8.3 WORKPLACE INJURY MANAGEMENT AND RETURN TO WORK PROGRAM

1. BACKGROUND AND CONTEXT

1.1 The University of Technology, Sydney is committed to the prevention of work-related accidents, and the injuries and illnesses that may follow, by providing a safe and healthy working environment. However, if and when a University staff member sustains a work-related injury or illness, the University commits to assist their prompt return to safe and durable work. This complies with legislative requirements under the Workplace Injury Management and Workers’ Compensation Act 1998; the Workers’ Compensation Act 1987; the Work Health and Safety Act 2011; and the Work Health and Safety Regulation 2011.

1.2 The success of this Workplace Injury Management and Return to Work Program depends upon the cooperation of all participants. It is important that incidents are investigated in a spirit of ‘no blame’ and that action is taken to prevent a recurrence. Cooperation between all parties must continue throughout the Return to Work process including the provision of suitable duties, workplace modification and program review. However, nothing prevents a staff member raising their concerns regarding the handling of the Workplace injury management and Return to Work procedure (refer to section Open Consultation).

1.3 Participation in a Workplace Injury Management and Return to Work Program will not, of itself, disadvantage an injured staff member.

2. PURPOSE AND SCOPE

2.1 The University is committed to:

2.1.1 ensuring the health, safety and welfare at work of all staff (as per the University’s Health and Safety policy)
2.1.2 consulting with staff on all Work Health and Safety matters through the Health and Safety Advisory committee which consists of representatives from senior management, unions, faculties and business units.
2.1.3 reporting on Work, Health and Safety data, including workers compensation data through council reports and annual reports.
2.1.4 facilitating the prompt, safe and durable return to work of injured or ill staff members, regardless of whether the injury or illness sustained is compensable or non-work-related.
2.1.5 the prevention of accidents, injuries and illnesses by providing a safe and healthy working environment. However, if and when a work-related injury or illness occurs, the University will assist injured staff to return to a satisfying and productive employment.
2.1.6 ensuring that no staff member is disadvantaged or prejudiced by their participation in a Return to Work Program.
2.1.7 ensuring all Work, Health and Safety and Workers Compensation information is available to staff through the staff intranet, with updates communicated via email and staff notices.

2.2 Workers’ compensation arrangements apply to all injuries and illnesses arising out of or in the course of employment, whether the injury occurred whilst the staff member was working from home or on campus. This includes fieldwork,
travelling as part of work (including overseas travel on University business); and authorised absences from work e.g. attending a conference. For the purposes of Workers’ Compensation injuries sustained whilst travelling to or from a home boundary to work must have a real and substantial connection between employment and the accident or incident out of which the injury arose.

2.3 These procedures also applies to injuries or illnesses sustained by a staff member whilst not at work.
3. DEFINITIONS

3.1 ‘Return to Work Coordinator’ means the incumbent in such a position who is an appropriately trained Return to Work Coordinator within the University’s Human Resources Unit, or their delegate.

3.2 ‘Insurer’ means the workers’ compensation insurance scheme agent duly authorised by the WorkCover Authority of New South Wales and selected by the University to provide workers’ compensation insurance, injury management and return to work services for University staff, as listed in the Appendix.

3.3 ‘Non-work related injury or illness’ refers to an injury or illness (including physical and psychological conditions) which does not arise out of the course of employment, or that has been deemed not to be compensable under the Workers Compensation Act 1987.

3.4 ‘Return to Work Plan’ means a written statement of the steps that will be taken to help the injured staff member return to work. It outlines details about suitable duties, restrictions, hours and days of return to work, treatment and monitoring arrangements.

3.5 ‘Significant injury’ means a work-related injury that is likely to result in the staff member being incapacitated for a continuous period of seven (7) or more calendar days whether or not the incapacity is total, partial or a combination thereof.

3.6 ‘WorkCover’ means the WorkCover Authority of New South Wales.

3.7 ‘Workplace injury management’ means the process that comprises activities and procedures that are undertaken or established for the purpose of achieving a staff members’ timely, safe and durable return to work following an injury or illness.

3.8 ‘Work-related injury or illness’ means a personal injury or illness arising out of or in the course of a staff members’ University employment, where that employment was a substantial contributing factor. In the case of a disease injury, the staff members’ University employment must be the main contributing factor and includes:

3.9.1 a disease contracted in the course of employment and to which the employment was the main contributing factor
3.9.2 the aggravation, acceleration, exacerbation or deterioration of any disease, where the employment was the main contributing factor to such

but does not include

3.9.3 an injury that is a psychological injury if the injury was wholly or predominantly caused by reasonable action taken or proposed to be taken by, or on behalf of, the University with respect to transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal of staff or provision of employment benefits to staff (as defined within Section 11a of the Workers Compensation Act 1987); or

3.9.4 the contraction, aggravation, acceleration, exacerbation or deterioration of a dust disease (as defined within Section 4 of the Workers’ Compensation Act 1987).
3.9.5 A journey to or from the staff members’ place of abode that does not have a real and substantial connection between employment and the accident or incident out of which the injury arose (as defined within Section 3A of the Workers Compensation Act 1987).

4. **EARLY NOTIFICATION OF SIGNIFICANT INJURIES TO THE INSURER**

4.1 Staff are to notify injuries and illnesses to their supervisor or manager as soon as possible and to complete a HIRO (Hazard and Incident Reporting Online) notification. The Human Resources Unit will notify the Insurer of all injuries resulting in medical treatment. The Return to Work Coordinator will contact the staff member and their supervisor and forward the relevant information to the Insurer. The Return to Work Coordinator will also gain written consent from the injured staff member to obtain, use and disclose injury management information.

4.2 The Return to Work Coordinator will notify the Insurer within forty-eight (48) hours of becoming aware that a staff member has sustained a workplace injury requiring medical treatment, as stipulated by the Workplace Injury Management and Workers Compensation Act 1998.

4.3 The Insurer will contact the staff member, the Return to Work Coordinator and the staff members’ Nominated Treating Doctor within three (3) working days in order to initiate action to develop an Injury Management Plan. Once developed there is an obligation on all parties to comply with the requirements of the plan as per the Workplace Injury Management and Workers Compensation Act 1998.

4.4 The staff member is required to supply the name of a Nominated Treating Doctor who will be authorised to provide relevant information to the Insurer, the University and other service providers to facilitate the injury management process.

5 **EARLY COMMENCEMENT OF INJURY MANAGEMENT**

5.1 Should a staff member require injury management, the University will ensure the process is commenced as soon as possible after an injury in a manner consistent with all relevant facts including medical advice. Early commencement of injury management will be facilitated by:

5.1.1 prompt reporting of injury/illness to the Insurer
5.1.2 accurate medical diagnosis and early commencement of treatment
5.1.3 liaison by the Return to Work Coordinator with the Insurers’ Case Manager
5.1.4 supporting the implementation of the Injury Management Plan prepared by the Insurer.

5.2 If a staff member suffers a significant injury, the services of an accredited rehabilitation provider may be sought, with the consent of the injured staff member and the Nominated Treating Doctor. The rehabilitation provider’s role is to establish a Rehabilitation Plan suitable for ensuring the injured staff member’s early return to work.

5.3 The Return to Work Coordinator will identify accredited rehabilitation providers in consultation with relevant parties. Notwithstanding such a selection, injured staff are entitled to nominate any accredited rehabilitation provider to assist in their Return to
Work Plan. The names of current accredited rehabilitation providers nominated by the University are listed in the Appendix of these procedures.

6 IDENTIFICATION OF RETURN TO WORK OPTIONS

6.1 The injured staff members return to work should take place as soon as possible and be in accordance with medical advice. This may include a staged process and/or may require modification of the staff members working environment, duties and/or hours of duty. The injured staff member and their supervisor should have a clear understanding of all work restrictions and observe any limitations imposed by the Nominated Treating Doctor and rehabilitation provider (if involved). The supervisor is responsible for ensuring that other staff members are aware of any restrictions.

6.2 Following the report of injury, and a workers’ compensation claim being lodged and where the worker is certified as being fit for suitable duties, a Return to Work Plan will be developed by the Return to Work Coordinator in consultation with the principal parties. It will include:

6.2.1 identification of return to work options by the Nominated Treating Doctor, the Return to Work Coordinator, the staff member and their supervisor, the Insurer’s Case Manager and rehabilitation provider (if involved)
6.2.2 provision of suitable duties
6.2.3 documentation of the Return to Work Plan
6.2.4 ongoing review and monitoring by the Return to Work Coordinator.

7 PROVISION OF SUITABLE DUTIES

7.1 The provision of suitable duties is an essential part of the University’s Injury Management and Return to Work Program. Careful individual assessment of suitable duties is required before the staff member returns to work, and each of the principal parties will be involved in this assessment. Suitable duties are temporary duties which include review dates that are agreed between the University and the injured staff member to assist the injured staff member with a graded return to work. Choice of suitable duties will be made on the basis of:

7.1.1 the nature of the worker’s incapacity and pre-injury employment
7.1.2 the details given in the medical certificate supplied by the worker
7.1.3 the predicted time frame for the Return to Work Plan
7.1.4 the duties available in the staff members’ faculty or unit, or available elsewhere within the University
7.1.5 the meaningful and productive nature
7.1.6 any other relevant circumstances.

7.2 Wherever possible, the staff member’s substantive job will be modified and a graded return to pre-injury duties planned. If this is not possible, other suitable duties will be provided where practicable. If suitable duties cannot be found within the University, efforts will be made to locate alternative duties at a workplace external to the University. Some retraining may be required to equip the staff member to undertake any alternative duties.

7.3 Staff members will not be dismissed within 6 months of becoming unfit for employment as a result of a work-related injury as per Part 8 of the Workers Compensation Act 1987.
7.4 When suitable duties have been identified and agreed upon by the principal parties, details will be specified in writing on the Return to Work Plan and will, where applicable, include:

- the nature of the duties
- any restrictions to be observed
- any changes in work methods
- the hours of duty
- anticipated progression toward full duties
- date of commencement and date/s for review
- treatment arrangements.

8 REVIEW OF RETURN TO WORK PLAN

8.1 The staff member’s progress on the Return to Work Plan will be reviewed at the specified review dates. The staff member’s supervisor is responsible for ensuring the staff member participates in suitable work as part of the program, reviewing the staff member’s progress on a day-to-day basis and advising other staff of restrictions on the work of the staff member. The supervisor can seek support and liaise with the Return to Work Coordinator where necessary. Changes to suitable duties will only be initiated (in writing) after consultation between the principal parties.

8.2 In most instances the staff member will continue in their substantive position while the Return to Work Plan is in place, provided satisfactory progress towards a return to pre-injury duties is being made.

8.3 In some circumstances, particularly if a return to pre-injury duties is considered unlikely or inadvisable, the staff member may be transferred temporarily to a position during the return to work process. Staff who transfer to a temporary position retain their salary and conditions of employment while undergoing a Return to Work Plan. Income and benefits for staff with a compensable injury and illness participating in a Return to Work Plan are subject to the Workplace Injury Management and Workers’ Compensation Act 1998. The Return to Work Coordinator will advise injured staff of their rights and obligations under this Act.

8.4 The Injury Management and Return to Work Program will cease when the injury or illness is either no longer impacting on the worker’s employment or durable accommodation has been made. These circumstances can include when the injured staff member:

8.4.1 returns to full employment in the substantive position, but with modified duties acceptable to the workplace
8.4.2 is appointed to another position within the University
8.4.3 is deemed by the University to be unlikely to gain further benefit, or to gain only minimal benefit, from continued participation in the Workplace Injury Management and Return to Work Program
8.4.4 withdraws from the Workplace Injury Management and Return to Work Program
8.4.5 ceases to be employed by the University.

8.5 The University will try to assist staff with long-term disabilities to find suitable alternative positions. If, after a reasonable time, the injured staff member is unable to perform productive work of a kind normally available within the University, the University may
consider medical retirement or termination of employment as set out in the relevant Enterprise Agreement.

8.6 Injured staff may apply for medical retirement at any time.

9 CONFIDENTIALITY

Information relating to staff on Workplace Injury Management and Return to Work Programs will be confidential and restricted to those involved in providing rehabilitation, treatment and occupational health services. The provisions of the Staff Records Guidelines regarding access to and retention of records will apply to these Workplace Injury Management and Return to Work Program files. The University will adhere to the WorkCover Authority of New South Wales’ Guidelines for Confidentiality of Injury Management Information in this regard (Appendix C, Guidelines for Workplace Return to Work Programs).

10 OPEN CONSULTATION

10.1 The University will consult with the staff member and/or a representative of their choice (if applicable) on any matters arising from the staff member’s Workplace Injury Management and Return to Work Program. A representative will not be a barrister or solicitor in private practice.

10.2 Any disagreement about the return to work procedures for an injured staff member will be discussed at meetings between the principal parties and/or their chosen representatives involved.

10.3 If necessary, and the matter involves a work related injury or illness, assistance in reaching agreement will be sought from the WorkCover’s Claims Assistance Service on 13 10 50.

10.4 For staff members who speak languages other than English interpreter/language services will be made available when requested or required.

11 AUTHORITIES AND ACCOUNTABILITIES

11.1 The workers’ compensation aspects of these procedures apply only to staff employed by the University of Technology, Sydney and do not apply to any staff employed by related entities such as access UTS Pty Ltd, Insearch Ltd, RADIO 2SERFM or Sydney Educational Broadcasting Ltd, UTS Union Ltd or UTS Students Association.

12 RELATED UTS AND OTHER RELEVANT DOCUMENTATION

12.1 UTS documentation

These procedures should be read in conjunction with the following related University documentation:

Health and Safety Policy
Academic Staff Agreement 2014
Professional Staff Agreement 2014
Senior Staff Group Collective Agreement 2013
Vice Chancellor’s Directive: Health and Safety Responsibilities
Sick Leave Guidelines
Staff Records Guidelines
Vice-Chancellor’s Directive: Privacy

Updates relating to the Return to Work Program and Return to Work/injury management process will be made available for all staff on the University’s intranet Staff Connect.

12.2 Other related documentation

These procedures should be read in conjunction with the relevant provisions of the following New South Wales legislation and guidelines:

Workplace Injury Management and Workers’ Compensation Act 1998 (NSW)
Workers’ Compensation Act 1987 (NSW)
Work Health and Safety Act 2011 (NSW)
Work Health and Safety Regulation 2011 (NSW)
Guidelines for Workplace Return to Work Programs - WorkCover Authority of NSW
13 APPROVAL AND REVISIONS TABLES

13.1 Approval

<table>
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<td>31 July 2018</td>
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<tr>
<td>ACCOUNTABLE OFFICER</td>
<td>Director Human Resources</td>
</tr>
<tr>
<td>CURRENT INCUMBENT</td>
<td>Jennifer Lacoon</td>
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<tr>
<td>IMPLEMENTATION OFFICER</td>
<td>Return to Work Coordinator</td>
</tr>
<tr>
<td>CURRENT INCUMBENT</td>
<td>Michelle Green</td>
</tr>
<tr>
<td>CONTACT NO</td>
<td>(02) 9514 1062</td>
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13.2 Revision/Modification History

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<td>17/08/07</td>
<td>1</td>
<td>VC’s Operational Directive: Workplace Injury Management and Return to Work Program Procedures</td>
<td>Rescinded as a policy by Council (COU/07-4/80) and re-issued as VC Operational Directive. Updated to reflect legislative changes and other changes to arrangements.</td>
<td>Approved</td>
<td>Vice-Chancellor</td>
<td>UR05/757</td>
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<tr>
<td>12/01/12</td>
<td>2</td>
<td>Workplace Injury Management and Return to Work Program Procedures</td>
<td>Rescinded by VC as a Directive and re-issued as a procedures.</td>
<td>Approved</td>
<td>Director, Human Resources</td>
<td>UR05/757</td>
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<td>17/05/12</td>
<td>3</td>
<td>Workplace Injury Management and Return to Work Program Procedures</td>
<td>Updated References to Work Health and Safety Legislation</td>
<td>Approved</td>
<td>Director, Human Resources</td>
<td>UR05/757</td>
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<tr>
<td>29/07/15</td>
<td>4</td>
<td>Workplace Injury Management and Return to Work Program Procedures</td>
<td>Updated References to HR implementation officer and updated UTS policies and directives. Included information around WHS consultation and reporting arrangements</td>
<td>Approved</td>
<td>Director, Human Resources</td>
<td>UR05/757</td>
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APPENDIX

REHABILITATION PROVIDERS

Whilst injured staff are entitled to choose their preferred WorkCover NSW-accredited rehabilitation provider in consultation with the University and the Workers Compensation Insurer, the University has nominated the following accredited providers:

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<tr>
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<tr>
<td>RTW Rehab</td>
<td>PO Box 114, West Ryde, NSW 1685</td>
<td>1300 680 696</td>
<td>1300 680 697</td>
<td><a href="mailto:pquach@rtwrehab.com.au">pquach@rtwrehab.com.au</a></td>
<td><a href="http://www.rtwrehab.com.au">www.rtwrehab.com.au</a></td>
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<td>Recovre</td>
<td>GPO Box 4819, Sydney, NSW 2001</td>
<td>1300 550 276</td>
<td>1300 723 405</td>
<td><a href="mailto:referrals@recovre.com.au">referrals@recovre.com.au</a></td>
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WORKERS’ COMPENSATION INSURER

Employers Mutual Limited
Postal address: GPO Box 4143, Sydney, NSW 2001
Telephone: (02) 8251 9000
Facsimile: (02) 8251 9495
E-mail: info@employersmutual.com.au
Internet: www.emia.com.au

WORKCOVER AUTHORITY OF NSW CONTACT DETAILS

WorkCover Authority of New South Wales Assistance Service
Telephone: 13 10 50