# Return to Work Program Procedure

## Procedure Statement

**Purpose**

This Procedure
- assists injured workers with their recovery and return to the workplace.
- outlines the commitment to assist injured workers with accessing necessary treatment and rehabilitation, and the steps to be taken to achieve a safe, timely and durable return to work.
- forms the overall system of Workplace Injury Management and should be read in conjunction with the UNSW Injury Management Program Procedure (NSW Campuses).

The underlying principle is that the workplace, and not a medical institution or the home, is often the most appropriate and effective place to rehabilitate the majority of injured workers.

## Scope

Applicable to all UNSW employees based in NSW.

### Are Local Documents on this subject permitted?

| Yes, however Local Documents must be consistent with this University-wide Document | No |

## Procedure Processes and Actions

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### 1. Introduction:

UNSW, as a self-insurer, is committed to the prevention of work-related injury/illness through the provision of a safe and healthy workplace. The purpose of this Return to Work Program is to facilitate the timely, safe, and durable return to work for workers who have sustained a work-related injury or illness.
by utilising the workplace as a vital part of the rehabilitation process. This Program forms a component of, and supports, the University’s Injury Management Program and is consistent with the requirements of State Insurance Regulatory Authority (SIRA) Guidelines for Workplace Return to Work Programs.

2. Leadership and Commitment

UNSW is committed to:

- Educating the workforce about the Return to Work Program and process as to early notification of injury via myUNSW, HSE induction training
- Educating workers, managers and supervisors via communication regarding the health benefits of recovery at work
- Developing a culture that promotes recovery at work by fostering positive attitudes towards workers recovering at work
- Returning an injured worker to work as soon as practicable (subject to medical recommendations)
- Commencing the workplace rehabilitation process as soon as practicable for injured workers who have capacity for some type of employment
- Providing early access to rehabilitation services for workers who require them, i.e. rehabilitation providers.
- Maintaining the confidentiality of rehabilitation records in accordance with privacy provisions (refer to Section 9)
- Making all reasonable efforts to accommodate a request for permanently modified duties/employment for an injured worker with suitable employment that is, as far as reasonably practicable, the same as, or equivalent to, the pre-injury employment where possible
- Ensuring that any vocational retraining is reasonably likely to lead to suitable employment for the worker.

UNSW recognises its obligations under the Work Health and Safety Act 2011 (NSW) (2011 WHS Act) and Work Health and Safety Regulation 2011 (2011 WHS Regulation) and is committed to preventing workplace injury/illness and providing a safe, healthy and secure learning and working environment by taking all reasonable precautions to protect the health, safety and welfare of its staff, students, contractors and visitors whilst they are on University premises or engaged in approved work for UNSW.

Examples of measures used to prevent injury at UNSW include, but are not limited to:

- Regular departmental Health and Safety (HS) inspections to identify any potential risks / hazards and implement corrective actions
- Employee training, e.g. Health & Safety Induction, Health & Safety Awareness
- Laboratory safety awareness, Hazardous substances training, Biosafety for PC2 Laboratories, Ionising Radiation, Ergonomic training and Manual Handling Training
- Hazard and incident reporting
- Investigation of any reported workplace incidents to identify root cause and implement corrective and preventative actions.

UNSW takes a systematic approach to the identification, assessment, elimination/control of hazards by using statistical techniques to analyse injury trends. Senior management shall review the capacity, suitability and effectiveness of the UNSW Health and Safety Management System (HSMS). This will be achieved by:

1) Health & Safety strategic goals and objectives (supported by the submission of progress reports on Key Performance Targets to the Vice-Chancellor by his direct reports)
2) Faculty/Division HS Annual Report
3) UNSW risk profile (HS Hazard & Risk Register)
4) Health Safety Management System audit results
5) Health Safety and Workers Compensation statistics.
To help achieve these commitments, everyone attending a UNSW workplace is required to ensure that their actions don’t adversely affect the health and safety of others.

3. Workplace Arrangements

The University employs a full-time Injury Management/Return to Work Coordinator (RTWC) to facilitate the return to work process. The RTWC reports directly to the Manager of the Workers Compensation department, Safety & Wellbeing.

Location: Level 1, Room 119, Chancellery Building.

Return to Work Coordinator:
David Leeson
Ph: 9385 3784
E: d.leeson@unsw.edu.au
Fax: 9663 4203

The RTWC has the authority to represent and make decisions for UNSW in relation to the following:

- Preparing, monitoring and reviewing a Recover at Work Plan for the rehabilitation of injured workers in consultation with key parties
- Referring workers to external rehabilitation providers (where appropriate)
- Helping to redeploy workers both internally and externally into suitable employment (where appropriate)
- Contributing to the improvement of relevant policies and systems
- Educating the workforce and promoting the health benefits of recovery at work.

The RTWC does not make decisions on claims liability or funding for treatment. This is the responsibility of the Workers Compensation Claims Officer and/or is managed according to SIRA funded rehabilitation programs.

UNSW supports the work of the RTWC by providing the following resources:

- Workers Compensation Department
- HSE Department
- Faculty Heads of Schools, managers and supervisors
- HR/IR Department/s
- HR Coordinators

UNSW has preferred rehabilitation providers that may be called on by the RTWC to assist in the recover at work planning of a worker.

Preferred Rehabilitation Providers:

Recover
Level 36/37
225 George Street
Grosvenor Place
Sydney NSW 2000.
Ph. 1300 550 276

The Rehabilitation Specialists
Level 12, 50 Carrington Street,
Sydney NSW 2000.
Ph: 1800 073422
Workers Health Centre (Union Nominated)
7 Crown Street,
Harris Park NSW 2150
Ph: (02) 9749 7666

A full list of occupational rehabilitation providers in NSW is available at SIRA’s website:

While it is usually the Workers Compensation Department who determines the appropriate rehabilitation provider, the worker is advised in writing via the initial Recovery at Work information letter that they can either refuse or request a change in provider. The worker must contact the Return to Work Coordinator to discuss alternative rehabilitation provider options (refer to Appendix1).

In accordance with the 2011 WHS Act and the Workplace Injury Management and Workers Compensation Act 1998 (NSW), UNSW is required to invite consultation from employees, employee representative organisations and Unions on the Return to work Program prior to their finalisation and approval. During development the Return to Work Program Procedure is available on the UNSW Governance policy draft consultation page https://www.gs.unsw.edu.au/policy/drafts/index.html.

The Return to Work Program is communicated and displayed via various mediums, such as: health and safety consultation committees, staff induction training, health and safety e-newsletters and the Workers Compensation website.

The Return to Work Program is continually monitored and reviewed by the RTWC to ensure the program is up to date and in line with changes in legislation and/or guidelines. The program is reviewed every two years.

4. Rights and Obligations

The worker is notified of their rights and obligations in writing via the initial Recovery at Work information letter from the RTWC. SIRA’s brochure “A guide to recovery at work”, is also provided by the RTWC, which helps the worker understand what to do and what to expect after a work injury or illness.

A worker who notifies an injury or illness is obliged to:

- Notify UNSW of any workplace injury as soon as possible after the incident occurs
- Make all reasonable efforts to return to work with UNSW as soon as possible
- Provide informed consent to the release and exchange of information
- Nominate a treating Doctor who has a key role in the recovery and rehabilitation of a worker and who is authorised by the worker, subject to privacy and confidentiality regulations, to provide relevant information to UNSW and other parties involved in the management of the injury
- Maintain regular contact with their Manager/Supervisor and RTWC
- Attend independent medical appointments arranged by UNSW’s Workers Compensation department
- Advise the UNSW Workers Compensation department prior to changing the Nominated Treating Doctor
- Support all absences and inability to return to pre-injury duties related to the injury with a Workers Compensation Certificate of Capacity
- Attend treatment outside of working hours where practicable, as treatment is intended to facilitate return to work, not impede it
- Actively participate and cooperate in their Recovery at work plan
- Actively participate in determination of capacity for work
- Comply with their obligations under an Injury Management & Recovery at Work Plan.

An injured worker has the right to:

- Privacy and confidentiality
- Choice of a Nominated Treating Doctor
- Refuse or request a change in rehabilitation provider, however they must contact the RTWC to discuss alternative rehabilitation provider options
- Access to interpreter services where appropriate
- Be consulted in the development of, and participation in, a Recovery at Work Plan
- Protection from dismissal because they are not fit for employment resulting from the injury, within six months of the worker first becoming unfit for employment
- Apply for reinstatement if they are terminated in relation to a work injury
- Access to mechanisms for resolving complaints and disputes.

The Penalties for a worker for non-compliance with a Recovery at Work Plan include:
- Suspension of any weekly compensation entitlements until compliance is met; and/or
- Reduction or termination of weekly compensation entitlements where a worker refuses to participate in suitable duties.

4.1. Support Team

There are several people workers may encounter during their recovery. Each has a role in the workers compensation process and together they form a support team to help workers recover at work. The following is an outline of the roles and responsibilities of the support team.

Return to Work Coordinator
The UNSW RTWC assists workers with recovery at work and is also responsible for the implementation of UNSW’s Return to Work and Injury Management Programs. The RTWC carries out the day-to-day duties of the RTW program and is the link between the injured worker and their health provider’s support team. The duties of the RTWC include:
- Acknowledging and compiling the initial notification information by forwarding an email to the injured worker and supervisor/manager explaining the workers compensation process and attaching a PDF copy of SIRA brochure “A guide to recovery at work”
- Early contact with the injured worker, supervisor/manager and nominated treating doctor to coordinate recovery at work and identify suitable employment arrangements
- Maintaining regular positive communication with the injured worker and other relevant stakeholders where necessary
- Coordinating the worker’s recovery at work, including identifying suitable employment opportunities
- Preparing, monitoring and reviewing a recover at work plan (in consultation with key parties) that documents the worker’s capacity and the duties available
- Liaising with external stakeholders, such as the nominated treating doctor, insurer, treatment providers, union and workplace rehabilitation provider
- Implementing the RTW program
- Supporting the redeployment of workers (internally or externally) into suitable employment when they cannot return to their pre-injury duties
- Keeping injury and recover at work statistics
- Keeping confidential case notes and records in line with Recordkeeping and Privacy laws (see Section 9) and guidelines
- Promoting the health benefits of recovery at work to the workforce
- Contributing to the improvement of relevant policies and systems.

UNSW Claims Management
UNSW employs a full-time Workers compensation claims officer who coordinates all aspects of a workers claim and is the primary contact for the support team.

UNSW Senior and Middle Management
UNSW senior and middle management provide suitable work (as far as reasonably practicable) when a worker has the capacity to return to work, either on a full-time or part-time basis and the suitable work is (as far as reasonably practicable) the same or equivalent to the work being performed at the time of injury.

Provide a positive and supportive environment and offer support throughout the recovery process

Actively participate in the workers recover at work plan and monitor the workers progress.

**Nominated Treating Doctor**

The nominated treating doctor, assesses workers capacity, diagnoses, treats and certifies workers in the workers compensation system. They support the worker to return to work and where possible recover at work, through appropriate clinical intervention and management. This includes the following:

- Contributing to recover at work and return to work planning in collaboration with the worker and other members of the support team
- Completing the Certificate of Capacity
- Reviewing the workers capacity and condition on a regular basis
- Cooperating and communicating with UNSW as the employer and self-insurer
- Regularly reviewing the effectiveness of treatment with the worker and facilitating an evidence-based treatment approach. This includes, ensuring timely progression of treatment to an active, self-management approach
- Recommending cessation of treatment where there is no resulting objective improvement in function or work capacity within the expected time frame.

Further information regarding the roles and responsibilities of your nominated treating doctor is available on the SIRA website:


**Approved Workplace Rehabilitation Provider**

SIRA approved rehabilitation providers are experts who can address the physical, functional, psychological and/or workplace barriers that may affect a worker recovering at work or returning to work, including:

- Assessing a worker’s capacity to perform duties safely
- Identifying duties that will support improvements in a worker’s capacity
- Identifying options to help reduce work demands (including providing advice on equipment, job or workplace modifications)
- Identifying and addressing risks that may impact a worker’s recovery/return to work outcome
- Implementing and monitoring a plan to achieve an agreed recovery at work goal.
- Communicating with relevant parties throughout their service to ensure progress towards the recovery at work goal.

Further information regarding Approved Workplace Rehabilitation providers is available on the SIRA website:


**Unions**

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

5. **After an Incident:**

Information on the University’s procedures for first aid and registration of injuries relating to all work-related injuries or illnesses, whether they result in a workers compensation claim or not, is available at the following links:
A notifiable incident is a
- death
- serious injury or illness
- dangerous incident

Information on UNSW’s procedures for notifications of serious injury/illness incidents in accordance with S38 of the 2011 WHS Act are available on the following links:
https://safety.unsw.edu.au/


5.1. Reporting an injury
An injured worker must report the injury to their manager or supervisor as soon as possible after sustaining the injury. Managers or supervisors must ensure that the worker completes the online notification of injury via myUNSW within 48 hours. If the worker is unable to complete the online notification due to special circumstances the manager or supervisor must record the incident on behalf of the injured by following the below Health & Safety procedure:

Step 1: Go to myUNSW: https://my.unsw.edu.au
Step 2. Go to My Staff Profile
Step 3. Click on ‘My Profile’ and then ‘Health, Safety and Environment’
Step 4. Click on ‘Report a Hazard/Incident’
Step 5. Select an issue type from the drop-down menu: and select ‘Incident\Injury’
Step 6. Fill out the report (you may complete this on behalf of someone else

Notifications can also be provided to UNSW in writing (including by email) or verbal (including by phone) and can be reported by a representative of either the worker or UNSW (such as a doctor or union representative).

6. Support for the Worker
Communication plays a fundamental role in all facets of the return to work process. Therefore, it is very important that communication between the RTWC, injured worker and external stakeholders are upheld by:
- Building and maintaining positive relationships
- Transparency of free and open exchanges between all parties as to the rules and reasons behind regulatory measures that are fair, clear and accurate and without hidden agendas or conditions.
- Discouraging blame
- Keeping it simple and specific by identifying key information and utilising the checklist: who, what, when, where and how
- Checking for understanding to ensure clear transmission and clear expectations are understood by the injured worker as to their obligations around participating and cooperating throughout their recovery at work and injury management process
- Keeping in regular contact with the worker via phone, email and meetings.
6.1. Injury management commitment

UNSW makes the following commitment in participating and cooperating in developing the injury management plan in relation to the rehabilitation of all workers who suffer a work-related injury or illness.

The RTWC will commence Injury Management activities as soon as practicable following a workplace injury or illness irrespective of a worker's compensation claim status. These activities are aimed at assisting the injured worker to recover at work, by providing support and access to all necessary treatment and/or rehabilitation services through the provision of suitable employment/duties.

6.2. Informed Consent

Informed consent is where a worker is given all the relevant information before consenting to the release and exchange of information. It ensures the worker understands the benefits of providing consent and the risks of not doing so.

An employer may use the Certificate of Capacity to obtain consent. Alternatively, prior to requesting the worker to complete SIRA's standard consent for release of personal information form, the RTWC will contact the injured worker to advise of the implications of agreeing to sign the form (which will assist with communication and transparent decision-making between all stakeholders) or refusing to sign the consent form (which may lead to workers compensation entitlements being affected).

The RTWC will send a follow-up email to the injured worker with the following attachments:

SIRA informed consent form
UNSW initial Rehabilitation Recovery at work letter

The kind of health information that may be required to be released and or exchanged to aid a worker's recovery at work includes: any electronic or paper-based information or opinion about a worker's, physical or psychological health, treatment, rehabilitation, retraining, claims and injury or employment management practices.

The following roles are authorised to exchange and release information:

- UNSW (employer)
- Return to Work Coordinator
- Claims Officer
- Workers Compensation Manager
- Workplace rehabilitation providers
- The nominated treating Doctor
- Other allied health professionals involved
- The State Insurance Regulatory Authority (SIRA).

6.3. Weekly Benefits

Weekly payments are based on a calculation of a worker's pre-injury average weekly earnings (PIAWE) that includes shift and overtime allowances (*shift and overtime allowances do not apply after 52 weeks of weekly payments)*.

The Workers Compensation Claims Officer obtains salary information from the UNSW payroll system (PiMS) and calculates the PIAWE in accordance with Part 3, Division 2, Sub-division 4 of the Workers Compensation Act 1987 (NSW).

The amount of weekly payments payable depends on, but is not limited to:

- the worker's current work capacity
- the worker's PIAWE and current weekly earnings
- how long the worker has received weekly payments
- the worker's ability to earn in suitable employment
- whether the worker’s income includes non-pecuniary benefits from UNSW e.g. residential accommodation, use of a car, health insurance or education fees.
The weekly payment entitlement period starts on the day of the worker’s first incapacity, whether total or partial, from a work-related injury or illness.

When weekly payments commence, a notice is provided to the worker detailing:

- that weekly payments have started as UNSW has commenced provisional or claim liability for them
- the amount payable and how that amount was calculated
- what to do if the worker disagrees with the calculation and an explanation of the review process
- that to continue to be entitled to ongoing weekly payments, a worker is required to provide ongoing Workers Compensation Certificates of Capacity.

The Workers Compensation claims officer is responsible for the calculation and payment of weekly payments in a timely manner and, where possible, in the pay period in which the entitlement arises.

Weekly payments are reviewed by the Worker’s Compensation Claims Officer on a regular and ongoing basis throughout the life of the claim to ensure ongoing entitlement and correct rate is applied to weekly payments.

Where weekly payments change as a result of the expiration of entitlement periods the Workers Compensation Claims Officer will inform the worker in writing.

Workers are required to notify the UNSW Workers Compensation Department of any change in employment that affects their earnings, such as commencing work for another employer.

7. Recovery at work

UNSW is committed to providing meaningful and appropriate suitable duties/employment for injured workers, in accordance with Section 49 of the Workplace Injury Management and Workers Compensation Act 1998 (NSW) (1998 Act), as an integral part of the rehabilitation process.

S49 (1) of the 1998 Act requires that where a worker who has been totally or partially incapacitated for work as a result of an injury, is able to return to work (whether on a full-time or part-time basis and whether or not to his/her previous employment).

In the majority of cases suitable duties will only need to be provided for a temporary period until the injured worker is fit to resume his/her full-time pre-injury position without restrictions.

UNSW must provide suitable employment for the worker (where practicable). Suitable duties are to be time limited, monitored closely and regularly upgraded towards pre-injury hours and duties where appropriate.

Suitable duties/employment may be provided in many ways:

- Same or different worksite
- Same job with different hours and/or modified duties
- A training opportunity
- A combination of these options
- Different job altogether

Suitable employment is work identified for a worker with a current capacity for work which is based on:

- The nature of his/her capacity for work
- Medical certification (Certificate of Capacity or medical report)
- The worker’s age, education, skills work experience
- Any Plan or document prepared as part of the recover at work planning process, including an Injury Management Plan
- Any occupational; approved rehabilitation services provided to or for the worker
- Any other matters that the SIRA Guidelines may specify.

When an injured worker has capacity to return to work in suitable employment the RTWC will start the return to work process in consultation with the Manager/Supervisor, worker and nominated treating doctor (even when a claim is in dispute).
Evidence suggests that staying at work, or returning to work as soon as safely possible, is good for health and overall wellbeing.

The RTWC will discuss with the Nominated Treating Doctor and/or Approved rehabilitation provider suitable duties/employment options that are available in the workplace, and if not, what other options are available. Suitable duties/employment may mean a change in job and/or hours, and where retraining is necessary, it will be provided.

The RTWC will discuss with the injured worker, their Manager/Supervisor, union delegate (if applicable) suitable duties/employment options. After agreement is reached, all offers of suitable duties or suitable employment must be in writing in the form of the Recover at Work Plan, clearly listing the duties to be performed, working hours, and any physical or medical restrictions.

Where possible suitable employment rather than suitable duties (suitably employed to a position of equal level and comparable) will be considered especially where the injury is serious, and the injured worker will have difficulty in returning to pre-injury employment.

Suitable duties will not be provided if:

- They are inappropriate to the injured worker's restrictions
- The injured worker voluntarily resigned from UNSW after the injury happened (whether before or after the commencement of the incapacity for work), or
- The injured worker's employment was terminated after the injury happened, other than for the reason that the injured worker was not fit for employment as a result of the injury.
- It is not reasonably practicable to provide employment
- In instances where suitable duties cannot be identified within UNSW or, if a worker is unable to return to his/her pre-injury or permanent alternative employment, the services of an Approved Workplace Rehabilitation Provider maybe required. These services are previously outlined on page 6 under approved workplace rehabilitation provider.

Return to work different employer:

- Assessing the worker's skills, education and experience
- Identifying suitable work options, providing job seeking assistance and organising training (where appropriate)
- Assessing appropriate programs and services that support the worker to secure employment.

SIRA has a range of funded programs to support injured workers who need additional assistance to return to work which include:

- Education or training assistance
- New Employment Assistance
- Transition to Work Program
- Work trial program

For further information regarding these programs please refer to the UNSW Injury Management Program or the SIRA website.


7.1. Developing and Maintaining a Recover at Work Plan

A Recover at Work Plan is a written plan that is established prior to an injured worker carrying out suitable duties/suitable employment options following an injury which results in any period of medically certified reduced work capacity.

The Plan outlines the following:

- goals
- commencement and review dates
- duties that the worker will perform on their return to work
• treatment arrangements
• restrictions as per the Workers Compensation Certificate of Capacity
• evidence of consultation
• arrangements to notify relevant parties of changes or issue with the Plan

NOTE: A Recover at Work Plan is required for work-related injury/illness where a worker is certified as having a current work capacity (fit for suitable duties) even if for only one day.

A Recover at Work Plan is to be developed by the RTWC and reviewed in accordance with the Workers Compensation Certificate of Capacity issued by the Nominated Treating Doctor.

The Plan will then be given to the worker and the manager/supervisor of the work area to review and discuss, with both having the opportunity to provide feedback and propose amendments to the plan as part of the consultation process. It must be agreed to and signed by the Manager/Supervisor and the worker before the plan can commence. The signed copies of the Plan should be attached to the rehabilitation file. The RTWC is responsible for obtaining signatures by either faxing and or emailing the signed plan to the Nominated Treating Doctor for review. The Plan should be adjusted to reflect any changes in the injured worker's condition or capacity for work.

The RTWC will file a case note detailing the decisions, and rationale supporting the decisions made during the development and review of the Recover at Work Plan.

8. Dispute prevention and resolution

Workers may seek resolution of issues or a dispute in relation to the Recover at Work or Injury Management processes in one or more of the following ways:

• Seek information or assistance
• Resolve the complaint informally
• Make a formal complaint
• Take no action.

Workers are urged to raise any issues at an early stage to their Manager/Supervisor however every effort should be made to resolve a grievance or dispute through open communication between the RTWC, injured worker, Nominated Treating Doctor, Manager/Supervisor and Approved rehabilitation provider and where relevant any nominated representative of the injured worker.

This may involve formal or informal consultation between some or all the above parties.

If agreement cannot be reached, UNSW will implement one, or a combination of, the following management strategies:

• Liaison with the Nominated Treating Doctor by the RTWC to establish the basis for disagreement and negotiate a suitable solution and return to work
• Provision of all assessments of worker's capacity to work and available workplace duties to the Nominated Treating Doctor
• Referral to an Approved Workplace Rehabilitation Provider for assessment and liaison with all parties
• Referral to an Independent Physiotherapy Consultant
• Referral to an Injury Management Consultant for assessment and consultation with the Nominated Treating Doctor
• Referral to an Independent Medical Examiner for review
• Application to the Workers Compensation Commission for assessment (Approved Medical Specialist) and possibly proceed to Arbitration.

Workers can also refer to the UNSW Staff Complaint Procedure: https://www.gs.unsw.edu.au/policy/documents/staffcomplaintproc.pdf.

9. Administration

All information and records collected during the Return to Work process will be kept confidential in accordance with the Commonwealth and State Privacy Provisions and will only be disclosed in
accordance with these and/or the provisions of the Workforce Injury Management and Workers Compensation Act 1998.

Recover at work information is information that involves the treatment, rehabilitation, retraining, claims management and employment management practices that are directed to assist an injured worker to return to work.

The injured worker is responsible for giving consent for the doctor, employer, insurer, treating practitioners, rehabilitation providers and SIRA to exchange information for the purpose of managing the injury and Workers Compensation claim. This is done by signing SIRA Standard consent form for release of personal information form or the initial and/or subsequent Certificate of Capacity.

The injured worker may withdraw consent at any time in writing to the Return to Work Coordinator or Claims Officer, however if consent is withdrawn, return to work assistance may not proceed and it may affect the worker’s entitlements to Workers Compensation benefits.

A critical aspect of the Recover at work process is the management and maintenance of appropriate records.

In this regard, UNSW will ensure that:

- Any information regarding the injured worker’s illness or injury is obtained with the worker’s written consent
- All relevant documentation associated with an injured worker’s work-related injury or illness is retained lawfully on the compensation and rehabilitation files.
- All files created in relation to the workers compensation process are retained in an appropriately locked and secured location
- Access to information in relation to workers compensation and return to work matters is strictly confidential
- Privacy is maintained in accordance with the requirements of S243 of the Workplace Injury Management and Workers Compensation Act 1998 (NSW) Privacy and Personal Information Protection Act 1998 (NSW), Australian Privacy Principles, and Health Records and Information Privacy Act 2002 (NSW)
- Destruction of all documentation associated with the workers compensation process is undertaken through an appropriately secure disposal process.

Workers compensation files are maintained and secured in the Workers Compensation Department in locked cabinets. These files may be accessed by the claims officer, Manager Workers Compensation, RTWC and Human Resources (when applicable).

Case notes of all actions taken throughout the life of a claim are created and retained on the relevant rehabilitation and workers compensation files.

The documentation, storage, retention and disposal of rehabilitation and claim files will be consistent with the UNSW Recordkeeping Policy and Record keeping Standards.

UNSW will maintain a secure data base recording all claims made, claims estimates and payments in accordance with SIRA Claims Technical Manual

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<td><strong>Contact Officer</strong></td>
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Supporting Information
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<th>This Procedure supports the University’s compliance as a licensed self-insurer under Section 211 of the <em>Workers Compensation Act 1987</em> (NSW) with the following legislation:</th>
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<tr>
<td>Definitions and Acronyms</td>
<td>Injuries Management program - An insurer-developed strategy for managing all aspects of work related injuries and illnesses.</td>
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<td>Injured worker - Means a worker who has received a workplace injury and/or illness.</td>
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<td>Nominated Treating Doctor (NTD) - Nominated treating doctor means the treating doctor nominated by an injured worker for the purposes of an Injury Management Plan for the injured worker.</td>
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<td>Notifiable Incident - A death, serious injury or illness, or dangerous incident that results from a business conduct or an action at a workplace.</td>
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<td>Recover at Work Plan - An individual plan that an employer develops in consultation with the worker to manage recovery at work.</td>
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<td>Return to Work Program - A summary of the system the employer will use to manage workers with work related injuries or illnesses.</td>
</tr>
<tr>
<td></td>
<td>Significant injury - An injury likely to make the worker unable to work for more than seven continuous days, whether or not those days are work days, and whether or not the worker’s incapacity is total, partial or a combination of both.</td>
</tr>
</tbody>
</table>
Suitable employment

Suitable Employment in relation to a worker, means employment in work for which the worker is currently suited:

Having regard to:

(a) the nature of the worker’s incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker (under section 44B), and
(b) the worker’s age, education, skills and work experience, and
(c) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act, and
(d) any occupational rehabilitation services that are being, or have been, provided to or for the worker, and
(e) such other matters as the SIRA Guidelines may specify, and

(b) regardless of:

whether the work or the employment is available, and
whether work employment is of a type or nature that is generally available in the employment market, and
the nature of the worker’s pre-injury employment, and
the worker’s place of residence.

Workplace injury

Workplace injury means an injury and/or illness to a worker in respect of which compensation is or may be payable under the Workers Compensation Act 1987, arising out of or in the course of employment, includes a disease injury, which means: a disease that is contracted by a worker in the course of employment but only if the employment was the main contributing factor to contracting the disease, and the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease, but only if the employment was the main contributing factor to the aggravation, acceleration, exacerbation or deterioration of the disease, and does not include (except in the case of a worker employed in or about a mine) a dust disease, as defined by the Workers Compensation (Dust Diseases) Act 1942 (NSW), or the aggravation, acceleration, exacerbation or deterioration of a dust disease, as so defined.

Revision History

<table>
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<tr>
<th>Version</th>
<th>Approved by</th>
<th>Approval date</th>
<th>Effective date</th>
<th>Sections modified</th>
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<tr>
<td>1.0</td>
<td>Vice-President, Campus Life and Community Engagement</td>
<td>1 September 2016</td>
<td>1 September 2016</td>
<td>Program revised in line with new SIRA guidelines for workplace return to work programs.</td>
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<tr>
<td>2.0</td>
<td>Vice President Human Resources</td>
<td>[to be completed]</td>
<td>[to be completed]</td>
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Further Information

This section is not published on the final PDF document. It is for website purposes only

Keywords for search engine

Return to work.

FAQs and answers

Include any Frequently Asked Questions and answers to be included with the Procedure (in a separate tab or section) in the Governance Policy Repository.
Appendix 1 – Initial Recovery at Work and Injury Management Information Letter

Date
Address

Dear

Re: Initial Recovery at work and Injury Management information letter

CLAIM NUMBER:
DATE OF INJURY:
CONDITION:

The University of New South Wales is a licensed Self-Insurer under the Workers Compensation Act 1987 (the Act).

I am the Return to Work Coordinator at UNSW and I will be assisting and supporting you in your recovery at work. This letter will assist you in understanding what you are to do and to expect during the return to work and (where possible) the recovery at work process. As a licensed self-insurer UNSW is obliged under the Guidelines for Return to Work Programs to advise you of your rights and obligations with respect to your recovery at work and injury management.

You are obliged to:

- Notify UNSW of any workplace injury as soon as possible after the incident occurs
- Make all reasonable efforts to return to work with UNSW as soon as possible
- Provide informed consent to the release and exchange of information
- Nominate a treating Doctor who has a key role in your recovery and rehabilitation and who is authorised by you, to provide relevant information to UNSW and other parties involved in the management of your injury
- Actively participate in determination of capacity for work
- Maintain regular contact with your Manager/Supervisor and RTWC
- Attend independent medical appointments arranged by UNSW’s Workers Compensation Department
- Advise UNSW Workers Compensation Department prior to changing your Nominated Treating Doctor
- Support all absences and inability to return to pre-injury duties related to the injury with a Workers Compensation Certificate of Capacity
- Attend treatment outside of working hours where practicable, as treatment is intended to facilitate the recovery at work process
- Actively participate and cooperate in your Recovery at work plan,
- Actively participate and cooperate in establishing an injury management plan
- Comply with your obligations under an Injury Management & Recovery at Work Plan.

You have the right to:

- Privacy and confidentiality
- Choice of a Nominated Treating Doctor
- Be consulted in the development of, and participation in, a Recovery at Work Plan
- Employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to your pre-injury employment
- Have the right to either refuse or request a change in rehabilitation provider, however you must contact the RTWC to discuss alternative rehabilitation provider options.
- Protection from dismissal because you are not fit for employment resulting from the injury, within six months of you first becoming unfit for employment
- Access to interpreter services where appropriate
- Access to mechanisms for resolving complaints and disputes

The Penalties for non-compliance with your Recovery at Work Plan include:

- Suspension of any weekly compensation entitlements until compliance is met; and/or
- Reduction or termination of weekly compensation entitlements where you refuse to participate in suitable duties

Injury management process:

I will commence the Injury Management process as soon as practicable irrespective of your workers compensation claim status. These activities are aimed at assisting you to recover at work, by providing support and access to all necessary treatment and/or rehabilitation services through the provision of suitable employment and or duties.
Your initial Injury Management Plan will be developed by <date> (within 20 business days of notification of significant injury date) in consultation with you, your nominated treating doctor and your manager. The plan will include your rehabilitation goal, treatment plan and actions required during the period of plan of all involved in the process. This will list all actions required by all parties involved in the process to ensure whilst assisting you we meet all requirements SIRA has set to assist them in monitoring claims management. The injury management plan will be reviewed if there is a significant change in your injury management and within 3 months.

A recovery at work plan will also be developed in consultation with you, your supervisor and nominated treating Dr, to both plan and propose recovery in the workplace to ensure that when you are completing work that any advised medical restrictions and other considerations are followed by all parties to best assist your recovery. This will be reviewed at each Certificate of Capacity where your work is unable to be performed within your medical restrictions.

**Approved Rehabilitation Providers:**

In instances where suitable duties cannot be identified with UNSW or, if you are unable to return to your pre-injury or permanent alternative employment, the services of an Approved rehabilitation provider maybe required.

The Rehabilitation Provider may provide the following services:

- Understand the unique needs and arrangements of the University
- Assessing your capacity to perform duties safely
- Identifying duties that will support improvements in your capacity
- Identifying options to help reduce work demands (including providing advice on equipment, job or workplace modifications)
- Identifying and addressing risks that may impact your recovery at/return to work outcome
- Implementing and monitoring a plan to achieve an agreed recovery at work goal

If you are unable to ever return to Pre- Injury Duties and other suitable employment is not available the Rehabilitation Provider can assist with return to work or recovery at work with a different employer through the following activities:

- Assessing your skills, education and experience
- Identifying suitable work options, providing job seeking assistance and organising training (where appropriate)
- Assessing appropriate programs and services that support you to secure employment

I look forward to helping and assisting you with the return to work process and if you have any questions or require any further information you can call me direct on 9385 3784.

Yours sincerely,

Return-to-Work Coordinator
Plan No: 1  Plan Date:  
This Injury Management Plan (‘IMP’) is designed to provide the worker, the nominated treating doctor, other treatment / rehabilitation providers and University of NSW with a detailed plan of the current and future injury management actions aimed at assisting the worker recover from injury and return to maximum working capacity in a safe and timely manner.

<table>
<thead>
<tr>
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<th></th>
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<tbody>
<tr>
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<tr>
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<td></td>
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<tr>
<td>Worker Address:</td>
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<td>Faculty/ School/ Department/ Unit:</td>
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<td>Manager Name:</td>
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<td>Location:</td>
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<thead>
<tr>
<th>CLAIM &amp; INJURY DETAILS</th>
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<tbody>
<tr>
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<td></td>
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<tr>
<td>Injury Date:</td>
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<td>Claim Status:</td>
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<tr>
<th>NOMINATED TREATING DOCTOR</th>
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<tr>
<td>Doctor Name:</td>
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<tr>
<th>CONSULTATION &amp; INFORMATION ON WHICH THIS PLAN IS BASED</th>
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<tbody>
<tr>
<td>Confirmation of consultation with the following parties</td>
<td></td>
</tr>
<tr>
<td>Worker: Yes</td>
<td>No</td>
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<tr>
<td>Consultation Date:</td>
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</table>

Appendix 2 - Injury Management Plan

WC002
Injury Management Plan
INJURY MANAGEMENT GOALS

Short Term IM Goal (to be achieved within 3 months of this Plan commencing):

Long Term IM Goal:

TREATMENT (CURRENT & ANTICIPATED)

List ALL current & anticipated treatment in relation to the worker’s injury together with all relevant information known about that treatment, e.g. provider name, type of treatment, frequency, and expected duration. [Consider: NTD, physiotherapy, specialist, pharmaceuticals, radiology etc.]

Separate approval for treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may leave you able liable for costs involved (not including treatment or service that is exempt under State Insurance Regulatory Authority guidelines)

<table>
<thead>
<tr>
<th>Treatment Type</th>
<th>Treatment Provider Name</th>
<th>Frequency of Treatment</th>
<th>Expected Treatment End Date (or Date Scheduled For if “one-off” service)</th>
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</thead>
</table>

In the ACTIONS section, document the actions required:

a) To clarify the details of any treatment being undertaken or proposed (e.g. any of the details missing from above); and
b) Of the worker to participate in the ongoing and/or scheduled treatment

c) To review whether treatment continues to be reasonably necessary (Refer to Rule 10 SIRA (formerly WorkCover) Guidelines for Claiming Compensation Benefits)

RETURN TO WORK / REHABILITATION

Current RTW goal, including estimated timeframe to achieve goal:

<table>
<thead>
<tr>
<th>Est Goal Date:</th>
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Current RTW Plan Duration

<table>
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<tr>
<th>From</th>
<th>To</th>
<th>Next NTD review date</th>
</tr>
</thead>
</table>

What RTW upgrades are anticipated by end of:

This Plan?

What Occupational Rehabilitation services are being provided at present and/or are proposed (by a SIRA approved Rehabilitation Provider)?

NA

In the ACTIONS section, document what actions are required to review, monitor and progress RTW / occupational rehabilitation

OTHER INJURY MANAGEMENT ACTIVITIES

What other IM activities are...
**ACTIONS**

Detail all Injury Management actions required of the worker, Self Insurer, Nominated Treating Doctor, any other treatment provider, rehabilitation provider, or any other relevant party involved in the worker’s injury management.

The “date for completion” should be relevant to the individual action, not necessarily the same as the IM Plan review date.

<table>
<thead>
<tr>
<th>Person responsible for Action</th>
<th>Action</th>
<th>Date for Completion</th>
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</tbody>
</table>

**PLAN REVIEW**

Plan review date: By this plan will be succeeded by a plan of a higher number, unless change in work status or significant change in treatment.

**PLAN DISSEMINATION**

A copy of this Plan has been sent to:

- Worker x
- Nominated Treating Doctor x
- Manager x
- Treating Specialist
- Return to Work Coordinator x
- Rehabilitation Provider
- Other (detail)

Plan developed by: David Leeson (Return to Work Coordinator)

Signed: ____________________________ (IW Name)

**INJURY MANAGEMENT PLAN OBLIGATIONS**

UNSW is a self-insurer under the Act. Contact details are as follows:

**Insurer Contact:**

- Workers Compensation Safety & Sustainability
- Level 1 Room 119
- The Chancellery
- UNSW SYDNEY, 2052
- Ph. 9385 2722 / 9385 3194

**Return to Work Coordinator:**

- Workers Compensation Safety & Sustainability
- Level 1 Room 119
- The Chancellery
- UNSW SYDNEY, 2052
- Ph. 9385 3784
### Injury Management Plan (IMP) Information Sheet:

An IMP is required to be developed when a worker suffers a significant injury. A significant injury is defined as one that is likely to result in the worker being unable to perform their pre-injury duties for a continuous period of greater than seven days.

#### INJURY MANAGEMENT AND RETURN TO WORK OBLIGATIONS OF WORKERS

**An Injured Worker is required to:**

- Actively participate and cooperate in the establishment of an Injury Management Plan (IMP) required to be established for the worker. (Section 47 (1) of Workplace Injury Management Workers Compensation Act 1998)
- Comply with the obligations imposed on the worker by or under an Injury Management Plan for the worker. (Section 47 (2) of Workplace Injury Management Workers Compensation Act 1998)
- In co-operation with the employer and the insurer a worker must make all reasonable efforts to return to work in suitable employment or Pre-Injury employment at the worker’s place of employment or another place of employment when they have a current work capacity. (Section 48 (1) of Workplace Injury Management Workers Compensation Act 1998)
- Select a nominated treating doctor to manage his/her injury and return to work, a medical practice can also be nominated as treating doctor where other members of the same practice of the nominated treating dr can treat the injured worker from time to time.
- Authorise his/her nominated treating doctor to provide relevant injury management information for the purposes of an Injury Management Plan to UNSW Workers Compensation (Section 47 (5) of Workplace Injury Management Workers Compensation Act 1998)
- Complete the injured worker declaration consent on Page 3 of the Certificate of Capacity and consent section on Page 1 of the Certificate of Capacity.
- Sign a copy of your Injury Management Plan and return it to the UNSW Workers Compensation Department within the advised timeframe.
- Attend medical appointments arranged by UNSW Workers Compensation.
- Participate in recommended treatment as per Nominated Treating Dr’s advice aimed at timely recovery from injury.
- When receiving reasonable and necessary medical treatment for a work-related injury or condition to obtain that reasonable treatment outside of normal working hours as per SIRA guidelines for workplace return to work programs.
- Obtain separate approval for treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may lead you liable for costs involved (not including treatment or service that is exempt under the SIRA guidelines).
- Attend medical appointments arranged by UNSW Workers Compensation.
- Submit in a timely manner properly completed Certificate of Capacity to support any period of incapacity.
- Select a nominated treating doctor to manage his/her injury and return to work; a medical practice can also be nominated as treating doctor where other members of the same practice of the nominated treating dr can treat the injured worker from time to time.
- To request such a change, the injured employee must submit the request in writing either personally or by facsimile, by e-mail or by mail stating the reasons for wishing to change doctors.
- Authorise his/her nominated treating doctor to provide relevant injury management information for the purposes of an Injury Management Plan.
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- Authorise his/she to receive treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may lead you liable for costs involved (not including treatment or service that is exempt under the SIRA guidelines).
- Before changing your nominated treating doctor, you must provide to the Claims officer your request in writing detailing the reasons why you wish to change doctors;
- Submit in a timely manner properly completed Certificate of Capacity to support any period of incapacity.
- Select a copy of your Injury Management Plan and return it to the UNSW Workers Compensation Department within the advised timeframe.
- To seek alternative employment if you are unable to return to pre-injury duties and your employer cannot provide suitable duties;

#### Failure to comply with your Injury Management Plan and Return to Work Obligations:

Under Section 45 (4) of Workplace Injury Management Workers Compensation Act 1998 (the 1998 Act), an injured worker may have no entitlement to weekly payments of compensation if the worker fails unreasonably to comply with the requirements of Chapter 3 (1998 Act) after being requested to do so by UNSW Workers Compensation as the insurer.

Section 48A of the 1998 Act states the following with regards to failure to comply with return to work obligation of worker. If a worker does not comply with an obligation of the worker imposed under section 48, the insurer may in accordance with this section: (a) suspend, (b) terminate payment of compensation in the form of weekly payments to the worker and (c) the insurer may cease and determine the entitlement of the worker in the form of weekly payments in respect of the injury under this Act.

If the insurer seeks to suspend payments of compensation under section (1) (a) the insurer must give notice to the worker stating: (a) the reason for giving the notice, (b) that unless the worker complies with the obligation under section 48 specified in the notice, weekly payments to the worker will be suspended from the date specified in the notice which must be 14 days after notice is given but no more than 60 days after notice is given and (c) consequences of failing to comply as specified in this notice.

For full detail and further information please refer to Workplace Injury Management and Workers Compensation Act 1998 – Sect 48A.

#### Changing Nominated Treating Doctor

The injured employee must nominate a treating medical practitioner who is prepared to assist with the development of, and continue to be involved in, the Injury Management Plan. The injured employee must authorise the nominated treating doctor to provide relevant information for the purpose of an Injury Management Plan.

Requests to change nominated treating doctors will be reviewed on a case by case basis. UNSW will endeavour to provide referrals to independent treatment professionals who are focused on active injury treatment and return to work.

An injured worker is not to change nominated treating doctor unless he/she can provide a valid reason for the change in line with Section 47(6) of the Workplace Injury Management and Workers Compensation Act 1998.

When receiving reasonable and necessary medical treatment for a work-related injury or condition to obtain that reasonable treatment outside of normal working hours as per SIRA guidelines for workplace return to work programs.

Obtain separate approval for treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may leave you liable for costs involved (not including treatment or service that is exempt under the SIRA guidelines).

Before changing your nominated treating doctor, you must provide to the Claims officer your request in writing detailing the reasons why you wish to change doctors;

Submit in a timely manner properly completed Certificate of Capacity to support any period of incapacity.

Select a copy of your Injury Management Plan and return it to the UNSW Workers Compensation Department within the advised timeframe.

To seek alternative employment if you are unable to return to pre-injury duties and your employer cannot provide suitable duties;

Weekly benefits may not be paid for periods covered by medical certificates not issued by the agreed nominated treating doctor.

Failure to comply with your Injury Management Plan and Return to Work Obligations:

Under Section 45 (4) of Workplace Injury Management Workers Compensation Act 1998 (the 1998 Act), an injured worker may have no entitlement to weekly payments of compensation if the worker fails unreasonably to comply with the requirements of Chapter 3 (1998 Act) after being requested to do so by UNSW Workers Compensation as the insurer.

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If the insurer seeks to suspend payments of compensation under section (1) (a) the insurer must give notice to the worker stating: (a) the reason for giving the notice, (b) that unless the worker complies with the obligation under section 48 specified in the notice, weekly payments to the worker will be suspended from the date specified in the notice which must be 14 days after notice is given but no more than 60 days after notice is given and (c) consequences of failing to comply as specified in this notice.

For full detail and further information please refer to Workplace Injury Management and Workers Compensation Act 1998 – Sect 48A.
Appendix 3 – Recover at Work Plan

Recover at Work Plan 1

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<tr>
<th>Workers Name:</th>
<th>Position Title:</th>
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<td>Supervisor:</td>
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<td>Bodily Location:</td>
<td>Medical certificate received:</td>
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<tr>
<td></td>
<td>Contact with supervisor attempted/completed:</td>
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<td>Rehabilitation Goal:</td>
<td>Date Plan Prepared:</td>
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<tr>
<td>Claim Number:</td>
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</table>

Note: Suitable or restricted duties are only available for a closed period. The work area may withdraw suitable duties at any time as per their operational requirements. At this point suitable duties at an alternative employer will be investigated.

From: xx/xx/xx to: xx/xx/xx
Next Dr Appointment: xx/xx/xx

The current Certificate of Capacity expires on the xx/xx/xx. Please forward the review certificate to Workers compensation within 2 days of obtaining it. The restrictions have been extended 2 working days to cater for this. Please ensure that all reviews occur on or prior to the expiry date of the I Certificate of Capacity.

This plan will be superseded by one of a higher number.

Recover at Work Goal:

Current Capacity for work:

| Hours/Days: | e.g. 7 hrs/day 5 days/week |
| Work capacity: | e.g. no lifting above 5kg, no squatting etc. |

Duties to be PERFORMED: e.g. Administration duties e.g. data entry, answering phone calls, internet research

Duties to be AVOIDED:

e.g. The duties to be avoided include the following – no lifting, no repetitive movements of the back

Goal hours to achieve:

HOURS to be worked & WAGES: Your hours of duty and wages will be identical to your pre-injury hours or the appropriate workers compensation benefit.

Other Considerations:

- E.g. ergonomic training
- E.g. breaks
- E.g. Treatment times
- E.g. reporting difficulties to manager/sup and RTWC
- E.g. working within capacity.
Monitoring compliance with the plan:  
David Leeson (Return to Work Co-ordinator) and 
(Manager/Supervisor) 

Investigating return to work upgrades:  
David Leeson (Return to Work Co-ordinator) and 
(Nominated Treating Doctor) 

REVIEW Date to investigate upgrades:  

This plan has, with reasonable attempts, been developed in consultation with (IW Name), supervisor and her 
nominated treating doctor. 

Agreement:  
The following parties agree to the following recover at work plan, please sign and return within 3 working days if 
appropriate.  

Important:  In the event that the Medical certificate is not received by the end of this plan then the worker and 
supervisor agree to abide by the conditions of this plan beyond the review date until either a new Recover at Work Plan 
is issued or a medical certificate advising new hours / restrictions is received.  

IW ______________________________________ Date: ___________ 

Supervisor ______________________________________ Date: ___________ 

Note: the doctor is also sent a copy of this plan and asked to review and return within 3 working days 

________________________________________ Date: ___________ 

Please sign and return fax to 9663 4203 

_____________________
Return to Work Coordinator 

Copies to: IW (name), Supervisor (name), Nominated Treating Dr. 

(Consultation draft 14 March to 3 April 2018)