progression of treatment to an active, self-management approach; and
- Recommend cessation of treatment where there is no resulting objective improvement in function or work capacity within the expected time frame.

For further information, refer to the <u>Workers Compensation Guide for medical</u> practitioners.

f) The insurer is obliged to:

- assist in securing the health, safety and welfare of workers and, in particular, preventing work-related injury,
- to provide:
- prompt treatment of injuries, effective and proactive management of injuries; and
- necessary medical and vocational rehabilitation following injuries, in order to assist injured workers and to promote their return to work as soon as possible,
- provide injured workers and their dependants with income support during incapacity, payment for permanent impairment or death, and payment for reasonable treatment and other related expenses;
- be fair, affordable, and financially viable;
- ensure contributions by employers are commensurate with the risks faced, taking into account strategies and performance in injury prevention, injury management, and return to work; and
- deliver the above objectives efficiently and effectively.

For further information, refer to the Workers Compensation Guidelines

3.7. Recovery at Work and Rehabilitation Outcomes

The University is committed to providing meaningful and appropriate suitable work for injured and ill workers in accordance with Section 49 of the Workplace Injury Management and Workers Compensation Act. Suitable work will be, so far as reasonably practicable, the same as, or equivalent to, the role in which the worker was in at the time of the injury.

Suitable work is closely monitored and reviewed with the aim of resumption of pre-injury duties when appropriate. Following initial assessment and treatment the worker will either be unfit for work, fit for pre-injury duties or fit for suitable duties.

a) Unfit for work

- Where a worker is unfit for work, the RTW Coordinator will undertake ongoing checkin and communications with the worker and supervisor at agreed times..
- Maintaining positive contact with the workplace can enhance recovery. In some circumstance however, contact with the work area may not be appropriate and in such cases the RTW Coordinator will establish and agree contact schedule.

b) Fit for pre-injury duties

 The RTW Coordinator will regularly check in with the worker and monitor their progress. The RTW Coordinator will liaise with key stakeholders throughout the duration of the claim.

c) Fit for suitable duties

- Based on the capacity of the worker, available suitable duties and the
 recommendations of the NTD, the RTW Coordinator will liaise with the worker,
 relevant stakeholders and the work area to develop a written Recover at Work Plan
 (see Appendix 2) focusing on what the worker capacity and taking into account any
 risks in returning or recovering in the workplace. The Recover at Work Plan will be
 distributed to all key stakeholders.
- Duties closest to the workers' pre-injury duties will be considered first and can be offered in any of the following ways:
 - o same job (or suitable parts of the job) with different hours;
 - o modified duties:
 - o a different job altogether;
 - o at the same or different workplace; or
 - o a combination of these options.
- At regular intervals, at minimum every two weeks, the RTW Coordinator will review
 progress with the worker verbally or in writing to ensure the Recover at Work Plan is
 progressing towards resumption of the return to work goal and if any issues are
 emerging to prevent this.
- Recover at Work Plans will be reviewed and updated when the worker's medical restrictions change or if there is a change in the workplace that impacts the plan.

d) Work Trials

- Where the RTW Coordinator and area are unable to identify suitable work options
 that match the workers current capacity within the University, a work trial will be
 explored.
- A work trial places a worker with a host employer for the period of time where the University is unable to accommodate the workers' current capacity.
- The work trial is an opportunity for the worker to recover at work while performing
 duties suited to their current capacity. Duties can be upgraded over a period of time
 (no longer than 12 weeks) until the worker reaches the required capacity to return to
 the University.
- An approved Workplace Rehabilitation Provider will be engaged to work with the worker and their treatment provider to source a work trial host and submit a proposal.

e) Permanent alternative placement

Most workers are able to recover and return to their pre-injury role and/or duties
however, where this is not possible, the RTW Coordinator will advise the insurer and
the worker will be provided with support with redeployment (internally or externally)

into suitable employment. A Workplace Rehabilitation Provider will be engaged to assist in this process. This may involve:

- Assessing the worker's skills, education and experience to identify suitable work options.
- o Providing job seeking assistance and organising training (where appropriate).
- Accessing appropriate SIRA-funded programs and services that support the worker to secure employment.

3.8. Recover at Work Plans

After being notified of a significant injury or illness, the University will participate and cooperate while the insurer writes an injury management plan for the worker.

Supporting workers to recover at work after injury is an important part of treatment and rehabilitation. Research suggests staying active after injury helps workers return to their usual activities at home and at work sooner. Workers will be supported consistent with the advice of their treatment providers.

A Recover at Work Plan is a written plan that is developed in consultation with the injured / ill worker, their work area and other key stakeholders. It is distributed prior to the injured worker carrying out suitable work where the SIRA Certificate of Capacity indicates a period of reduced capacity in relation to pre-injury duties. The plan outlines:

- Goals;
- Commencement and review dates;
- Treatment plan;
- · Working hours; and
- Worker's capacity and suitable work that they will carry out for the duration of the plan.

The plan is developed by the RTW Coordinator or Workplace Rehabilitation Provider in accordance with the SIRA Certificate of Capacity issued by the NTD. Where a plan needs to be modified, following consultation with the worker, all key stakeholders will be contacted by the RTW Coordinator to review, discuss and provide feedback to the plan. The worker, supervisor and any other key stakeholders will be provided with the plan.

The plan must be signed by all parties and returned to the RTW Coordinator to forward onto the NTD for review and signature.

3.9. Workplace Rehabilitation Providers

Workplace Rehabilitation Providers (WRP) can assist workers to recover at work by designing a plan in consultation with the worker, supervisor, treatment providers and the insurer.

WRP's are health professionals such as occupational therapists, physiotherapists, rehabilitation counsellors and psychologists who can:

- assess the workers' workplace and review the suitable duties;
- identify ways to help workers recover at work;
- and provide advice about work options if workers are unable to recover at work in their pre-injury role with the University.

WRP's can deliver services in the workplace, in consultation with all parties. This may include:

- assessing a worker's capacity to perform duties safely.
- identifying duties that will support improvements in a worker's capacity.
- identifying options to help reduce work demands (including providing advice on equipment, job or workplace modifications).
- identifying and addressing risks that may impact a worker's recovery and/or return to work outcome; and
- implementing and monitoring a plan to achieve an agreed recovery at work goal.

While it is usually the employer or insurer who makes the decision on which Workplace Rehabilitation Provider will be used in each situation, workers will be consulted on the decision and given the opportunity to refuse or request a change in provider. A full list of Workplace Rehabilitation Providers in NSW can be found on the SIRA website. Workers should contact the RTW Coordinator to discuss alternate Workplace Rehabilitation Providers.

3.10. Worker Consultation and Unions

Consultation promotes a positive culture around recovery at work. The University consults with workers on matters of safety and wellbeing policy through Health and Safety Committee and the Union Staff Consultative Committee. The RTW Program is consulted through these forums and available to the wider University community through the Policy Bulletin Board at time of review. The University also consults on and commits to the Disability Inclusion Action Plan in creating an inclusive environment.

A worker may choose to engage their Union to assist in their return to work. This support may include:

- Advocacy for the worker, representing the worker's interests in discussions with the employer, insurer, and other stakeholders.
- Communicate with the worker to keep them informed about their rights, entitlements, and the progress of their return to work plan or facilitate communication with the workers permission to address any concerns or issues that may arise in the worker's return to work.
- Compliance advice to the worker ensure that the workers compensation and return to work complies with relevant legislation, regulations, and guidelines set forth by SIRA and that worker's rights are respected.
- Training and support facilitation such as assisting the worker in accessing rehabilitation services, vocational training, or other support programs that can help them reintegrate into the workforce successfully.
- Documentation support to helps the worker keep thorough and accurate records of their injury, medical treatment, rehabilitation progress, and any communications or agreements related to their return to work.

Unions may help a worker who is a member in relation to dispute prevention and resolution regarding the Return to Work Program and injury management process.

3.11. Disputes

In supporting a worker to safely return to the workplace, the University will respect the rights and obligations of all parties. In the prevention of disputes, we will provide clear policy and procedures and monitor effectiveness through our Health Safety Management System Framework, support early intervention approaches, support a worker's safe recover and return, communicate effectively, provide the appropriate training and education and participate in dispute resolution.

Types of injury management disputes include:

- where there is no injury management plan, or it has not been followed or supported.
- there is no Recover at Work plan, or it has not been followed.
- where no suitable work has been identified / provided for the worker.
- the capacity to perform work is disputed.

The first step is to contact the University's RTW Coordinator for assistance to resolve the dispute.

Workers can also contact the Insurer and ask them to help resolve the dispute. The insurer can discuss the issue(s) with all parties and attempt to resolve the dispute. They may also engage an Injury Management Consultant or an approved Workplace Rehabilitation Provider to assist in resolution or further information to resolve a dispute.

Workers with an unresolved enquiry, or a complaint about the insurer can, contact the Independent Review Office (IRO) by calling 13 94 76 or email complaints@iro.nsw.gov.au

Where a dispute relates to the University, Workers can get help from State Insurance Regulatory Authority (SIRA) by calling 13 10 50 or emailing contact@sira.nsw.gov.au.

The <u>Personal Injury Commission</u> (PIC) is the central body for resolving all Workers Compensation disputes Examples of the disputes they resolve include:

- work capacity decisions.
- weekly payments compensation.
- suitable work following a work injury/illness.
- medical, hospital and related expenses.
- permanent impairment compensation.
- pain and suffering compensation.
- compensation for damage to personal property.
- · compensation for domestic assistance; and
- degree of permanent impairment.

For further information on dispute resolution please refer the <u>PIC website</u> or contact them via phone on 1800 742 679 or email: <u>help@pi.nsw.gov.au</u>

Disputes regarding weekly benefits are described at 3.12

Complaints regarding the University RTW Program, processes or employee conduct can be directed through University Complaints.

3.12. Weekly Benefits

The University pays injured workers their weekly payments whilst claiming workers compensation, at the usual time wages are paid. The University will pass on any other payments, such as medical expenses not paid directly to the worker, as soon as practicable after receiving them from the insurer.

When a Worker has a work-related injury/illness, and they are unable to perform their full pre-injury duties, compensation is payable as a percentage of their pre-injury average weekly earnings (known as PIAWE) as determined by the legislation. The University will provide the wage and allowance information as requested by the insurer to enable them to determine PIAWE and the entitlement payable. How a PIAWE is calculated is set by legislation and the insurer will use this to determine how much the worker will be paid. The maximum amount is capped. For more information refer to the Weekly Payments section in the Injured at work: A recovery at work guide for workers.

The Insurer, scheme agents, service providers, authorised providers and claims managers are responsible for ensuring that those payments are accurate.

Weekly payments from the insurer, should commence within seven days after the insurer has been notified of the claim unless the Insurer has provided the worker with a reasonable excuse not to. To receive weekly payments, workers must have a current certificate of capacity from their NTD.

In the majority of claims the worker is paid their usual wages by the University on the fortnightly pay cycle. For any payroll related enquiries, a worker can contact the payroll team via email on payrollservices@newcastle.edu.au. Where there is a dispute of this payment, the worker should state this in the email. Where payment is direct to the worker from the insurer, the worker is made aware verbally and in writing of the associated dispute resolution pathways from the insurer for PIAWE calculation and weekly benefit calculation. Further information on the insurer dispute resolution pathways are found at 3.11.

4. Definitions

In the context of the Health and Safety Management System Framework:

Claims Service Provider	Claims Service Provider (CSPs) is the insurance company that manages claims on behalf of icare (insurer).
Employer	Means the University of Newcastle (the University).
Executive Committee	Consisting of the Vice-Chancellor, the Deputy Vice-Chancellors, the Pro Vice-Chancellors, the Chief Operating Officer, Chief People and Culture Officer and the Chief Financial Officer, the University Secretary and the President of Academic Senate.
Injury Management	Means the provision of prompt and appropriate medical treatment of an injured worker, support of recover at work programs to assist and promote recovery in the workplace, where possible, and monitoring of progress until the goal is achieved.
Insurer	In NSW, the Nominal Insurer is a statutory legal entity responsible for managing the operation of the Workers Compensation Insurance Fund. Icare is the government agency that acts for the nominal insurer
Leader / Supervisor	Any member of the University who is responsible for supervising staff and/or undergraduate or postgraduate students and/or for leading research projects.
Nominated Treating Doctor (NTD)	Refers to the doctor responsible for treating an injured or ill worker and who makes recommendations regarding fitness for duty. Further information on the role and responsibilities of the NTD are available on the SIRA Website.
Recover at Work	Means the University's process for managing workers with work related injuries and illnesses to facilitate their recovery in the workplace, where possible, and return to pre-injury duties. They are aimed at helping a worker remain in the workplace in some capacity via the provision of suitable duties, so they use work to build and improve their capacity following an injury or illness.
Recover at Work Plan	Means a written plan outlining the return to work goal, responsibilities, and the steps to achieve these.
Return to Work (RTW) Coordinator	Is a person responsible for workers' compensation administration and coordination of the injury management and recovery at work process. The Health, Safety and Wellbeing Team includes qualified, experienced RTW Coordinators who provide this service for the University.
SIRA	Means State Insurance Regulatory Authority (SIRA), the Government organisation responsible for regulating the NSW workers compensation system.
Worker	For the purpose of the Return to Work Program, a worker is a person identified as a 'deemed worker' under the Workplace Injury Management and Workers Compensation Act 1998, who is employed by the University under a contract of employment. Workers are commonly referred to as Staff Members in other University policies and procedures.
	In all other documents of the Health Safety Management System Framework a worker includes an employee, conjoint, student on work

	experience, contractor, sub-contractor, and volunteer. A person is a worker if the person carries out work in any capacity for the University or another person conducting a business or undertaking, including work as: (a) an employee, or
	(b) a contractor or subcontractor, or
	(c) an employee of a contractor or subcontractor, or
	(d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
	(e) an outworker, or
	(f) an apprentice or trainee, or
	(g) a student gaining work experience, or
	(h) a volunteer, or
	(i) a person of a prescribed class.
Workplace	Means any recognised or defined area, location or vehicle where workers carry out their work.
Workplace Adjustment	Previously referred to as a 'reasonable adjustment', is a change to a work process, practice, procedure or environment that enables an employee with disability to perform their job in a way that minimises the impact of their disability. Under the Disability Discrimination Act 1992 (DDA), employers
	are obligated to make adjustments to accommodate an individual's disability, unless that adjustment would result in unjustifiable hardship.
	Workplace adjustments can be permanent or temporary, depending on the circumstances of the worker.
	Means any acute or chronic illness or disorder other than a workplace
Workplace Illness	injury, caused by exposure to environmental factors associated with the workplace e.g. hearing loss, respiratory disease or skin disorders.
Workplace Injury	Means a personal injury arising out of or in the course of employment in respect of which compensation is payable under the Workers Compensation Legislation.
Workplace Rehabilitation Providers	Workplace rehabilitation providers help address risk factors which may affect a worker's ability to recover at work. These factors may include difficulty identifying suitable work, complex injury, delayed recovery or communication breakdown.
Workers Compensation Legislation	 Refers to: Workplace Injury Management and Workers Compensation Act 1998 No. 86 (NSW) and the instruments under that Act. Workers Compensation Act 1987 No. 70 (NSW) and the instruments under that Act. Workers Compensation Regulation 2016.

5. Responsibilities

A comprehensive list of health, safety and wellbeing responsibilities is provided in the guideline <u>HSG 1.2: Roles and Responsibilities</u>.

6. References & Related Documents

The RTW Program is part of the University <u>Health Safety Management System Framework</u>
The following documents are referenced in, or applicable to this Guideline:

Work Health Safety Policy,

Wellbeing Health and Safety Charter

HSG 1.2: Roles and Responsibilities

HSG 5.1: Health, Safety and Wellbeing Event Notification and Investigation

HSG 5.2: First Aid

HSG 3.4 Wellbeing

HSG 8.2 Management Review of HSMS

Equity, Diversity and Inclusion Strategy

Inclusive Language Policy.

Privacy Management Plan

Records Governance Policy

External Related documents include;

State Insurance Regulatory Authority (SIRA) <u>Guidelines for workplace return to work</u> <u>programs, Workers Compensation Guide for medical practitioners, Workers Compensation Guidelines,</u>

NSW Work Health and Safety Act 2011 (2011 WHS Act)

7. Amendment History

Version	Date of Issue	Approval	Section(s) Modified	Details of Amendment
1	July 2019	CPCO	-	Original version with latest amendment HSG 7.3 Return to Work Program – Injury Management
2	July 2023	CPCO	All	Renumbered from HSG 7.3 to HSG 5.4 Return to Work Program – Injury Management Updated all content in all sections

				3. Added new/renamed Related
				Documents
				4. Added Amendment History
				5. Amended document control header
				and footer
3	February	CPCO	All	Consultation for compliance with SIRA
	2024	0, 00	7 (11	Guidelines for Workplace Return to
	2024			Work Programs
4	April 2024	Vice	All	Final review by Executive Leadership
	7 (prii 2024	Chancellor	7 (11	Team for endorsement by Vice
		Chancello		Chancellor.
5	May 2024		3.10 & 3.11	Minor amendments consistent with
	IVIAY 2024		J. 10 & J. 11	SIRA Guidelines

8. Appendices

Appendix 1 Consent For Release of Personal Information form (Sample)

Appendix 2 Recover at Work Plan (Sample)

Appendix 1 Consent for Release of Personal Information Form



CONSENT FOR RELEASE OF PERSONAL INFORMATION

Worker details			
Claim number			
Given name(s)		Surname	
Employer details			
Organisation	University of Newcastle		
Contact name		Position	
Phone		Email	

Employee's declaration

I have discussed this consent form with my employer. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

- · only collect health information that is relevant and necessary to manage my recovery at work and coordinate the Workers Compensation claim
- only use and disclose information for the purpose for which it was collected
- keep any information collected separate from my other personnel records
- · take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately
- allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person's life or health.

This information may be exchanged between my employer and the University's appointed insurance broker, my treating doctor(s) and other treatment providers, the appointed workplace rehabilitation provider, the claims service provider as the representative of icare NSW as the nominal insurers, the State Insurance Regulatory Authority (SIRA) and Safework NSW as the NSW regulatory authorities.

Considering the above, I authorise and consent to the collection, use and disclosure of personal and health information relevant to managing my injury and Workers Compensation claim.

Employee			
Signature		Date	
Employer represe	ntative		1
Signature		Date	
Interpreter/Other			
Signature		Date	
Name			
Version: May 2024	NEWCASTLE CENTRAL COAST PORT	MACQUARIE	SINGAPORE
	The University of Newcastle enquirycentre@newcast Callaghan NSW 2308 Australia CRICOS Provider Number		2 4921 5000 castle.edu.au

Appendix 2 **Recover at Work Plan**

considerations/tasks to

Tasks to avoid:

avoid

Recover at Work Plan





Current Capacity of Employee - Capacity Insurer Name: School/Division Address: Nominated Treating Doctor: Pre-injury Hours per week: Work Status: Date of Injury reatment Plan: ☐Fit for Suitable Duties (Restrictions in place) Current Capacity (hrs per week): : Claim ID: Fax Phone

Consider and and designed and designed	the second and a second and		
From:		To:	
Hours:		Days:	
Lifting/carrying		Pushing/Pulling ability:	
capacity:			
Sitting:		Bending/twisting/squat	
		ting ability:	
Standing Tolerance:		Driving Ability:	
Other:			

Same role/same employer Return to work Goal

Suitable Duties:

Nate: Recover at Work Plans can be amended subject to nature of the injury or illness. _I

NOMINATED TREATING DOCTOR

SUPERVISOR

Recover at Work Plan



Return to Work Responsibilities

Employee (Agreed actions & expected outcomes)

- Ensuring that all restrictions noted are adhered to. Advise Supervisor and/or Return to Work Co-ordinator if there are any difficulties at work.
- Attend follow up medical appointments. In order to ensure its duty of care, the University
- requires workers with a work-related injury to have a current SIRA Certificate of Capacity. Routine medical and treatment appointments should be made outside of work hours. Where this is not possible employees must seek approval from their supervisors to attend
- Not to work additional hours above contracted hours without first contacting the RTW Coordinator who will need to seek GP approval be completed and submitted to the RTW Co-ordinator.

appointments during work hours and a Workplace Injury/Illness Leave Application form must

Supervisor (Agreed actions & expected outcomes)

- Ensure the worker is not required to undertake duties that are outside of the restrictions
- If it is identified that the worker could undertake work other then what is identified in this Not to approve additional hours above contracted hours without first contacting the RTW Co-ordinator who will need to seek GP approval.
- Maintain regular contact with the worker to follow up on progress plan, please contact the RTW Co-ordinator
- Advise RTW Co-ordinator of any changes in circumstances

RTW Coordinator (Agreed actions & expected outcomes

- Maintain regular contact with the worker to check on progress
- Forward all relevant documentation to icare Ensure the Supervisor is kept up to date with all developments
- Liaise with treatment providers

Return to Work Plan is agreed to by:

INJURED STAFF MEMBER:	DATE:	
SUPERVISOR:	DATE:	
RTW CO-ORDINATOR:	DATE:	
NOMINATED TREATING DOCTOR:	DATE:	
Comments in relation to this plan		
TARTE ACCASES		