



Version	Approved by	Approval date	Effective date	Next full review
3.2		## May 2024	## May 2024	May 2026
<b>Procedure Statement</b>				
<b>Purpose</b>	<p>This Procedure</p> <ul style="list-style-type: none"> <li>assists injured workers with their recovery and return to the workplace</li> <li>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</li> <li>describes the overall process of Workplace Injury Management and should be read in conjunction with the <i>UNSW Injury Management Program Procedure</i> (NSW Campuses).</li> </ul> <p>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.</p>			
<b>Scope</b>	Applicable to all UNSW employees based in NSW.			
<b>Are Local Documents on this subject permitted?</b>	<input type="checkbox"/> Yes, however Local Documents must be consistent with this University-wide Document		<input checked="" type="checkbox"/> No	
<b>Procedure Processes and Actions</b>				

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## 1. Introduction:

UNSW 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. The UNSW return to work program supports an organisational culture of recovery at work. It helps workers stay active and return to health, and retain their skills and knowledge, within the context of a safe workplace where workers are valued, and the costs associated with extended time away from work are reduced. The 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 of 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 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 Regulation 2017](#) (NSW) and the [Work Health and Safety Act 2011](#) (NSW). UNSW 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
- Training, e.g. Health & Safety Induction, Health & Safety Awareness
- Specialty training courses such as Laboratory Safety Awareness; Hazardous Substances; Biosafety for Physical Containment Level 2 (PC2) Laboratories, Ionising Radiation, Ergonomic training and Manual Handling training
- Hazard, incident and near miss reporting

- Investigation of any reported workplace incidents to identify root cause and implement corrective and preventative actions in line with UNSW Hazard and Incident Reporting Procedure.

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

- 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)
- Faculty/Division HS Annual Reports
- UNSW Risk Profiles (HS Hazard & Risk Registers)
- Health Safety Management System audit results
- Health Safety and Workers Compensation statistics.

Everyone attending a UNSW workplace is required to ensure that their actions do not adversely affect the health and safety of others.

Return to work can be a complex process in which many factors at the individual, organisational and system levels interact to influence and promote a worker's recovery. UNSW aims to provide a safe and supportive workplace culture that is free of stigma associated with worker's compensation and where return to work enables workers, supervisors and employers to effectively respond to work-related injury or illness. This culture encourages early and appropriate support from UNSW and enables workers to play an active role in their recovery and return to work.

### 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 UNSW Self-Insurer Workers Compensation Department, in Health & Safety.

The current RTWC is: Emily Boulton Smith

0436 031 115

E: [wcomp@unsw.edu.au](mailto:wcomp@unsw.edu.au)

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 stakeholders
- Booking and running case conferences with relevant medical practitioners with the view to address return to work barriers, reviewing capacity, progressing a return to work plan and reviewing a return to work goal
- 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 UNSW Case Manager and Workers Compensation Manager 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
- Health & Safety Department
- Faculty Heads of Schools, Managers and Supervisors
- UNSW Human Resources.

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

A list of SIRA accredited providers are located on SIRA's website:

<https://www.sira.nsw.gov.au/information-search/rehab-provider>

Please note that consideration on injury type, location, consultant and skill is considered in the referral process and approval.

While it is usually the UNSW Self-Insurer Workers Compensation Department who determines the appropriate rehabilitation provider, the injured worker does have input into their choice of provider. This is discussed with them at the time of referral and a SIRA reference guide is provided about the role of a Rehabilitation Provider.

In accordance with the [Work Health and Safety Act 2011 \(NSW\)](#) and the [Workplace Injury Management and Workers Compensation Act 1998 \(NSW\)](#), UNSW is required to invite consultation from workers, worker representative organisations and Unions on the Return to Work Program prior to the program finalisation and approval. During development, this *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 forums, such as: health and safety consultation committees, staff induction training, health and safety e-newsletters and the governance website.

The Return to Work Program is continually monitored and reviewed by the Workers Compensation Manager 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 through the SIRA's brochure, '[Injured at Work: A recovery at work guide for workers](#)', which helps the worker understand what to do and what to expect after a work injury or illness.

A worker who notifies UNSW of a work related injury or illness is obliged to:

- Report the injury as soon as possible after the incident occurs, UNSW expectation is within 48 hours or as soon as reasonably practicable
- Actively participate and co-operate in establishing an injury management plan
- Carry out the actions that the established injury management plan requires of them
- Make all reasonable efforts to return to work with UNSW as soon as possible
- 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, using a certificate of capacity, claim form or other form of authority
- Maintain regular, open, honest contact with their Manager/Supervisor and RTWC
- Attend independent medical appointments arranged by UNSW's Workers Compensation

department

- Advise the UNSW Self-Insurer Workers Compensation Department in writing prior to changing the Nominated Treating Doctor detailing the reason for the change
- 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 Recover at Work Plan
- Actively participate in determination of capacity for work
- Comply with their obligations under an Injury Management Plan (Appendix 2) and Recover at Work Plan (Appendix 1).

An injured worker has the right to:

- Privacy and confidentiality
- Choice of a Nominated Treating Doctor
- Employment that is both suitable and, so far as reasonably practicable, the same as or equivalent to their pre-injury employment
- Refuse or request a change in rehabilitation provider, however they must contact the RTWC or Case manager to discuss why and alternative rehabilitation provider options
- Access to interpreter services where appropriate
- Be consulted and involved in identifying suitable work and in 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 to their former position if they are terminated as a result of a work injury
- Access 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**

Workers may encounter several members of a support team that helps workers recover at work. Each has a role in the workers compensation process. 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 the SIRA brochure 'Injured at Work: A recovery at work guide for workers'.
- 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 (Appendix 3)
- Liaising with external stakeholders, such as the nominated treating doctor, insurer, treating allied health providers, union and workplace rehabilitation provider
- Implementing the RTW plan
- 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 Record keeping 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 Self-Insurer Claims Management**

UNSW Self-Insurer employs a full-time Workers Compensation Case Manager who coordinates all aspects of a workers claim and is the primary contact for the support team.

- 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, that 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 worker's Recover at Work Plan and monitor the worker's progress.

### **Nominated Treating Doctor**

The nominated treating doctor assesses the worker's capacity, provides a diagnosis, recommends treatments and certifies a worker's capacity for work. 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 a nominated treating doctor is available on

the SIRA website:

<https://www.sira.nsw.gov.au/workers-compensation-claims-guide/understanding-the-claims-journey/medical-and-related-services/nominated-treating-doctor>

### **Approved Workplace Rehabilitation Providers**

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. Their roles include:

- 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:

<https://www.sira.nsw.gov.au/resources-library/workers-compensation-resources/publications/help-with-getting-people-back-to-work/what-to-expect-from-your-workplace-rehabilitation-provider>

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, whether they result in a worker's compensation claim or not, is available at the following links:

- [Safety | Transformation, Planning & Assurance - UNSW Sydney](#)
- [HS905 First Aid Procedure](#)
- <https://my.unsw.edu.au/>

A notifiable incident to the Work Health Safety Regulators, State Insurance Regulatory Authority (SIRA) and SafeWork, includes:

- Death
- Serious injury or illness
- Dangerous incident.

Information on UNSW's procedures for notifications of serious injury/illness incidents in accordance with section 38 of the [Work Health and Safety Act 2011](#) (NSW) is available at the following links:

- [Safety | Transformation, Planning & Assurance - UNSW Sydney](#)
- [HS307 Hazard and Incident Reporting Procedure](#)

### **5.1. Reporting an injury**

An injured worker must report an 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 of the injury having been reported.

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).

The injured worker will be advised how to complete the online notification form if a certificate of capacity is received as initial notification by way of email from the RTWC.

If the worker is unable to complete the online notification due to nature of injury sustained, the manager or supervisor must record the incident on behalf of the injured person by following the below Health & Safety procedure:

**Step 1:** Go to [myUNSW](#)

**Step 2.** Go to My Staff Profile

**Step 3.** Click on 'My Profile'

**Step 4.** Click on 'Health, Safety and Environment'

**Step 5.** Click on 'Salus Safety Management System'

**Step 6.** Click on 'Report an Incident/Near Miss'

**Step 7.** Fill out the report (you may complete this on behalf of someone else).

## 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 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
- 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
- Tailoring communication style to the needs of the injured worker.

A support person chosen by the injured worker is allowed to be involved in all return to work discussions and meetings however this person is expected to remain respectful in all interactions.

In the case where the injured worker is unwell and unable to communicate on their own, a consent form will be required for the UNSW Self-Insurer claims support team to direct any communication and/or correspondence to them. Medical certification from a treating provider is also required specifying the medical reason why this is needed.

### 6.1. Injury management commitment

UNSW makes the following commitment in participating and cooperating in developing the Injury Management Plan (Appendix 2) in relation to the rehabilitation of all workers who experience work-related injury or illness:

The RTWC and UNSW Self-Insurer Case Manager will collaboratively commence Injury Management activities as soon as practicable following a workplace injury or illness. 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 aims to ensure that the worker understands the benefits of providing consent and the risks of not doing so.



An employer may initially use the Certificate of Capacity to obtain consent, prior to the UNSW Self-Insurer claims support team requesting the worker to complete the UNSW Workers Compensation Standard Consent Form for release of personal information (Appendix 4). The UNSW Self-Insurer Case Manager will contact the injured worker to advise them of the implications of agreeing to sign the form (which aims to assist with communication and transparent decision-making between all stakeholders) or refusing to sign the form (which may lead to workers compensation entitlements being affected).

The UNSW Self-Insurer Case Manager will send a follow-up email to the injured worker with the following attachments:

- UNSW Workers Compensation Standard Consent Form for release of personal information (Appendix 4)
- SIRA Importance of Recovery at work.

The kind of health information that maybe 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
- UNSW Self-Insurer Claims Officer, case manager and Workers Compensation Manager
- Workplace rehabilitation providers
- The nominated treating doctor
- Other allied health professionals involved
- Independent Medical Examinations
- The State Insurance Regulatory Authority (SIRA).

### **6.3. Weekly Benefits – Calculation of Pre-Injury Average Weekly Earnings (PIAWE)**

Weekly payments are based on a calculation of a worker's pre-injury average weekly earnings (PIAWE). PIAWE includes allowances and loadings, shift and overtime, piece rates and commissions and the value of non-monetary benefits (only where you are no longer entitled to the use of that benefit following injury).

Non-monetary benefits that you receive as part of your employment will be excluded from the calculation if retained in use after the injury. This is known as a deductible amount. Such non-monetary benefits may include:

- Residential accommodation
- Use of a motor vehicle
- Health insurance
- Education fees
- Other.

PIAWE is also subject to the following exceptions:

- Compulsory employer superannuation contributions
- Workers compensation payments for loss of earnings
- Discretionary bonus payments.

The UNSW Self-Insurer 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.

### **6.3 Calculations of a worker's weekly benefits**

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 UNSW as a Self-Insurer has accepted or provisionally accepted for the work injury and will commence weekly payments
- 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. To continue to be entitled to ongoing weekly payments, a worker is required to provide ongoing Workers Compensation Certificates of Capacity.

The UNSW Self-Insurer Workers Compensation Case Manager 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 UNSW Self-Insurer Workers Compensation Case Manager on a regular and ongoing basis throughout the life of the claim to ensure there is a continued entitlement and that the correct rate is applied to weekly payments.

Where weekly payments change as a result of the expiration of entitlement periods, the UNSW Self-Insurer Workers Compensation Case Manager will inform the worker in writing.

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

Weekly payments will be paid in accordance with a certified injured worker's salary or wages in line with the relevant current Enterprise Agreement for the first 13 weeks. This means the worker will have no reduction in pay for either partial or total incapacity for work during this period.

UNSW Self-Insurer will advise workers in writing of the amount of weekly compensation payable on a claim, as well as any change in rate (other than a change that arises simply due to a variation in the worker's hours of work as part of a return to work process).

If, for any reason, UNSW Self-Insurer determines not to pay weekly payments for any period, the worker may apply to be paid sick leave or other accrued leave to cover this period in accordance with the usual leave application process at UNSW.

## **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) as an integral part of the rehabilitation process.

Section 49 (1) of the 1998 Act requires that 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 their full-time pre-injury position without restrictions.

Suitable employment for the worker (where practicable) will be provided by UNSW. 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 their 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. Please refer to the link below:

<https://www.sira.nsw.gov.au/workers-compensation-claims-guide/understanding-the-claims-journey/recovery-at-work/recovery-at-work>

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 should retraining be identified as a support mechanism for gaining alternative employment, this will be considered.

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 to the worker 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 comparable position of equal level) will be considered especially where the injury is serious, and the injured worker may 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 their pre-injury or permanent alternative employment, the services of an approved workplace rehabilitation provider may be required. These services are previously outlined on

page 7 under approved workplace rehabilitation provider.

Return to work with a different employer may be required when suitable duties are unable to be provided. An approved workplace rehabilitation provider will then provide assistance to:

- Assess the worker's skills, education and experience
- Identify suitable work options, providing job seeking assistance and organising training (where appropriate)
- Assess 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.

<https://www.sira.nsw.gov.au/theres-been-an-injury/im-a-worker-recovering-at-work>

### **7.1. Developing and Maintaining a Recover at Work Plan**

A Recover at Work Plan (Appendix 3) is a written plan that is established prior to an injured worker carrying out suitable duties or suitable employment options.

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.

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.

The Plan, following consultation, must be agreed to and signed by the Manager/Supervisor and the worker before commencement. The signed copies of the Plan should be attached to the rehabilitation file. The RTWC is responsible for providing the agreed Plan to the Nominated Treating Doctor for review and signing. The Plan should be adjusted to reflect any changes in the injured worker's condition or capacity for work.

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

UNSW as a Self-Insurer and employer, acknowledges that it is against workers compensation legislation to terminate an injured worker on the basis of a work related injury within 6 months of date of injury.

## **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.

Workers are urged to raise any issues at an early stage. 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 as a Self-Insurer 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 (NTD)
- 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 Personal Injury Commission.

Workers can also refer to the UNSW [Staff Complaint Procedure](#).

## 9. Administration

All information and records collected during the Return to Work process will be kept confidential in accordance with the applicable privacy laws and will only be disclosed in accordance with these and / or the provisions of the [Workplace Injury Management and Workers Compensation Act 1998](#) (NSW).

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 the UNSW Standard consent form for release of personal information and the initial and/or subsequent Certificate of Capacity.

The injured worker may withdraw consent at any time in writing to the RTWC or UNSW Self-Insurer Case Manager, 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 as a Self-Insurer 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 section 243 of the [Workplace Injury Management and Workers Compensation Act 1998](#) (NSW), [Privacy and Personal Information Protection Act 1998](#) (NSW), 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 online with strict access and only approved roles have access to these documents. These files may be accessed by the UNSW Self-Insurer Case Manager, UNSW Self-Insurer Manager of Workers Compensation, RTWC, UNSW Self-Insurer Claims Administration, and Human Resources (when employment matters are applicable and only where relevant).

Case notes of all actions taken throughout the life of a claim are created and retained on a workers compensation management system called Figtree. Only the UNSW Self-Insurer workers compensation support team have access to Figtree.

UNSW as a Self-Insurer will maintain the Figtree System (or relevant claims system) recording all claims made, claims estimates and payments in accordance with SIRA Claims Technical Manual.

<b>Accountabilities</b>	
<b>Responsible Officer</b>	Director, Safety
<b>Contact Officer</b>	Workers Compensation Manager
<b>Supporting Information</b>	
<b>Legislative Compliance</b>	<p>This Procedure supports the University's compliance as a licensed Self-Insurer under Section 211 of the <a href="#">Workers Compensation Act 1987</a> (NSW) with the following legislation:</p> <p><a href="#">Workers Compensation Act 1987</a> (NSW)</p> <p><a href="#">Workplace Injury Management and Workers Compensation Act 1998</a> (NSW)</p> <p><a href="#">Privacy and Personal Information Protection Act 1998</a> (NSW)</p> <p><a href="#">Health Records and Information Privacy Act 2002</a> (NSW)</p> <p>Workers Compensation Act 1951 (ACT)</p>
<b>Parent Document (Policy)</b>	<a href="#">Injury Management Program Procedure</a>
<b>Supporting Documents</b>	<a href="#">SIRA Guidelines for workplace return to work programs</a> March 2021
<b>Related Documents</b>	<a href="#">Health and Safety Policy</a>
<b>Superseded Documents</b>	Return to Work Program Procedure, v3.0
<b>File Number</b>	2016/25545
<b>Definitions and Acronyms</b>	
<b>Injury Management program</b>	An insurer-developed strategy for managing all aspects of work-related injuries and illnesses.
<b>Injured worker</b>	Means a worker who has experience workplace injury and/or illness.
<b>Nominated Treating Doctor (NTD)</b>	Nominated treating doctor means the treating doctor nominated by an injured worker for the purposes of an Injury Management Plan for the injured worker.
<b>Notifiable Incident</b>	A death, serious injury or illness, or dangerous incident that results from a business conduct or an action at a workplace.
<b>Recover at Work Plan</b>	An individual plan that an employer develops in consultation with the worker to manage recovery at work.
<b>Return to Work Program</b>	A summary of the system the employer uses to manage workers with work related injuries or illnesses.
<b>RTWC</b>	Return to Work Coordinator
<b>Significant injury</b>	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.
<b>SIRA</b>	State Insurance Regulatory Authority

<b>Suitable employment</b>	<p>Suitable Employment in relation to a worker, means employment in work for which the worker is currently suited:</p> <p>Having regard to:</p> <p>(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</p> <p>the worker's age, education, skills and work experience, and</p> <p>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</p> <p>any occupational rehabilitation services that are being, or have been, provided to or for the worker, and</p> <p>such other matters as the SIRA Guidelines may specify, and</p> <p>(b) regardless of:</p> <p>whether the work or the employment is available, and</p> <p>whether work employment is of a type or nature that is generally available in the employment market, and</p> <p>the nature of the worker's pre-injury employment, and</p> <p>the worker's place of residence.</p>			
<b>Workplace injury</b>	<p>Sections 4, 9, 9A, 15, 16 of the Workers Compensation Act 1987 refer to injury entitlement. In Summary: Workplace injury means an injury and/or illness to a worker in respect of which compensation is or may be payable, 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 <a href="#">Workers Compensation (Dust Diseases) Act 1942</a> (NSW), or the aggravation, acceleration, exacerbation or deterioration of a dust disease, as so defined.</p>			
<b>Revision History</b>				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	Vice-President, Campus Life and Community Engagement	1 September 2016	1 September 2016	New document.
2.0	Vice-President Human Resources	6 April 2018	6 April 2018	Program revised in line with new SIRA guidelines for workplace return to work programs.
3.0	Vice-President, Human Resources	30 June 2020	30 June 2020	Program revised in line with new SIRA guidelines for workplace return to work programs.
3.1	Director of Governance	29 March 2021	29 March 2021	Administrative update to position and unit titles and to change Workers Compensation Commission to Personal Injury Commission.



3.2	Director, Safety			Program revised in line with new SIRA guidelines for workplace return to work programs.
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Consultation draft

# Recover at Work Plan 1



This Recover at Work Plan (RAWP) outlines a temporary work program designed to assist with recovery from injury /illness. It does not constitute a permanent change in job role or conditions of employment. This plan will be superseded by one of a higher number.

<b>Worker's Name</b>		<b>Position Title</b>	
<b>School/Unit where employed</b>		<b>Claim Number</b>	
<b>Date of Injury</b>		<b>Diagnosis</b>	
<b>Period of Plan FROM</b>		<b>PERIOD OF PLAN TO:</b>	
<b>Plan Review Date</b>			

## Obligations

### Manager

- To provide suitable duties in accordance with the advised medical restrictions and as outlined in this RAWP .
- To immediately report to the Return To Work (RTW) Co-Ordinator any apparent difficulties that either the employer or the employee is having with the RAWP.

### Employee

- To adhere to the requirements of this RAWP and the certified medical restriction at all times.
- To immediately report any difficulties with the RAWP to my Manager & to the RTW Co-Ordinator.
- To attend treatment sessions as advised by my treatment providers and as approved by the insurer.  
*NOTE: Attendance at treatment is not to interfere with the scheduled hours of work. Treatment is to be taken outside of scheduled hours unless alternative arrangements have been made directly with the Employer.*
- To attend your Nominated Treating Doctor on or before the expiry date of each certificate. If you have any issues regarding your injury before your due review date, please return to see the Doctor.
- To forward the next Certificate to [wcomp@unsw.edu.au](mailto:wcomp@unsw.edu.au) within two (2) days of obtaining it.  
*NOTE: Backdated certificates may not be accepted by the Insurer*
- Ensure regular postural and rest breaks when doing computer based work or repetitive tasks.
- To ask for assistance in any situation whereby you are unable to undertake a task outside your capacity to work.

## Return to Work Planning

<b>RTW Goal</b>	Return to Pre-injury duties	<b>RTW Workplace</b>	
<b>Current Capacity: days/hours</b>			
<b>Monitoring Arrangements</b>			
<b>Additional Recommendations/ Modifications/Equipment</b>			
<b>Suitable Duties</b>			

### Agreement:

In signing this RAWP, the following parties acknowledge and agree that they have read and understood the duties and obligations detailed in the plan and will return it within 3 working days.

**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 Return to Work Plan is issued or a medical certificate advising new hours / restrictions is received.

**Employee Signature**

**Date**

\_\_\_\_\_

\_\_\_\_\_

**Manager Signature**

**Date**

\_\_\_\_\_

\_\_\_\_\_

**Doctor Signature**

**Date**

\_\_\_\_\_

\_\_\_\_\_

**RTW Coordinator Signature**

**Date**

\_\_\_\_\_

\_\_\_\_\_

## Key Contacts

<b>Role:</b> Manager (for RTW) <b>Name:</b> <b>Email:</b>	<b>Role:</b> RTW Coordinator <b>Name:</b> Emily Boulton Smith <b>Work Ph:</b> 0436 031 115 <b>Email:</b> <a href="mailto:emily.b.smith@unsw.edu.au">emily.b.smith@unsw.edu.au</a>
<b>Role:</b> Nominated Treating Doctor (NTD) <b>Name:</b> <b>Work Ph:</b> <b>Email:</b>	<b>Role:</b> <b>Name:</b> <b>Work Ph:</b> <b>Email:</b>

Please sign and return by email to [wcomp@unsw.edu.au](mailto:wcomp@unsw.edu.au).

# Injury Management Plan



<b>Plan No:</b>		<b>Plan Date:</b>	
<b>Developed By</b>		<b>Review Date</b>	
<b>Email</b>	<a href="mailto:wcomp@unsw.edu.au">wcomp@unsw.edu.au</a>	<b>Mobile</b>	

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.

## WORKER & EMPLOYMENT DETAILS

<b>Worker Name:</b>		<b>Claim No:</b>	
<b>Email:</b>		<b>Mobile</b>	
<b>Date of Injury</b>		<b>Pre-injury Occupation:</b>	
<b>Pre-Injury Hours</b>		<b>Faculty/ School/ Department</b>	
<b>Manager Name</b>		<b>Manager Email</b>	

## MEDICAL SUPPORT TEAM CONTACTS

<b>Doctor Name:</b>	Dr		
<b>Email:</b>			
<b>Treatment provider Name:</b>			
<b>Email:</b>			
<b>RTW Coordinator</b>	Emily Boulton Smith	<b>Email</b>	<a href="mailto:wcomp@unsw.edu.au">wcomp@unsw.edu.au</a>
<b>Rehabilitation Provider:</b>		<b>Services provided</b>	
<b>Email:</b>			

## INJURY MANAGEMENT & RETURN TO WORK GOALS

<b>Short Term IM Goal (3 months)</b>	Increase in Capacity OR return to suitable duties (if unfit)
<b>Long Term IM Goal</b>	Pre-Injury Duties
<b>Recovery Goal</b>	Return to Pre-Injury Duties
<b>Estimated Goal Date:</b>	TBC

## TREATMENT (CURRENT & ANTICIPATED)

**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).**

Treatment Type	Treatment Provider Name	Frequency of Treatment	Expected Treatment End Date (or Date Scheduled For if "one-off" service)
Treating Doctor		As per certificate of capacity review date within every 28 days.	Ongoing until Final review and Certificate of Capacity.
Case Conferencing	All treatment providers and	As required	Ongoing as required until final Certificate of Capacity.

## ACTIONS

Should your injury management goal, medical treatment or work capacity status changes before the review date your Injury Management Plan will be updated based on the new information provided at the time. The plan will be succeeded by a higher number with a new review date.

	Action	Person responsible	Date / timeframe for Completion
Medical and treatment	<ul style="list-style-type: none"> <li>e.g. attend all scheduled physios sessions and ensure all home exercises are completed as directed by physio</li> </ul>		
	<ul style="list-style-type: none"> <li>Attend ergonomics assessment to assess workstation</li> </ul>		
	<ul style="list-style-type: none"> <li>Attend case conference to discuss and confirm suitable duties options</li> </ul>		
	<ul style="list-style-type: none"> <li>To attend all scheduled medical reviews with GP</li> </ul>		
	<ul style="list-style-type: none"> <li>Avoid using stair, walking long distances and fast paces strides</li> </ul>		
Return to Work OR Increase in capacity	<ul style="list-style-type: none"> <li>to continue return to work in line with the medical certification</li> </ul>		
	<ul style="list-style-type: none"> <li>to notify their employer immediately if they experience any change in their work on injury status</li> </ul>		
	<ul style="list-style-type: none"> <li>Attend Workplace Facilitator discussion</li> </ul>		

## PLAN DISSEMINATION AND SIGN OFF

Position	Name	Signature	Date:
<b>Worker</b>			
<b>Manager / Supervisor</b>			
<b>Nominated Treating Doctor (GP)</b>			
<b>Case Manager</b>			

## INJURY MANAGEMENT PLAN OBLIGATIONS

### 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)
- Actively, honestly, and openly communicate with the Case Manager and RTW Coordinator throughout the management of your claim. This includes participating in Case conferencing both face to face and via technology-based meetings.
- 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 doctor 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
- 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 where possible. For any treatment or appointments that cannot be scheduled out of working hours due to availability of appointments, the time to attend these appointments is to be negotiated with the direct supervisor/manager of the area with consideration of the operational requirements of the department/unit.
- Obtain approval for treatment referred by their Nominated Treating Dr or treating specialist prior to undertaking 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)
- Submit in a timely manner (within 24 hours of issue date) properly completed Certificate of Capacity to support any period of incapacity.
- Sign 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.

An injured worker may be permitted to change Nominated Treating Doctor if they can provide a valid reason in writing in line with Section 47(6) of the Workplace Injury Management and Workers Compensation Act 1998. UNSW recognises that in cases where an injured worker is not recovering from injury or is not happy with the level of treatment/communication received from a Nominated Treating Doctor, that a change of Nominated Treating Doctor can be a productive and pro-active move towards recovery. Consistent medical care is essential to assist the injured worker with recovery and safe return to employment after an injury. Changing the doctor can interrupt good medical care. If an injured worker has a reason to change their Nominated Treating Doctor, they must contact the Workers Compensation Department and inform them of the reason. The Workers Compensation Department may ask for this advice in writing.

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. To request such a change, the injured worker must submit the request in writing either personally or by facsimile, by e-mail or by mail stating the reasons for wishing to change the nominated treating Doctor and the name, address and phone number of the doctor preferred to take over the role.

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

UNSW Workers Compensation may request an injured worker to change nominated treating doctor if the Certificate of Capacity are continually backdated or if the nominated treating doctor repeatedly fails to cooperate in the development and review of the IMP.

### **The Nominated Treating Doctor is required to:**

- Actively assist the injured worker to recover from injury
- Support the injured worker's safe return to work
- Provide a properly completed Certificate of Capacity to the injured worker with all relevant sections completed
- Cooperate in the development and ongoing review of the IMP
- Be available to discuss the workers injury management with University of New South Wales Workers Compensation and/or its medical and rehabilitation providers
- Provide Certificate of Capacity every 28 days unless clinical reasoning is provided for a review date greater than 28 days.
- Participate in requests for Case conferences with the view to achieving the best outcome for the injured worker.

### **University of New South Wales and University of New South Wales Workers Compensation Department is required to:**

- Provide suitable duties to an injured worker, unless it is not reasonably practicable to do so
- Develop the IMP in consultation with the injured worker, the nominated treating doctor and any other relevant provider
- Disseminate a copy of the IMP to all parties involved in the injury management process
- Comply with the obligations imposed on University of NSW Workers Compensation Department under the IMP
- Authorise, in consultation, with the nominated treating doctor, reasonably necessary treatment within legislative timeframes
- Ensure the timely delivery of appropriate compensation entitlements to the injured worker
- Utilise fair and effective procedures to manage anyone who fails to meet their IMP obligations
- Ensure all personal information and records in the injury management process will be collected and kept confidential in accordance with the National Privacy Provisions and will only be disclosed in accordance with these and / or the provisions of the Workplace Injury Management and Workers Compensation Act 1998.
- Not to terminate an injured employee within 6 months of date of injury on the basis of injury.



## **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 their 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 doctor can treat the injured worker from time to time
- Authorise their 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
- Attend medical appointments arranged by UNSW Workers Compensation
- Participate in recommended treatment as per nominated treating doctors 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 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)
- Prior to changing your nominated treating doctor, 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
- Sign a copy of your Injury Management Plan and return it to the UNSW Workers Compensation Department within the advised timeframe
- 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 a return to work obligation of a 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 a nominated treating doctor unless they can provide a valid reason for the change in line with Section 47(6) of the Workplace Injury Management and Workers Compensation Act 1998. To request such a change, the injured worker must submit the request in writing either personally or by facsimile, by e-mail or by mail stating the reasons for wishing to change the nominated treating Doctor and the name, address and phone number of the doctor preferred to take over the role.

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

University of NSW Workers Compensation may request an injured worker to change a nominated treating doctor if the Certificate of Capacity are continually backdated or if the nominated treating doctor repeatedly fails to cooperate in the development and review of the IMP.

**The Nominated Treating Doctor is required to:**

- Actively assist the injured worker to recover from injury
- Support the injured worker's safe return to work
- Provide a properly completed Certificate of Capacity to the injured worker with all relevant sections completed
- Cooperate in the development and ongoing review of the injury management plan (IMP)
- Be available to discuss the workers injury management with UNSW Workers Compensation and/or its medical and rehabilitation providers
- Provide Certificate of Capacity every 28 days unless clinical reasoning is provided for a review date greater than 28 days.


**UNSW and UNSW Workers Compensation Department is required to:**

- Provide suitable duties to an injured worker, unless it is not reasonably practicable to do so
- Develop the IMP in consultation with the injured worker, the nominated treating doctor and any other relevant provider
- Disseminate a copy of the IMP to all parties involved in the injury management process
- Comply with the obligations imposed on UNSW Workers Compensation Department under the IMP
- Authorise, in consultation, with the nominated treating doctor, reasonably necessary treatment
- Ensure the timely delivery of appropriate compensation entitlements to the injured worker
- Utilise fair and effective procedures to manage anyone who fails to meet their IMP obligations
- Ensure all personal information and records in the injury management process is collected and kept confidential in accordance with the National Privacy Provisions and only disclosed in accordance with these and / or the provisions of the Workplace Injury Management and Workers Compensation Act 1998.
- Not to terminate an injured employee within 6 months of the date of injury on the basis of injury.

Appendix 3 – Recover at Work Plan

# WC004

## Recover at Work Plan



**UNSW**  
SYDNEY

Recover at Work Plan 1

<b>Workers Name:</b>		<b>Position Title:</b>	
<b>Date of Injury:</b>		<b>School / Unit Where Employed:</b>	
<b>Nature of Injury:</b>		<b>Supervisor:</b>	
<b>Bodily Location:</b>		<b>Medical certificate received:</b>	
		<b>Contact with worker attempted/completed:</b>	
		<b>Contact with supervisor attempted/completed:</b>	
<b>Rehabilitation Goal:</b>		<b>Date Plan Prepared:</b>	
<b>Claim Number:</b>			

**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 UNSW Workers Compensation Department 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 Certificate of Capacity.

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

**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 – e. g. no lifting, no repetitive movements of the back

**Current capacity to work:**

**Goal:**

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

**Other Considerations include:**

- e.g. ergonomic training
- e.g. breaks
- e.g. treatment times
- e.g. reporting return to work difficulties to manager/supervisor and RTWC
- e.g. working within capacity and requesting assistance if required

**Monitoring compliance with the plan:** \_\_\_\_\_ (Return to Work Co-ordinator) and \_\_\_\_\_  
(Manager/Supervisor)

**Investigating return to work upgrades:** \_\_\_\_\_ (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 (injured worker name), supervisor and the 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 date 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.

(Injured workers name) \_\_\_\_\_ Date: \_\_\_\_\_

(Manager/Supervisor name) \_\_\_\_\_ Date: \_\_\_\_\_

(Nominated Treating Doctor) \_\_\_\_\_ Date: \_\_\_\_\_

**Please sign and return via email to [wcomp@unsw.edu.au](mailto:wcomp@unsw.edu.au) or via fax on 9663 4203**

*Return to Work Coordinator*

Copies to: (Injured workers name), (Manager/Supervisor name), Nominated Treating Doctor.

# Standard consent form for release of personal information

## UNSW Workers Compensation

Worker details			
Claim number			
Given name(s)		Surname	
Employer details			
Organisation			
Contact name		Position	
Phone		Email	

### Worker’s declaration

I have discussed this consent form with my employer. I understand that any information collected will be kept in a confidential case file, with access restricted to those who are directly responsible for coordinating and monitoring my recovery at work.

I understand that my employer will:

- only collect health information that is relevant and necessary to manage my recovery at work and coordinate the workers compensation claim
- only use and disclose information for the purpose for which it was collected
- keep any information collected separate from my other personnel records
- take reasonable steps to protect my information by ensuring it is stored securely, kept no longer than necessary and disposed of appropriately
- allow me to access my information without unreasonable delay, unless providing access would be unlawful or pose a serious threat to another person’s life or health.

Considering the above, I authorise and consent to the collection, use and disclosure of personal and health information relevant to managing my injury and workers compensation claim.

This information may be exchanged between my employer/insurer, my treating doctor(s) and my allied health practitioner(s), the workplace rehabilitation provider and the State Insurance Regulatory Authority (SIRA).

I understand that my consent is voluntary and I may change this consent at any time by notifying my employer verbally or in writing.

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Worker			
Signature		Date	
Employer representative			
Signature		Date	
Interpreter			
Signature		Date	
Name			