

# INJURY MANAGEMENT PROGRAM

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## 1 Introduction

The University of Wollongong recognises the value of its employees and is committed to preventing injury and illness by providing a safe and healthy working environment.

In the event that an employee sustains a work related injury or illness, the University is equally committed to providing an efficient workplace injury management program with the aim of restoring the injured employee to the fullest physical, psychological, social, vocational usefulness of which they are capable, consistent with their pre-injury status.

Subject to medical advice, injury management for workplace injuries aims to return injured employees to work according to the following hierarchy of injury management goals, as outlined by WorkCover NSW: -

- i) Pre-injury duties/Pre-injury employer
- ii) Modified or reasonably adjusted duties/Pre-injury employer
- iii) Different duties/Same employer
- iv) Pre-injury duties/Different employer
- v) Modified or reasonably adjusted duties/ Different employer
- vi) Different duties/ Different employer

The University of Wollongong's commitment to injury management extends to assisting employees with non-work related injuries by offering access to a graduated return to work process similar to that for work related injuries where practicable. Injury management of non-work related injuries will be offered with the expectation, supported by medical evidence that the employee will be able to return to their pre-injury position within a reasonable timeframe. Where the nature of the injury affects the capacity of the employee to perform their duties on a permanent basis, the University will make an attempt, where feasible, to find an alternative position.

This Injury Management Program has been developed in consultation with WorkCover NSW, employees and relevant unions through the Workplace Health & Safety Committee.

## 2 Principles

In accordance with the NSW Workers Compensation (Workplace Injury Management Programs) Regulation, the Workers Compensation Act (1987), the Workplace Injury Management & Workers Compensation Act (1998) (amended 2001) and The Workers Compensation Legislation Amendment Bill 2012, the University of Wollongong recognises the following commitments:

- That injury or illness in the workplace will be prevented through the provision of a safe and healthy working environment;
- That staff and supervisors are informed of their responsibilities under the Workers Compensation Act 1987 and the Workplace Injury Management, Workers Compensation Act 1998, and The Workers Compensation Legislation Amendment Bill 2012 ;
- That the injury management process is commenced as soon as practicable following injury, irrespective of an injured employee's compensation claim status;
- That return to work following an injury is a normal practice and expectation;
- That suitable duties as part of an injured employee's return to work plan, is an integral part of the injury management process;
- Employees and relevant industrial unions will be consulted to ensure that the University injury management program operates effectively;
- That participation in an injury management program will not, in itself, prejudice or disadvantage an injured employee;

- That all injury management information is treated confidentially, in accordance with WorkCover NSW guidelines.

### **3 Definitions**

#### **3.1 Workplace Injury Management**

“The process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable return to work for employees following workplace injuries.”

(Section 42: *Workplace Injury Management and Workers Compensation Act 1998 amended 2001*)

#### **3.2 Workplace Return to Work Program**

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

(Section 52: *Workplace Injury Management and Workers Compensation Act 1998 as amended 2001*)

#### **3.3 Injury Management Program**

“A coordinated and managed program that integrates all aspects of injury management (including treatment, rehabilitation, re-training, claims management and employment management practices) for the purpose of achieving optimum results in terms of a timely, safe and durable return to work for injured employees.”

(Section 42: *Workplace Injury Management and Workers Compensation Act 1998 as amended 2001*)

#### **3.4 Injury Management Plan**

An Injury Management Plan is a documented plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured employee, for the purpose of achieving a timely, safe and durable return to work.

An Injury Management Plan is developed for any employee who has a significant injury within 20 days of notification to the WHS Unit. It contains information pertaining to the worker’s rights and obligations, authorised treatment procedures for changing nominated treating doctor and penalties for non compliance.

(Section 42: *Workplace Injury Management and Workers Compensation Act 1998*, then as amended 2001) required.

#### **3.5 Injury**

The definition of injury is as follows;

- (a) Means a personal injury arising out of or in the course of employment, and includes:
  - i) A disease contracted by a employee in the course of employment, where the employment was a contributing factor to the disease, or
  - ii) The aggravation, acceleration, exacerbation or deterioration of any disease where the employment was a contributing factor to the aggravation, acceleration, exacerbation or deterioration, but
- (b) Does not include (except in the case of a worker employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies):
  - i) A dust disease, or

ii) The aggravation, acceleration, exacerbation or deterioration of a dust disease.

(Section 4.1: *Workplace Injury Management and Workers Compensation Act 1998 as amended 2001*)

Note: Where a person suffers from a dust disease, compensation is provided in the *Workers Compensation (Dust Diseases) Act 1942*.

### **3.6 Significant Injury**

A significant injury is when an injured employee cannot undertake their usual duties for a continuous period of more than 7 (calendar) days.

(Section 42: *Workplace Injury Management and Workers Compensation Act 1998 as amended 2001*)

### **3.7 Return to Work Plan**

A written, agreed and time limited plan stating “suitable duties, restrictions, hours worked, supervision arrangements” including steps that will be taken to help the injured employee return to work. This plan must be regularly monitored and reviewed.

(Refer to [WorkCover NSW: Guidelines for Employers Return to Work Programs, 2010](#))

### **3.8 Suitable Employment (Duties)**

Suitable employment, in relation to a worker, means employment in work for which the worker is suited, having regard to the following:

- (a) The nature of the worker’s incapacity and pre-injury employment,
- (b) The worker’s age, education, skills and work experience,
- (c) The worker’s place of residence,
- (d) The details given in the medical certificate supplied by the worker,
- (e) The provisions of any injury management plan for the worker,
- (f) Any suitable employment for which the worker has received rehabilitation training,
- (g) The length of time the worker has been seeking suitable employment,
- (h) Any other relevant circumstances.

In the case of employment provided by the worker’s employer, suitable employment includes:

- (a) Employment in respect of which:
  - i) The number of hours each day or week that the worker performs work, or
  - ii) The range of duties the worker performs, is suitably increased in stages (in accordance with a rehabilitation plan or return to work plan or otherwise), and
- (b) If the employer does not provide employment involving the performance of work duties suitable training of a vocationally useful kind provided:
  - i) By the employer at the workplace or elsewhere, or
  - ii) By any other person or body under arrangements made with the employer,
  - iii) But only if the employer pays an appropriate wage or salary to the worker in respect of the time the worker attends the training concerned.

(Section 43, *Workers Compensation Act, 1987*)

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

### **3.9 Injury Management Consultants**

Injury Management Consultants are registered medical practitioners experienced in occupational injury and workplace-based rehabilitation. They are approved by WorkCover to review an injured worker's fitness for employment, assess proposed suitable duties and discuss return to work with the nominated treating doctor.

### **3.10 Approved Medical Specialists**

Approved Medical Specialists (AMS) are senior practicing specialists with a sound knowledge of the NSW workers compensation system and workplace-based injury management. AMS are appointed by the Workers Compensation Commission to assess disputes about medical issues for workers compensation claims lodged on or after 1 January 2002.

### **3.11 Independent Medical Examinations**

Independent Medical Examiners are registered medical practitioners who provide impartial medical examinations of an injured worker to assist decisions about:

- accepting a claim;
- ongoing liability;
- the employee's level of fitness for work.

The employee, their solicitor, or the employer's workers compensation insurance company can request an independent medical examination where information can not be sought from the treating doctors.

### **3.12 Accredited Workplace Rehabilitation Providers**

Accredited Workplace Rehabilitation Providers are organisations accredited by WorkCover to offer specialised services to help injured workers to return to work.

Accredited Workplace Rehabilitation Providers:

- assess the needs of the injured worker and the workplace requirements to develop a rehabilitation plan of action, listing the services needed to return the injured worker to work;
- employ different health professionals, such as occupational therapists, physiotherapists, psychologists and rehabilitation counsellors;
- are referred to by the employer, insurer or the treating doctor to help in complex cases;
- are nominated by the employer in the return-to-work program.

## **4 Roles & Responsibilities**

### **4.1 University Responsibilities**

- Demonstrate commitment to the injury management process;
- Develop a workplace injury management program and display summary copies of this program prominently in the workplace. The program will include injury management procedures to be followed to ensure prompt assessment of individual requirements following injury;
- Ensure that a suitably qualified, experienced and accredited person is appointed to the role of designated Injury Management Co-ordinator, in accordance with WorkCover NSW guidelines (WorkCover NSW, 05/97) for Category 1 employers;
- Provide information and/or training to employees regarding the University's Workplace Injury Management Program's principles and procedures, to encourage employee support.

This can occur through the WHS Committee, intranet resources, and Workplace Advisory Committees;

- Provide Accredited Workplace Rehabilitation Providers involved with an injured employee's injury management reasonable access to the workplace, for effective facilitation of the injury management process.

#### **4.2 Supervisor/Line Manager Responsibilities**

- Ensure that the injured employee receives, or is referred to, first aid &/or medical assessment, as appropriate for the injury/illness and injury severity. If the supervisor is in doubt, they are to act on the side of caution, and refer the injured/ill employee for medical assessment;
- Ensure that employees complete all sections of the Hazard & Incident Report including corrective action, risk assessment and the control measures used as soon as possible following the accident or onset of a work-related medical condition;
- Refer any injured employee who requires medical assessment or treatment to the Workplace Health & Safety Unit for advice regarding workers compensation and injury management immediately following notification of injury;
- Immediately notify the University Injury Management Co-ordinator if an injured employee presents a medical certificate indicating that they have any restrictions or are not fit for pre-injury or normal duties;
- Assist the Injury Management Co-ordinator (and Workplace Rehabilitation Provider if involved) with identification and assessment of potential suitable duties for consideration in the injured employee's return to work plan;
- Ensure that any training and/or workplace modifications as agreed to as part of an injured employee's return to work plan is completed;
- Monitor the injured employees' return to work plan progress, and liaise with the Injury Management Co-ordinator (and Workplace Rehabilitation Provider if involved) regarding this.

#### **4.3 Employee Responsibilities**

- Take reasonable care and comply with University policies, procedures and instructions in the performance of work, so as to prevent workplace injuries to themselves and others;
- Report any hazardous condition, incident, injury or illness immediately if possible or as soon as practical to their supervisor. All incidents should be recorded using the University's online report form [SafetyNET](#) within 24 hours where possible;
- Seek first aid &/or medical treatment where indicated following work or non work-related injury or illness. Request that the examining medical practitioner on a WorkCover medical certificate document any recommendations regarding capacity for work. In the case of non-work related injury/illness the employee must obtain a medical certificate that reflects the nature of the injury/illness and details any work restrictions as a consequence of their injury or illness;
- Present any documentation relevant to their workers compensation &/or in return to work process (eg: medical certificates, leave forms) to their supervisor as soon as possible. If a situation arises where an injured/ill employee feels uncomfortable presenting such documentation to their direct supervisor, they may submit the documentation directly to the WHS Unit or submit the documentation through a chosen representative e.g. Union, WAC, colleague etc;
- Co-operate with the University to enable compliance with WHS and injury management obligations;

- Actively participate in any agreed individual return to work plan of appropriately modified or suitable duties;
- Co-operate with reasonable workplace changes designed to assist the injury management of fellow employees;
- Support the principles and procedures of the University Workplace Injury Management and attend any medical examination arranged by the University for the purpose of assessing or reviewing their condition;
- Ensure that the scheduling of any medical treatment appointments take into consideration the operational requirements of their department/unit; and liaise with their supervisor regarding this. This may include attending treatment times outside of work time;
- The University acknowledges that employees undergoing injury management have the following rights: -
  1. To participate in consultations regarding all decisions and actions relating to their injury management;
  2. To involve a union representative or other person of their choice at any time during their injury management;
  3. To be provided with an appropriate injury management service (in-house) and to be able to choose their rehabilitation provider. They should also be able to change service provider where their intervention is unsatisfactory. Unsatisfactory performance will be discussed with WorkCover;
  4. To be treated by the medical and health professionals of their choice. At the initial medical consultation, the employee is required to nominate the doctor they wish to be their treating doctor for the purpose of developing their Injury Management Plan and for injury management purposes. The nominated treating doctor can only be changed following discussion with and agreement of the University Injury Management Co-ordinator. Potential reasons for an employee requesting a change of nominated treating doctor include:
    - The treating doctor or the injured employee changes physical location;
    - The nominated treating doctor recommends a change in medical practitioner;
    - The injured employee expresses concerns regarding their medical treatment and/or progress;
    - Any other reasonable circumstances agreed to by both the injured employee and the Injury Management Co-ordinator.
- Failure to unreasonably adhere to their responsibilities can lead to their weekly benefits being suspended during the period which the failure continues. Employees are informed of their rights and obligations via the 'Information for Injured Workers Brochure' and via their Injury Management Plans.

#### **4.4 Injury Management Coordinator Responsibilities**

- Act as the link between all principle parties involved in the injured employee's injury management & rehabilitation, and provide impartial advice, to facilitate the employee's return to work as soon as is practically and safely possible consistent with medical information provided;
- Provide information regarding the injury management process and associated workers compensation benefits to injured employees injured in the workplace (or in the case of the latter, refer them to the Claims Coordinator for such information);
- Abide by WorkCover Guidelines for Claiming Compensations Benefits and WorkCover Guidelines for Employers Return to Work Programs, in relation to access to injury management records and consent to obtain/release information;



- Liaise with the following parties, as required, in assessing the needs of the injured employee, co-ordinating services necessary to meet those needs and in nominating suitable duties:
  - Injured employee;
  - Treating doctor/s;
  - Manager/s or supervisor/s;
  - Accredited Workplace Rehabilitation Provider (if involved);
  - Treating health professionals/therapists;
  - Claims Coordinator;
  - Union representative (where requested by employee);
- Ensure that for significant injuries, contact is made with the injured employee, supervisor and the treating doctor within 3 days, and an injury management plan developed;
- Ensure that employees returning to work on suitable duties have an individual written injury management (return to work) plan in accordance with WorkCover NSW guidelines, (WorkCover NSW, 10/98) which is distributed to involved parties. The Return to Work Plan should clearly identify the agreed upon Injury Management goal;
- Monitor employee progress at regular intervals, at least fortnightly. Where a Workplace Rehabilitation Provider as been engaged, progress may be monitored differently to this;
- The Injury Management Co-ordinator is to complete an Injury Management Performance Summary Report, which outlines new cases, closed cases, status of current cases and cases approaching 3 month and 6-month duration. This is to be completed at the end of each month for submission to the WHS Manager and relevant areas;
- Ensure that the injured/ill employee's return to work plan is appropriately integrated with the Injury Management Plan (initiated within 3 days) according to the Workplace Injury Management & Workers Compensation Act (1998);
- Where an employee has sustained a non-work related injury or the claim is denied, the Injury Management Coordinator should advise Staff Services to assist with the management of sick leave where available.

#### **4.5 Claims Coordinator Responsibilities**

- Ensure that the requirements of Workers Compensation legislation and WorkCover Guidelines are met, in terms of reporting requirements and procedures for workers compensation claims;
- Provide information to employees regarding their entitlements under Workers Compensation legislation and workers compensation claim procedures. This occurs by providing the worker with WorkCover and University of Wollongong specific information brochures and letter of liability. Information about workers compensation obligations are also attached to all Injury Management Plans;
- Advise the Injury Management Co-ordinator of any reported injury or illness, which may require absence from work and/or workplace modifications;

## **5 Procedures – Work Related Injuries**

### **5.1 When An Injury Occurs**

Injuries must be reported by the employee to the supervisor as soon as practical, and no later than the end of the day/shift. An incident report should be completed as soon as practicable via the UOW online report form [SafetyNET](#). The incident report is to be completed by the employee where possible, or on the employees behalf by the supervisor or first aider.

The online incident report form is the University's Register of Injuries and the primary method for documenting a workplace injury. Once the online report is completed it is automatically forwarded to the WHS Unit and the employee's supervisor via email. This ensures the Faculty or Unit notifies the WHS Unit within the 48 hour timeframe set by legislation.

For specific details regarding incident reporting, please refer to the University of Wollongong [Hazard and Incident Reporting Guidelines](#).

Depending on the severity of the injury and the employee's preference, the injured employee should attend one or more of the following to seek appropriate first aid/medical attention:

- A University first aid officer or Security Officer;
- Wollongong Hospital - Emergency department (if required);
- Their treating/local doctor;

Supervisors should be aware that the injured employee retains the right of choice of medical services. The injured employee is required to nominate the doctor they wish to be their treating doctor for the purposes of injury management and returning to work, on the initial WorkCover medical certificate.

## **5.2 Initial Claims Management Procedures**

- An incident report must be submitted to the University WHS Unit via the SafetyNet system. This must include a range of information to allow corrective actions to be implemented.
- The injured worker will need to be assessed by a doctor, who will be known as their Nominated Treating Doctor (NTD). The NTD will assess the worker's injury and provide treatment. A WorkCover Medical Certificate will be issued. A copy of the medical certificate is to be given to the WHS Unit to allow provisional liability to be determined.
- Either the Injury Management Coordinator or Claims Coordinator will make contact with key stakeholders within 3 days of receipt of notification. This includes the worker and their supervisor, and if the injury is deemed significant contact with the nominated treating doctor will also be made. Information obtained will assist with determination of liability and the development of the Injury Management Plan.
- The Claims Coordinator will determine the employee's eligibility for Provisional Liability benefits and any ongoing benefits, which may cover wages, treatment and medical costs. Eligibility will be determined by gathering medical information to verify the employee has suffered a workplace injury and to determine the expected period of incapacity. The Claims Coordinator has 7 days from initial notification to determine whether the University will accept provisional liability. It is expected in most cases this will occur. Provisional liability can be accepted for up to \$7,500 of reasonable medical expenses and up to a period of 12 weeks for wages. The worker will be advised in writing of the liability decision within 7 days.
- If, on the basis of a reasonable excuse, provisional liability is not accepted, the employee will be advised of the matter, also within 7 days.
- When an employee submits a WorkCover certificate to the supervisor, the supervisor must immediately notify the Claims Coordinator and indicate whether the certificate asserts if the injured employee is fit for normal duties or has restrictions in regards to their normal duties (eg: restricted, selected, suitable, modified, alternate or 'light' duties).
- The Claims Coordinator will then, if necessary, make a referral to the Injury Management Coordinator to begin the process of injury management. The Claims Coordinator will also send a request for information to the treating doctor.

- If the employee is fit for suitable duties, the Injury management Co-ordinator will develop a Return to Work Plan in consultation with the worker, supervisor and NTD. The injured employee should not commence work until a plan has been developed.
- Injury management is then provided as outlined in the flow chart in Appendix 1. Further information is provided in section 5.3.
- If the claim is accepted for provisional liability up to 12 weeks, full claim liability will be decided if the worker has not returned to their pre injury duties, or if their medical costs are approaching the \$7,500 limit. A workers compensation claim form is required to determine liability. The WorkCover Guidelines for Claiming Compensation Benefits 2009, is used as a guide for determination of liability. The liability decision must be made within 21 days of receiving a completed claim form.
- Any accounts or receipts received by the supervisor should be forwarded to the WHS Unit's Claims Coordinator for settlement or reimbursement.
- If the WorkCover certificate recommends treatment such as physiotherapy or other ancillary services, the referred treating practitioner will need to contact the University's Claims Coordinator prior to the commencement of treatment to confirm approval of their services.
- Acceptance of medical and related treatment will be based on criteria used to determine whether the treatment is reasonable and necessary i.e. is it evidence based treatment, is there a measurable benefit, is it an accepted form of treatment and is the treatment cost effective and appropriate.
- The Claims Coordinator may request medical information from treatment providers and/or seek independent advice pertaining to the claim. This information may be used for but not limited to the decision regarding, initial acceptance of liability, continuing liability and acceptance of treatment being sought or provided.
- If liability is declined a letter is sent to the employee that provides information regarding the reason for the decline. (See section 5.8 for dispute resolution)
- Relevant WorkCover brochures relating to Injury Management will be distributed to the injured employee and their supervisor.
- Independent translators and translated documents will be provided to employees if required.
- As a part of the claims management process, the Claims Coordinator may refer an injured employee for an independent medical assessment. The referral will be made after a review of treating medical practitioner information and discussion with the Injury Management Coordinator.

### **5.3 Following A Work Related Injury - The Return to Work Process**

- If the injury is not significant and requires a period of short or no convalescence the employee will return to pre-injury duties as soon as practicable.
- If during the process of reviewing the incident report and or claim form, or on receipt of a WorkCover medical certificate it appears that the nature of the employee's injury precludes them from returning to normal pre-injury duties a referral will be made to the Injury Management Co-ordinator.
- Referrals to the Injury Management Co-ordinator may also be made directly by the injured employee, their doctor, their union, or by any other person who feels a referral is appropriate given the employees circumstances. Once notified, the Injury Management Co-ordinator will liaise with the injured employee to ascertain diagnosis and prognosis, expected capacity for work and current treatment. If it appears likely that the employee will be unable to resume their pre-injury duties, and/or usual hours of work the Injury

Management Co-ordinator will, after obtaining the employee's consent, contact the treating practitioners to determine the employee's likely needs and restrictions.

- If the injury is 'significant' the commencement of the development of an Injury Management Plan must commence within 3 days of notification by the employee, insurer and nominated treating doctor. The return to work and injury management process will follow WorkCover NSW guidelines as per Appendix 1: Injury Management Process, adapted from WorkCover NSW (2000) - Guide to Injury Management and Workers Compensation. The Injury Management Plan template is outlined in Appendix 2. This template is personalised for each individual worker.
- An Injury Management Plan must be completed and forwarded via mail to all relevant stakeholders within 20 working days from date of notification for any significant claim. The Injury Management Plan can be completed by the Injury Management Coordinator or the Claims Coordinator.
- The Injury Management Plan will be reviewed regularly, in line with the documented review point or if the worker's status changes.
- Injury management may not be necessary in all cases of work-related injury. However, early assessment of the need for injury management is imperative. Initial injury management contact will be made for all workers compensation claims.

#### **5.4 Involving Service Providers**

Workplace Rehabilitation Providers are multi-disciplinary teams of health professionals who can assist the University Injury Management Co-ordinator with injury management of injured employees. Workplace Rehabilitation Providers need to be accredited by WorkCover NSW.

The following nominated accredited Workplace Rehabilitation Providers are available to assist when required in the injury management of employees who have sustained a workplace injury or illness:

1. Injury & Occupational Health  
32 Swan St, Wollongong
2. Recovery Partners  
72-80 Allison Crescent, Menai

Injured employees and/or their representatives retain the right to nominate an accredited rehabilitation provider of their own choice. Generally, the Injury Management Co-ordinator will complete the referral to a Workplace Rehabilitation Provider. However, any other parties in the injury management process may refer an injured employee to a workplace rehabilitation provider in conjunction with University approval.

The University of Wollongong highly recommend the services of Injury and Occupational Health (IOH) for initial medical services and provision of a nominated treating doctor for the life of a claim. IOH's contact details are 32 Swan St, Wollongong; Ph: 4210 7200

#### **5.5 Procedure for Changing a Nominated Treating Doctor**

The injured worker is unable to change their nominated treating doctor unless they can present a valid reason for this change (Section 47(6) of the Act).

Before changing a nominated treating doctor, the injured employee is required to phone the Claims Coordinator or Injury Management Coordinator, and discuss the reasons for the change prior to doing so. The reason(s) for changing nominated are required to be submitted by the employee to the Claims Coordinator in writing.

Weekly benefits may not be paid for periods covered by medical certificates issued by any doctor other than the nominated treating doctor or the nominated treating doctor's medical practice.

## **5.6 Provision of Suitable Duties**

Provision of suitable duties where practicable, is an integral part of the University Workplace Injury Management Program. Suitable duties are to be provided by the University where it is reasonably practical to do so, on a temporary basis only.

There are occasions where it is not reasonably practical to provide suitable duties for an injured employee. This is determined by the Injury Management Co-ordinator and the injured employee's supervisor. The injured employee is to be advised immediately if suitable duties are not able to be provided.

Where it is medically identified that the employee will be unable to resume their full pre-injury duties, consultation regarding suitable duties as part of a return to work plan will involve all parties, with the following considered:

- The range of activities the injured employee is capable of performing given the medical restrictions;
- The abilities and expertise of the injured employee;
- Availability of meaningful tasks, and the capacity of the workplace to accommodate graded return and alternate duties programs.

Injured employees have a responsibility to actively participate in their injury management plan, as outlined in Section 4.3 of this program.

The initial focus will be on maintaining the employee in, or returning the employee to their pre-injury employment. It should be recognised that the injured employee's pre-injury faculty/department maintains responsibility for their injured employee.

In the event of a workers compensation claim dispute, the provision of injury management/suitable duties should not be taken as an admission of liability, but as a proactive approach to injury management and return to work for the injured employee.

When planning a return to work process, there are three aspects of injury management and return to work that may be considered either separately or jointly. These include:

- Job Modification - This involves hours, shifts, work organisation. Alterations such as change or reduction in shifts, return to work on initially reduced hours and upgrading, or re-organising work patterns to avoid specific activities that may aggravate the injury/illness;
- Employee Assistance - This includes the provision of aids to assist an employee carry out their work, eg: lumbar rolls, splints, specific tools. Training such as a specific fitness program, functional education regarding work technique may also be necessary;
- Workplace Modification - This includes all structural and environmental changes to the workplace to accommodate the injured employee, eg: mechanical lifting aids. Alternatively, part of a process may be altered to eliminate or modify a task that may place excessive physical demands on an employee;

## **5.7 Conclusion of Injury Management**

The conclusion of workplace injury management is a consultative process through which the injured employee's progress in achieving the initially agreed upon injury management goal is reviewed by parties involved.

Workplace injury management will conclude when an injured employee:

- i) Resumes all pre-injury duties & hours and has maintained these duties for 4 weeks; OR
- ii) Returns to full employment in his/her pre-injury position, but with modified duties acceptable to the employee and their department; OR
- iii) Is appointed to another established position within the University consistent with the employees work capabilities; OR
- iv) Withdraws from their injury management plan, in which case the appropriate parties will be notified; OR
- v) Is considered by a medical or injury management professional as unlikely to gain any further benefit from continued injury management; OR
- vi) Ceases to be employed by the University. In this case the injured employee's injury management needs will be assessed through the Workers Compensation Insurer, and an accredited rehabilitation provider involved if appropriate.

Redeployment occurs where an injured employee is unable to return to work at the University of Wollongong. Rehabilitation assistance is offered to the employee. It may include utilisation of the work trial and JobCover Placement Programs. These programs are designed to assist injured employees to return to employment via gaining current workplace experience in line with their rehabilitation goal, and offer new employers incentives to employ an individual with a work-related injury.

Information about these programs can be found at the following links:

- [WorkCover WorkTrial Guidelines:](#)
- [WorkCover JobCover Placement Program:](#)

## **5.8 Consultation with Employees**

Employees will be informed of their rights and responsibilities with regard to the University's policy and procedures for injury management. WorkCover NSW information pamphlets for injured employees, and University specific information will be available and discussed with all injured employees. The full workplace Injury Management Program will be made available to all staff via the internet and UOW intranet, and supervisors are requested to bring it to the attention of their staff. A summary version of the program is to be displayed on relevant noticeboards where appropriate.

Unions will be consulted for review of the Workplace Injury Management Program at appropriate intervals via the University's WHS Committee.

Where requested by an injured employee, union or other representatives will be involved in the development of individual return to work plans as appropriate.

## **5.9 Dispute Resolution**

Successful injury management in the workplace requires co-operation between all parties. Any conflict of interest or dispute should be resolved as quickly as possible in order to ensure continued effective injury management for the injured employee. It should be noted that the University is committed to making all efforts to resolve disputes. In the event of a dispute over an individual injury management case, the dispute shall be handled in the following manner:

- i) The Injury Management Co-ordinator shall attempt to informally resolve the dispute by co-ordinating discussions with, as appropriate, the employee, the injury management team (i.e. doctors, accredited workplace rehabilitation provider if involved), supervisors/managers, and where requested, the employee's union and the Manager WHS.
- ii) Should the dispute not be resolved satisfactorily in this manner, the matter may, at the instigation of either party be referred to a WorkCover NSW Injury Management Consultant

to facilitate resolution of issues regarding fitness for work and suitability of duties offered to the injured employee.

- iii) In issues relating to the medical management and the ongoing treatment requirements, a referral is to be made to an Independent Medical Examiner (IME). Referrals to an IME are carried out by the Claims Coordinator in consultation with the IM Coordinator.
- iv) UOW will refer to an Independent Physiotherapy Consultant (IPC) when there is a specific dispute in relation to the provision of physiotherapy treatment being carried out on the claim. This may include inappropriate treatment, excessive number of treatments, cost and multiple services being delivered.
- v) Any issue considered for dispute by the Claims Coordinator needs to be reviewed by the Manager WHS and Director Human Resources to ensure the dispute is fair and based upon evidence prior to a Section 74 notice being sent.
- vi) The employee will also be referred to the WorkCover Claims Assistance Service for further information. The Claims Assistance Service can be contacted on 131 050.
- vii) The employee can request that the University of Wollongong conduct an internal review of the claim or part of a claim which is in dispute. This review will be conducted by a suitably qualified person from within or external to UOW. The worker will be advised of this in the Section 74 Dispute notice and provided with a Request for Internal Review form.

If the matter remains unresolved, the issue should be referred to the Workers Compensation Commission. The Commission can be contacted on 1300 368 040. The Commission aims to provide a fair and flexible dispute resolution process so that injured employees can resume their pre-injury life quickly and with minimal impact on their long term health.

### **5.10 Claims in Dispute**

The University, while under no obligation, will offer an employee whose workers compensation claim has been denied (and while the claim remains in dispute) the opportunity to participate in the return to work process as set out in Section 6 of this document.

## **6 Procedures - Non Work Related Injuries.**

### **6.1 Non Work Related Injury – The Return To Work Process**

As part of its commitment to all its employees, the University of Wollongong offers access to a graduated return to work process for employees with non-work related injuries/illnesses, where practicable.

In this instance, the provision of suitable duties is temporary only. Suitable duties and associated return to work plans are provided to assist the return to work process.

### **6.2 Criteria to Participate**

To participate in the return to work process the employee must:

- i) Have medical evidence to support the nature of their injury/illness including a medical certificate stating diagnosis and restrictions;
- ii) Self refer to the return to work process either personally or via a chosen representative through their HR Advisor, Staff Services; or be referred to the WHS Unit after consultation with the employee and the supervisor;
- iii) Undertake an initial assessment to determine suitability to participate in a graduated return to work program;

- iv) Give written consent for the Injury Management Coordinator to contact all relevant treating practitioners to determine the employee's likely needs and restrictions as well as diagnosis and prognosis, expected capacity for work and current treatment;
- v) Voluntarily participate in the formulated return to work plan;
- vi) Have a reasonable expectation, given the diagnosis, to return to their pre-injury duties within a reasonable time frame.

### **6.3 Provision of Suitable Duties**

Suitable duties are to be provided by the University where it is reasonably practical to do so, on a temporary basis only. The provision of suitable duties to employees with non-work related injuries is undertaken with the expectation the employee will return to full and normal duties.

Suitable duties will be for a limited period, monitored closely and regularly upgraded as set out by the WorkCover Guidelines for return to work programs. On occasions where it is not reasonably practical to provide suitable duties for an injured employee as determined by the Injury Management Co-ordinator and the injured employee's supervisor, the injured employee is to be advised immediately. Where it is medically identified that the employee will be unable to resume their full pre-injury duties, consultation regarding the University's ability to provide alternate duties will be evaluated on a case by case basis and will include the following considerations: -

- i) The range of activities the injured employee is capable of performing;
- ii) The abilities and expertise of the injured employee;
- iii) The availability of positions matching i) and ii).

### **6.4 Conclusion of Services**

Continued participation in the process of injury management is dependant upon the employee's ability to show progression toward the goal of resumption of pre-injury duties.

The conclusion of workplace injury management is a consultative process where the injured employee's progress in achieving the initially agreed injury management goal is reviewed by the parties involved.

Workplace injury management will conclude when an injured employee:

- i) Resumes all pre-injury duties & hours; or
- ii) Returns to full employment in his/her pre-injury position, but with modified duties acceptable to the employee and the University; or
- iii) Is appointed to another established position within the University consistent with the employees work capabilities where available; or
- iv) Withdraws from their injury management program, in which case the appropriate parties will be notified; or
- v) Is considered by a medical or injury management professional as unlikely to gain any further benefit from continued injury management; or
- vi) Ceases to be employed by the University.

If the injury is of a nature that the employee will not be able to return to their pre-injury position the University will make an attempt, but is not obligated to, find an alternative position from the University's current employment vacancy list that match the skill and physical requirements of the employee and require the need for minimal retraining.

## **7 Self Audit Process**

The University of Wollongong will undertake a self-audit of its Injury Management Program on an annual basis. As a self-insurer, the University of Wollongong is required to report results of at least



one self audit to WorkCover in the period prior to license renewal. This report can be received any time in the renewal period and must be at least 6 months prior to licence renewal.

The Self-Insurer Case Management Self Audit Tool will be used to conduct the audit and consist of a sample representation of the number of significant injury claims in the previous 12 month period. The Audit report will include a summary of achievements and any non-conforming criteria. The report will also include an action plan, details of those responsible and a time frame for completion. A review of all open files will occur at least every 6 months. The review will be undertaken with the Director, Human Resources, Manager WHS, Injury Management Coordinator and the Claims Coordinator.

Workers compensation data is reviewed regularly to identify trends in mechanism or location of injuries. Injury prevention training and safety procedures can then be suited to the needs of the risk profile.

## **8 Confidentiality**

All injured workers sign a declaration to allow the release of their information related to the claim to other key stakeholders with the purpose of assisting in their recovery and return to work.

All information relating to workplace injuries are kept in a locked cabinet in a secure building, to ensure confidentiality and Section 243 of the WIMS Act 1988 is adhered to at all times.

## **9 Internal Grievance/Complaints Management**

The University of Wollongong is committed to maintaining a harmonious working environment. If there is a grievance or complaint regarding the management of their claim, an employee can express their concern and expect it to be dealt with promptly and fairly.

A grievance can be lodged in writing or verbally, over the phone or in person. The Claims Coordinator or Injury Management Coordinator should attempt to resolve the issue immediately. If it can not be resolved, the grievance is then escalated to the Manager WHS or Director Human Resources.

The employee can use the assistance of a union representative if needed.

Once an agreement or resolution has been reached it is put in writing and communicated to all relevant parties.

## **10 Quality Assurance System**

Feedback can be provided through the intranet to the Quality Assurance team, see link <https://intranet.uow.edu.au/qualitycentral/feedback/index.html>. This feedback can be related to the Injury Management Program, staff, and the Injury Management System.

## **11 Endorsements/Agreements**

The policies and procedures contained in this Workplace Injury management Program will be effective from June 2009. This Workplace Injury Management Program will be reviewed on a biannual basis, or as required by legislation changes. This Workplace Injury Management Program may be reviewed and amended before and after this date subject to discussion and agreement by Management and the OHS Committee.

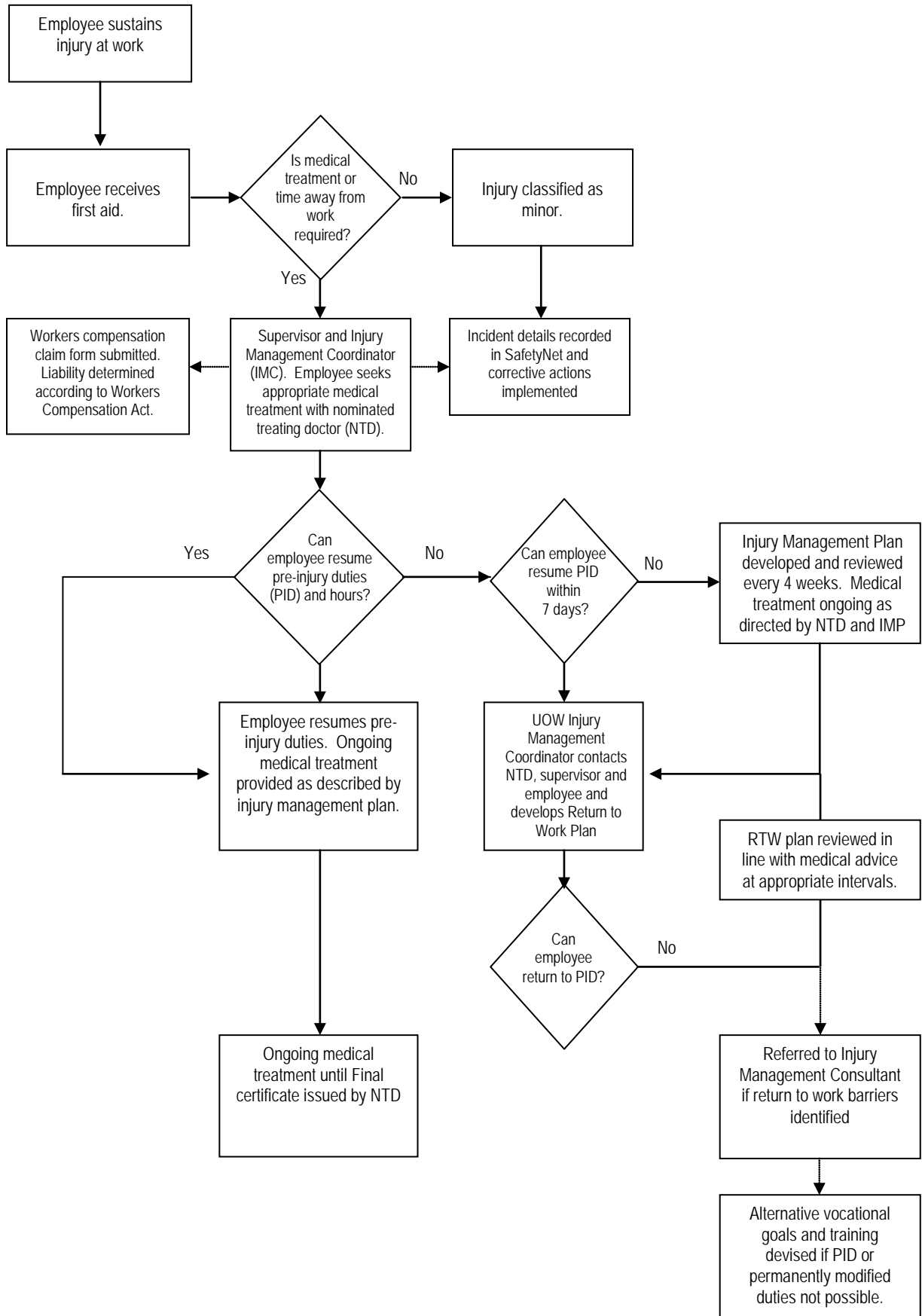
## 12 Related Documents

- [Guidelines for employers return-to-work programs](#)  
Catalogue Number - WC02872 (PDF format - 2469 Kb)
- [Claiming Compensation Benefits: Guidelines \(April 2009\)](#)  
Catalogue Number – WC05903 (PDF format - 153 Kb)
- [Independent Medical Examinations and Reports: Guidelines \(April 2009\)](#)  
Catalogue Number – WC05904 (PDF format - 57 Kb)
- [Your Recovery and Return to Work After a Workplace Injury](#)  
Catalogue Number – WC01415 (PDF format - 1636 Kb)
- [Information for Injured Workers \(08/05\)](#)  
Catalogue Number – WC00960 (PDF format – 563 Kb)
- [Independent Medical Examinations: Information for Workers](#)  
Catalogue Number – WC01417 (PDF format - 188 Kb)
- [Fact Sheet 2 - Injury management and return-to-work programs](#)  
Catalogue Number – WC01291 (PDF format - 173 Kb)
- [Fact Sheet 3: What to do if there is an Injury](#)  
Catalogue Number – WC01292 (PDF format - 226 Kb)
- [Fact Sheet 4: Claims and Benefits](#)  
Catalogue Number – WC01293 (PDF format - 304 Kb)
- [Fact Sheet 5: Resolving Problems and Disputes About Workers Compensation](#)  
Catalogue Number – WC01294 (PDF format - 230 Kb)
- [Self Insurer Case Management Self Audit and Evidence: Guide May 2010](#)  
Catalogue Number – WC02789 (PDF format - 693 kb)

## 13 Version Control Table

Version Control	Date Released	Approved By	Amendment
1	November 1997	Manager OHS	New document created.
2	April 2003	Manager OHS	Document updated to reflect legislative requirements.
3	April 2007	Manager OHS	Document updated to reflect legislative requirements.
4	July 2009	Manager OHS	Update to include QBE arrangement and regular review.
5	August 2010	Manager OHS	Document updated to incorporate the Personnel name change to Human Resources Division.
6	March 2012	Manager OHS	Rebrand
7	August 2012	Manager WHS	Document updated to reflect legislative requirements and Unit name change

# Appendix 1: Injury Management Flow Chart



## Appendix 2: Injury Management Plan

University of Wollongong



OHS UNIT

### INJURY MANAGEMENT PLAN

Injury Management Plan No:					<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
<b>WORKER</b>									
Surname: <i>Surname</i>					Given Name: <i>Given Name</i>				
Claim No.: <i>Claim No</i>					Date of Injury: <i>Date occurred</i>				
Type of Injury/Diagnosis: <i>Description of Injury and Illness</i>									
Telephone: <i>Home phone</i>					Occupation:				
<b>EMPLOYER</b>					<b>NOMINATED TREATING DOCTOR</b>				
Name: University of Wollongong Contact Person: <ul style="list-style-type: none"> <li>▪ Rachael Doves, Claims Coordinator 4221 5695</li> <li>▪ Cathie Andrew, Injury Management Coordinator 4221 5907</li> </ul>					Name : Dr Telephone :				
<b>OTHER TREATMENT PROVIDERS</b>					<b>OTHER TREATMENT PROVIDERS</b>				
Name:					Name:				
Telephone:					Telephone:				
<b>BACKGROUND INFORMATION</b>									
<b>CURRENT CERTIFIED CAPACITY FOR WORK:</b>									
<input type="checkbox"/> Unfit for all duties			<input type="checkbox"/> Fit for suitable duties			<input type="checkbox"/> Fit for normal duties			
<b>RETURN TO WORK (RTW) GOAL</b>									
<i>(Injured Worker name)</i> to return to pre injury duties as a <i>(occupation)</i> with the University of Wollongong by the <u>  </u> / <u>  </u> / <u>  </u> .									
<b>MEDICAL &amp; TREATMENT PLAN</b>									
<b>Service/Action</b>					<b>Person Responsible</b>			<b>Review Date</b>	


**RETURN TO WORK PLANNING**

Are suitable duties available:  Yes  No

Service/Action	Person Responsible	Review Date

**COMMENTS AND ISSUES**

- (Injured Worker name) is to comply with his/her obligations outlined in this injury management plan. Please be aware that failure to do so may result in the suspension of benefits whilst the failure continues. Benefits ceased for non-compliance are not reimbursed following resumption of compliance.
- (Injured Worker name) is to inform the OH & S Unit of any developments or changes in his medical, treatment and return to work planning.
- (Injured Worker name) is to attend all medical appointments scheduled by the OH & S Unit.
- Any difficulties encountered, or failure to comply with any aspects of this plan should be reported immediately to the OH & S Unit. Such an occurrence should not be viewed as a failure on any one party's part, but rather an indication that further review and refinement of this injury management plan may be required
- Section 48: 'Injured worker's obligation to return to work' of the Workplace Injury Management and Workers Compensation Act 1998 outlines that: An injured worker must make all reasonable efforts to return to work with his or her pre-injury employer (that is, the employer liable to pay compensation to the worker) as soon as possible, having regard to the nature of the injury

**REFERRAL**

Referral to: \_\_\_\_\_ Date: / /

Referral to: \_\_\_\_\_ Date : / /

This plan will be reviewed on the \_\_\_/\_\_\_/\_\_\_

I \_\_\_\_\_ (Injured worker name), agree to this Injury Management Plan.

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

This Injury Management Plan was developed by:

Name	:
Title	:
Telephone	:
Signature	:
Date	:

cc: Nominated Treating Doctor; Treating Practitioner



## INFORMATION ABOUT YOUR INJURY MANAGEMENT PLAN

You are required to:

- Actively participate in and cooperate with the development of your Injury Management Plan;
- Comply with the obligations imposed by your Injury Management Plan;
- Nominate your treating doctor to participate in your Injury Management Plan;
- Authorise your nominated treating doctor to provide relevant information for the purpose of your Injury Management Plan;
- Make all reasonable efforts to return to work as soon as possible;
- If you are unable to return to pre-injury duties and your employer cannot provide suitable duties, you may be required to seek alternative employment;
- Sign a copy of your Injury Management Plan and return it to the OH & S Unit within the advised timeframe.

Your Employer is required to:

- Actively participate in and cooperate with your Injury Management Plan;
- Provide suitable duties if you are partially incapacitated unless it is not reasonably practicable to do so;
- Establish a return to work program for the rehabilitation of injured employees.

Your Nominated Treating Doctor is required to:

- Provide WorkCover certificates;
- Actively assist you to safely resume work duties;
- Cooperate with the development and review of your Injury Management Plan.

Circumstances under which UOW may require you to change your Nominated Treating Doctor include:

- the nominated treating doctor has moved or has ceased practicing in your local area and he employee is no longer able to see him/her.
- There is evidence that the treatment the nominated treating doctor is providing is not helping with the recovery and return-to-work.

If there is a reason to change your doctor, the employee must contact the insurer and/or employer and explain the reason.

If there is evidence that your doctor is not helping the employee return to work safely, the University will:

- Ask an expert doctor (injury management consultant) to talk with the doctor and University to reach an agreement on the best way forward, or
- Ask the employee to nominate another treating doctor who is able to help.

Procedure for changing your Nominated Treating Doctor:

- Under Section 47(6) of the Act, you are able to change your nominated treating doctor only if you can present a valid reason for the change;

- Before changing your nominated treating doctor, you must provide to the Claims Coordinator your request in writing detailing the reasons why you wish to change doctors;
- Your case manager will provide a reply to your request to change nominated treating doctor either by phone or by letter.

**Note:** Weekly benefits may not be paid for medical certificates issued by any doctor other than your nominated treating doctor.

The insurer, UOW, is required to:

- Consult with you, your employer and your nominated treating doctor, to develop an Injury Management Plan if you have a significant injury;
- Provide your employer and yourself with information in respect to the injury management plan;
- Through this plan, assist with your speedy and safe return to work;
- Authorise the provision of injury management services where appropriate;
- Assist the employer in implementing their rehabilitation program ;
- Utilise fair and effective procedures for dealing with any non-compliance with the Injury Management Plan

Failure to comply with your Injury Management Plan:

- Under Section 45(4) of the Act, failure to reasonably comply with the obligations of your injury management plan will result in suspension of your weekly entitlements whilst the failure continues;
- UOW will provide written notification outlining the reasons for the suspension and what you are required to do in order to have your benefits reinstated;
- Payments will be reinstated only from the date you notify us that you have undertaken the necessary steps for reinstatement as outlined in the letter;
- Please note, you will not be paid weekly benefits during the period of suspension, even if your payments are later reinstated.