



# Injury Management & Return to Work Procedure

Effective Date:	June 2022
Last Reviewed:	New procedure
Next Review Date:	June 2027
Division/Department:	Corporate Performance
Responsible Officer:	Manager People Safety & Performance
HPE CM Record Number:	22/110899

## 1 Associated Policy

Recover at Work Policy

## 2 Application

Processes described in this procedure meet the requirements of;

- Workplace Injury Management and Workers Compensation Act
- Workers Compensation Act
- WHS Act and Regulations
- Loss Prevention and Recovery (Burning Cost) Model in association with GIO insurance

### Purpose

Workers Compensation (WC) at Woollahra Municipal Council is managed in accordance with the Loss Prevention and Recovery (Burning Cost) Model. It has established cost thresholds under which arrangement Council receives a refund on its annual premium should the costs for Injury Management and Return to Work be less than the estimated annual amount. Conversely, Council pays an enhanced premium should costs exceed agreed annual totals. This procedure identifies the necessary processes and other critical factors for the competent management of Workers Compensation claims ensuring the best outcomes for all parties.

### Scope

This procedure covers WC claims management for all workers of Council. There are differing approaches to the management of WC claims depending on the classification of worker and where and how an injury occurred.

- Councillors and staff are covered by Councils WC processes (this procedure)
- Volunteers are covered by Councils Volunteer insurances see WHS&IM procedure [Volunteers](#)
- Journey claims to and from work are generally not covered
- Visitors are covered by Public Liability insurances and are not relevant to this procedure
- Contractors have their own WC insurances and are not covered by this procedure
- Non-work related injuries are not covered by this procedure see WHS&IM procedure [Non-Work Related Injury Management](#)

## Overview

Council is a Tier 1 insurer for the purposes of Workers Compensation. As such it must have a qualified Return to Work Coordinator in charge of managing these claims. This procedure identifies those covered by WC insurance at Council, the processes involved in managing our statutory duties imposed under WC legislation and the practicable application of this process. At Council this position is titled the Workers Compensation Advisor.

## 3 Definitions

Term	Meaning
Tier 1 Company	Premium exceeds \$50K Woollahra is a Tier 1 provider and as such must have a qualified RTW Coordinator managing the claims.
Loss Prevention & Recovery Model	Also known as the Burning Cost Model, sets premiums against our claims history.
COC	Certificate of Capacity issued by a medical practitioner stating injury type and requirements to apply in the workplace. A WC claim cannot be initiated without a corresponding COC being supplied.
Incident Report	Council's injury report detailing the injury and relevant information.
LTI	Lost Time Injury – off work for more than one shift.
MTO	Medical treatment Only – no time lost or less than one shift in total.
IM & RTW Coordinator	Injury Management & Return to Work Coordinator employed by Council to effectively manage all WC claims. This position is referred to as the Workers Compensation (WC) Advisor at Council

## 4 Relevant Legislation

- Workplace Injury Management and Workers Compensation Act
- Workers Compensation Act
- WHS Act
- WHS Regulations

## 5 Procedure

Prior to 2019 Council was insured for the purposes of Workers Compensation by Statecover. Historical claims that precede this date are the responsibility of Statecover to finalise. Contact details for these claims are; [Jennifer.Agvei@statecover.net.au](mailto:Jennifer.Agvei@statecover.net.au) Council's new insurer for WC is GIO insurance.

Council has developed the following process for the management of Workers Compensation claims. Council is a "Tier One" employer and as such must manage its Injury Management and Return to Work claims by an accredited Return to Work (RTW) Coordinator referred to in this document as the WC Advisor.

### 3.1 Council Responsibilities.

Council has duties imposed under the Workplace Injury Management and Workers Compensation Acts to ensure staff injured at work have sufficient resources and support to achieve the best possible outcomes;

- Comply with legislative requirements
- Comply with the requirements of the insurer (GIO)
- Develop and maintain a corporate RTW program (see flowchart)
- Notification of injury to GIO within 48 hours
- Providing suitable duties in accordance with medical certification
- Development of IM and RTW Plans

3.2 Responsibilities of the WC Advisor.

- To lodge all necessary paperwork with Councils insurer within prescribed timeframes (48 hours).
- To engage with the injured worker and their supervisor as soon as is reasonably practicable to further investigate the injury and determine suitable duties as required.
- To directly engage with medical specialists including the nominated treating doctor to determine any restrictions for the establishment of suitable duties by either personally attending medical appointments with the doctor/medical expert or dialling in to these.
- Develop a RTW Plan that can safely accommodate any restrictions and manage its application in the workplace in consultation with the worker, medical experts and the insurer.
- To ensure all parties are aware of the RTW Plan and have signed off on this.
- To provide help and support to injured workers and maintain communication to assist in the recovery of the worker including mention of Councils EAP program if considered helpful.
- To monitor the RTW Plan to ensure prescribed suitable duties and associated restrictions are being adhered to.
- To assist the HS&IM Coordinator by provision of statistical information for scheduled reporting and suggestions for continuous improvement strategies.
- To immediately notify the supervisor, injured worker and other parties of any concerns that may arise during the RTW program.
- To provide payroll each Friday with a list of injured workers and their hours worked
- To facilitate with payroll WRS calculations for injured workers so PIAWE calculations can be determined by the insurer.
- To manage all approved non-work related injuries in accordance with Councils WHS&IM procedure Non-Work Related Injury Management procedure.
- To forward in a timely manner all accounts and reports as required by the insurer.
- To maintain a WC database inclusive of the workers name, date and type of injury, current status and other information necessary to effectively manage WC claims.

3.3 Responsibilities of the HS&IM Coordinator.

- To oversight all IM & RTW processes to ensure requirements are being met.
- To regularly meet with the WC Advisor for updates on claims management and any associated issues.
- To undertake and lead a Level 2 investigation into any injury that is reportable to the Regulator under Part 3 Incident Notification of the WHS Act.
- To ensure adequate resources for the effective management of claims.

3.4 Staff including Councillors.

Staff employed by Council in any paid capacity are covered by this policy. This includes full and part time staff, casuals, permanent part time and Councillors. Staff have duties under WHS legislation (s28) to work safely and comply with Council procedures, this includes reporting any safety related hazards, following instructions and working with Council to help continuously improve safety in the workplace. Similarly, under WC legislation staff have rights and duties which include;

*Rights.*

- Choosing their own doctor and specialists
- Requesting a change of their Nominated Treating Doctor (NTD)
- Participate in their Return to Work (RTW) and Injury Management (IM) Plan in consultation with Councils WC Advisor and associated agencies
- Have a Union Representative present if requested

*Obligations.*

- Notify Council of any workplace injury as soon as reasonably practicable

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- Actively participate in the development of their IM and RTW Plan in close collaboration with Councils WC Advisor, doctor and other associated agencies, this includes participation by the WC Advisor in medical meetings.
- Comply with all obligations under their IM & RTW Plan
- Making all reasonable efforts to return to work
- Attending all appointments as required
- Notifying Council, GIO and the medical specialist in advance if they are unable to attend their appointment and supplying Council and GIO with the reasons why the appointment was cancelled.
- Maintaining contact and quickly responding to phone calls or emails to expedite the recovery process

**3.5 Contractors.**

A contractor is defined as any company (PCBU) or sole trader that is engaged by Council to undertake works/services in a paid capacity. It is a condition of working for WMC that contractors have current WC insurance prior to engagement and that this cover is adequate for the number of staff they employ. Contractors are also responsible for ensuring any sub-contractors they engage have current and adequate WC or income protection insurance. The latter is required if the contractor is a sole trader i.e. only employs themselves see WHS&IM procedure [Contractor Management](#)

**3.6 Volunteers.**

Volunteers are defined as any person working for Council in an unpaid capacity. While WHS legislation makes no distinction between staff and volunteers classifying them all as Workers under the WHS Act, Workers Compensation insurance only covers staff as identified in section 3.2 above. Council however maintains an obligation to provide IM and RTW processes and cover for Volunteers that injure themselves while undertaking designated work activities. If a Volunteer injures themselves at work then the IM and RTW process is the same as for staff however payment regimes differ and are covered by Councils Volunteer insurance see WHS&IM procedure [Volunteers](#).

**3.7 Journey Claims.**

Injury sustained while travelling to and from work as a normal part of your daily work routine is not covered by Workers Compensation. Injury costs associated with a vehicle accident are covered by CTP Green Slip. Other injuries may be covered by Public Liability depending on the circumstance. Journey claims commuting to and from work are not covered by this procedure unless specific conditions apply and any such claim will be determined on its merit and compliance with WC legislation.

**3.8 Non-Work Related Injuries.**

Non-work related injuries are defined as injuries sustained while undertaking personal activities not directed by Council. This can include injury sustained while exercising at lunch time or when playing sport over the weekend. Under these circumstance Councils WC processes may not apply and will be assessed on the individual circumstances surrounding the incident. Council however appreciates that such injury can cause significant pain/suffering and impact on a staff member’s mental health. Council will consider all requests for assistance with modified work duties which will be assessed on a case by case basis see WHS&IM procedure [Non-Work Related Injury Management](#).

**Important Information:**

Contact	Email	Other
New Claim	<a href="mailto:gionewclaims@workerscomp.nsw.gov.au">gionewclaims@workerscomp.nsw.gov.au</a>	
Update on existing claim	<a href="mailto:gioclaims@workerscomp.nsw.gov.au">gioclaims@workerscomp.nsw.gov.au</a> plus GIO contact	

Broker (Hardman's)	<a href="mailto:amy@hardmanrm.com.au">amy@hardmanrm.com.au</a>	0404 905 160.
Council ABN number		32 218 483 245
WC Policy number for Council		1922 52901

### Process for Management of Claims at the Worksite.

**For any serious injury call 000 and request an ambulance. Contact your Supervisor, remove anyone from danger and secure the site for Police and SafeWork NSW investigations, under no circumstances should the site be changed or disturbed.**

**Step 1:** Injured worker to report injury to Supervisor as soon as is reasonably practicable and jointly complete the Incident Report form. The on-line Incident Report form is available via the WHS section of the Hub or via HR Central. All relevant information must be included and any practical initiatives to prevent further injury applied via the short and long term controls listed on the Incident Report system.

**Step 2:** Supervisor to immediately inform WC Advisor. Notification of incidents inclusive of Incident Report and Certificate of Capacity (COC) must be received by the WC Advisor within 24 hours of incident. Reporting should include a brief of how the incident happened and any other relevant information that could potentially impact on the case. Attach all relevant information to the incident reporting system when entering the claim.

**Step 3:** WC Advisor to arrange next steps as required - Masee 0426 561 708 or [Masee.Homayun@woollahra.nsw.gov.au](mailto:Masee.Homayun@woollahra.nsw.gov.au)

- If the staff member does not have an existing medical practitioner then arrange an appointment for the injured worker to see the Council's consultant doctor within 48 hours of the incident occurring. Staff can attend their normal doctor if this is preferred. There are two medical practices contracted to Council to supply this service being;

Dr Goodman (only works Mon, Tue and Wed)	!82 Victoria Rd Bellevue Hill <a href="mailto:lewgood@ozemail.com.au">lewgood@ozemail.com.au</a>	<b>Phone:</b> <a href="tel:(02)93898995">(02) 9389 8995</a>
Alexandria Medical Centre	561 Botany Road, Waterloo	Phone: 9319 5999

The doctor is to email Return to WC Advisor and Supervisor details of the medical constraints on same day of appointment.

- Organise an Initial Contact meeting between the Supervisor, Injured Worker and RTW Coordinator as soon as practicable.
- Supply all relevant information to Council's insurer (GIO) inclusive of recommendations required including appointing additional support which could include but not be limited to;
  - Independent Medical Expert referral
  - Appointing a factual investigator
  - Assigning a Case Manager
  - Immediately appointing a specialist Rehabilitation provider
  - Any concerns or specific issues impacting on the potential claim
  - Review of witnesses or camera footage.

**Step 4:** Supervisor with the assistance of the WC Advisor to identify meaningful and productive suitable duties for the injured worker.

**Step 5:** Supervisor, injured worker and WC Advisor to work in conjunction with GIO, Council's Broker Hardman's and other specialists to expedient recovery and return to pre injury duties

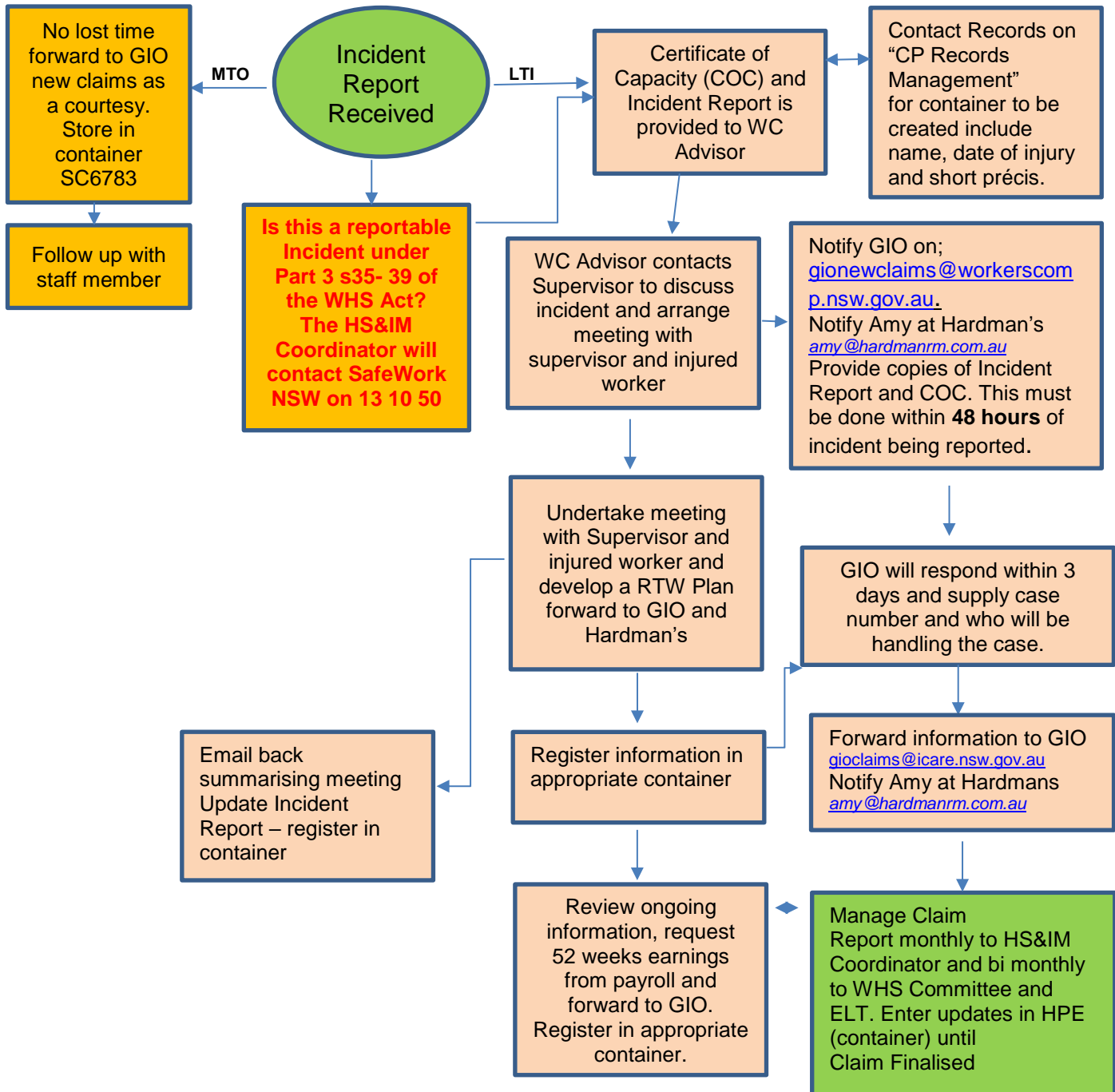
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Other Duties:

These may include collating information for factual investigations, oversight of litigated cases and production of reports for submission to the WHS Committee and ELT.

## 6 Flow Chart

### Injury Management and Return to Work procedure for RTW Coordinator.



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## Early Intervention Injury Management Program.

Council has initiated an early intervention strategy designed to prevent the deterioration of a work related injury into a possible workers compensation claim. Early intervention of work related injuries/illnesses is seen as critical in providing a proactive approach to better support staff health and wellbeing. This process applies only to physical injuries sustained in the workplace with psychological issues directed to Council's EAP service, **Access EAP** on **1800 818 728**.

Staff injuries sustained outside of the workplace are not covered by this process and under such circumstances staff should consult Council's [Non-Work Related Injury Management](#) procedure for further information.

All applications and determination as to whether this program will be agreed and initiated are at the discretion of Council's Workers Compensation (WC) Advisor Masee Hodayun [Masee.Hodayun@woollahra.nsw.gov.au](mailto:Masee.Hodayun@woollahra.nsw.gov.au) with intervention sessions capped at a maximum of three. The number of sessions required and the type of specialist intervention will also be determined by the WC Advisor.

Wherever operationally possible, Council will aim to accommodate a reasonable amount of work time to attend approved treatment. Health and Wellbeing days can be utilised by eligible staff to attend appointments. Council will cover the cost of the session(s). Sessions will be undertaken with the most appropriate medical professional relative to the injury type. Session(s) include a comprehensive review of the injury, remedial treatment and an exercise program to be undertaken at home.

Prevention is always better than cure and by working collaboratively, the impact of minor work related injuries can be quickly and effectively addressed for the benefit of everyone.

### Responsibilities

Council.

- To determine if an early intervention program is warranted in best supporting staff recovery and, if agreed, organise the necessary medical intervention and cover the associated treatment costs.
- Monitor progress in consultation with staff and the medical professional to ascertain the effectiveness of the treatment program.

Staff.

- Inform your supervisor of any injury/illness sustained at work that is of a more substantive nature and which is impacting on your ability to complete your normal work duties and which you fear may get worse.
- Complete WHS&IM form [Early Intervention Checklist \(23/20503\)](#) in consultation with your supervisor who will then forward the following application to the Workers Compensation Advisor for determination.
- Attend the sessions as arranged and complete all home based exercise programs.
- Keep the WC Advisor informed of progress.

**NB:** This treatment initiative does not extend to MRIs or other specialist investigations.

**Frequently Asked Questions.**

Claimants will receive workers compensation payments once the claim has formally been accepted for wages by Councils insurer. Receiving compensation; If your workers’ compensation claim is accepted, you are entitled to be compensated for loss of wages, reasonable medical and allied health treatment expenses, reasonable workplace rehabilitation expenses, and travel and other expenses.

The WC Advisor to partake in the claimant’s medical reviews with Nominated Treating Doctor (NTD) and Nominated Treating Specialist (NTS) to confirm diagnosis, prognosis, return to work goal, appropriate treatment needs and functional capacity and develop a RTW plan. This will further assist with the claimant’s safe and durable return to work.

The WC Advisor to communicate regularly with key stakeholders (Injured workers, Insurer, Supervisor, Manager and primary treating medical practitioner) to ensure the injured worker is fully supported on their return to work.

Suitable duties provided may comprise alternate hours of work, restricted duties, or a combination of the two.

The RTW Coordinator to develop and maintain a recovery return to work plan throughout the duration of a claim.

**1. What am entitled to in terms of WC payments if I injure myself while at work?**

- 95% of pre injury earnings are paid for the first 13 weeks of your injury.
- At 14 to 130Weeks;
  - Where you have current work capacity and working 15 hours or more per week, your weekly payments are based on 95 per cent of your pre-injury average earnings.
- Working less than 15 hours a week
  - Where you have current work capacity and are working less than 15 hours per week, your weekly payments are based on 80 per cent of your pre-injury average weekly earnings.
- No capacity for work
  - Where you have no capacity for work, your weekly payments is based on 80 per cent of your pre-injury average weekly earnings.
- After 52 weeks
  - For injuries received before 26 October 2018, any overtime or shift allowance will no longer be included in the calculation of your average weekly earnings.
  - If you sustained an injury on or after the 26 October 2018, any overtime or shift allowance entitlement will continue to be included in the calculation of your average weekly earnings for the previous 52 weeks.
- Your weekly wage is determined by averaging the amount you have earned over the previous 12 months, this is called your PIAWE.

**2. If I have booked leave but injure myself at work prior to going on leave does this entitle me to WC payment rather than taking annual leave if I have a registered WC claim underway?**

- This will depend on the conditions imposed under the certificate of competence issued by your doctor. If you are unable to attend work at all then you will receive your normal wage (pre injury) while on approved leave. Alternatively, if you decide to cancel your leave then the normal workers compensation processes will apply.

**3. Can I take leave while on WC?**

- Staff covered by a WC claim can apply for leave under the normal provisions and will continue to be paid at normal pay rates (i.e. prior to injury) while on leave.

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**4. Can I undertake overtime or other unplanned work if on WC?**

- Staff who are on light or restricted duties due to a workers compensation claim cannot be considered to work overtime.
- If you are on full duties but still under the control of a WC claim requests to cover overtime requirements will be considered on a case by case bases considering the nature and demands of the overtime work.

**5. Can I refuse to have the WC Advisor present at my workplace medical appointments?**

- The WC Advisor is required to develop a suitable RTW Plan and appropriate suitable duties in support of this. To effectively manage WC claims it is a requirement that they attend meetings (in person or dial in) with medical experts to gain as much information as possible to promote effective injury management.

**6. Can I refuse to undertake any duties as identified in the RTW Plan?**

- Your RTW plan has been developed in consultation with your doctor and you are required to for fill these requirements. If you have any concerns then discuss with your supervisor and WC Advisor immediately.

**7 Documentation/References**

	<b>HPECM Reference</b>
<a href="#">Recover at Work Policy</a>	See WHS section of The Hub

**8 Related Policies and Procedures**

	<b>HPECM Reference</b>
WHS&IM procedure – <a href="#">Legal Compliance</a>	
WHS&IM procedure – <a href="#">Management Responsibilities</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Records</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Consultation and Communication</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Critical Incident Investigation</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Employee Assistance Program Policy</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Fatigue Management</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Hazardous Manual Tasks &amp; Ergonomics</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Health &amp; Wellbeing Procedure</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Incident Reporting &amp; hazard identification</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Inductions</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Non-Work Related Injury Management</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Risk Management</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Training</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">Management Review</a>	See WHS section of The Hub
WHS&IM procedure – <a href="#">WHS&amp;IM Reporting</a>	See WHS section of The Hub

## Procedure Amendments

<b>Date</b>	<b>Responsible Officer</b>	<b>Description</b>
June 2022	Manager PS&P	New procedure.
December 2022	HS&IM Coordinator	Updated procedure to more clearly identify RTW provisions and associated responsibilities.
December 2022	HS&IM Coordinator	Made some minor changes across the document to better explain the process and also added Frequently Asked Questions section.
December 2022	HS&IM Coordinator	Added title to each page and updates suggested by Masee pertaining to frequently asked questions.
December 2022	HS&IM Coordinator	Enhanced a couple of statements to make the intention clearer.
January 2023	HS&IM Coordinator	Modified Frequently asked questions post management review.
January 2023	HS&IM Coordinator	Modified flow chart to include SafeWork number for reportable incidents.
February 2023	HS&IM Coordinator	Added section 7 on early intervention strategy
March 2023	HS&IM Coordinator	Updated GIO email address
Sept 2023	HS&IM Coordinator	Hyperlinked documents throughout the document and at table 8.