



# WHS-PRO-012

## Injury Management Procedure

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## PURPOSE

This procedure details the injury management process for all staff and volunteers of the Sydney Harbour Federation Trust (Harbour Trust).

In the event that a worker sustains a work related injury, illness or disease, the Harbour Trust will support them to achieve a prompt, safe and durable return to work.

## SCOPE

This procedure for work related injuries applies to employees and volunteers of the Sydney Harbour Federation Trust and is based on the *Safety Rehabilitation and Compensation Act, 1988*.

## REFERENCES

- *Safety, Rehabilitation and Compensation Act, 1988*
- WHS-POL-004 Injury Management and Return to Work Policy
- Comcare website - <https://www.comcare.gov.au/claims/getting-you-back-to-work>

## DEFINITIONS

### Comcare

Is the national authority for work health and safety, and workers compensation.

### Injury Management

A coordinated approach to managing the symptoms and impacts of an injured worker's injury.

### Medical Certificate / Certificate of Capacity for Work

The certificate of capacity (medical certificate) is a communication tool for the medical practitioner, the injured worker and their employer and can encourage a positive focus on what the employee can do.

### Nominated Treating Doctor (NTD)

Means the treating doctor nominated by a worker to manage an injured workers recovery from injury and to assist an injured worker's safe recovery at or return to work.

### Rehabilitation Case Manager (RCM)

An employee of the Sydney Harbour Federation Trust who coordinates and manages the rehabilitation of workers with an injury.

### Rehabilitation Program (also known as Return to Work (RTW) Plan)

A rehabilitation program is designed to support your recovery and rehabilitation. It aims to assist an injured worker to remain at work or return to work and/or maintain or improve your activities of daily living. This is developed when an injured worker returns to work with restrictions.

### Workplace Rehabilitation Provider

An external organisation that provides timely intervention and services, based on the assessed need of the employee and the workplace. Some of the services they provide include initial workplace rehabilitation assessment, creating suitable duties plans, rehabilitation counselling etc

## ACTIONS AND RESPONSIBILITIES

### Injury Management and Rehabilitation Policy

- The Sydney Harbour Federation Trust is committed to helping our people return to full and gainful employment following a work-related injury or illness. We are dedicated to providing a legislatively compliant rehabilitation program policy which is continuously reviewed and monitored to improve our injury management performance.

### Injured Worker Role

An injured worker shall:

- notify their supervisor of a workplace injury as soon as possible after the event occurred.
- complete a WHS incident/accident report and submit to [safety@harbourtrust.gov.au](mailto:safety@harbourtrust.gov.au)
- submit leave forms for any time lost with the certificate of capacity (medical certificate) upon receipt to [safety@harbourtrust.gov.au](mailto:safety@harbourtrust.gov.au)
- actively participate in the development and implementation of a return to work plan (RTWP)
- attend medical examinations arranged by Comcare and Sydney Harbour Federation Trust
- comply with their obligations under the rehabilitation program
- only work hours and days stated in the rehabilitation plan
- nominate a treating doctor who will agree to participate in the workers compensation process
- make all reasonable efforts to return to work as soon as possible, having regard to the injury.
- talk to the Rehabilitation Case Manager or their supervisor about any concerns regarding the rehabilitation program

### Manager/Supervisor Role

The injured worker's manager/supervisor shall:

- ensure an injury is reported as soon as practicable or in any case within 24 hours
- maintain regular contact with the injured worker
- document all contacts with the injured worker
- identify suitable duties
- actively participate in the return to work process
- advise the Rehabilitation Case Manager of any concerns
- ensure that the injured worker is submitting their medical certificates and leave forms as received

### Rehabilitation Case Manager (RCM) Role

The Rehabilitation Case Manager shall:

- contact the worker within 1 working day of notification
- initiate, co-ordinate and monitor an injured or ill worker's workplace rehabilitation program
- connect and coordinate people involved in the return to work process
- promote the health benefits of good work, early intervention and the organisation's return to work approach
- facilitate early intervention
- help supervisors identify and provide suitable employment for an injured or ill employee

- engage, where appropriate, and manage workplace rehabilitation providers
- educate injured workers of their rights within the injury management process including the ability to choose their own doctor, risks of non-cooperation in the rehabilitation process
- co-ordinate the employer's responses to requests for information about the worker, their injury or illness, and their rehabilitation
- maintain appropriate records and ensure relevant worker's compensation forms are completed

### Comcare Role

Comcare's functions under the Safety, Rehabilitation and Compensation Act, 1988 includes compliance and enforcement activities, premium setting, provision of expert advice and services and claims management.

## OTHER MATTERS

### Confidentiality

- all workers compensation records are stored securely with access restricted to the WHS Team
- any meetings will be held in a suitable location that provides privacy

### Applying for Reconsideration of a Determination

The injured worker or employer can request a reconsideration of a primary determination made under the *Safety, Rehabilitation and Compensation Act 1988* within 30 days. There are four reasons to seek a reconsideration. This includes determinations

- to accept or deny a claim for compensation
- to stop payment of compensation
- to increase or decrease weekly payment of compensation
- made by the Sydney Harbour Federation Trust in relation to your rehabilitation

### Disputes

Disputes can be managed through an in house facilitation process that is modelled on mediation. This method can be used as an alternative approach to resolve a dispute. If you disagree with the reviewable decision of the determination you may apply to the Administrative Appeals Tribunal (AAT) to review the decision. The AAT looks at the evidence on your claim and decides whether or not a correct decision has been made and also has powers the claims manager does not have, such as the power to summons medical records or require a person to give evidence.

If you believe the decision is incorrect you can appeal to the Federal Court, but only on a question of law. You have 28 days of receiving the decision to lodge the appeal.

### Suitable Work

Suitable work increases the likelihood of you staying at work or, if you are not working, it allows you to safely return sooner than would otherwise be possible.

When establishing the duties and job which may suit you, your employer can consider the same, a similar or a new job with the same employer or a new employer.

Providing you with suitable work may involve:

- modifying duties
- changing hours while on a return to work plan, such as graduated return to work, or
- providing alternative duties, such as through a work trial or redeployment

### **Secondary Employment**

Secondary employment is an additional benefit provided to workers to undertake work outside of the Harbour Trust. When a worker suffers a workplace injury/illness the focus is on supporting an injured/ill worker making a timely and durable return to work. To achieve this objective injured/ill workers ability to undertake secondary employment is suspended. This means injured/ill workers cannot engage in any secondary employment until they are cleared to return to pre injury duties without restrictions and the approval of their Director and Manager People and Culture.

Appendix 1 - RETURN TO WORK PROCESS FLOWCHART

