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Workplace Health and Injury Management Policy	1.0.2	June 2017
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Purpose

This policy states Greater Hume Shire Council's (GHSC) commitment to providing a safe, timely and durable return to work for all injured or ill employees and sets out the principles for managing the impact of a health condition or injury of an employee in the workplace, regardless of whether or not the health condition or injury is compensable.

This policy is based on the following principles:

- GHSC is responsible for ensuring the health, safety and welfare of all employees at work.
- Employees are responsible for their own health, wellbeing and ability to perform the duties for which they are employed. This includes taking appropriate steps to address any injuries or health issues they may have, or may develop, if these impact on their capacity to safely perform the inherent requirements and demands of their position.
- GHSC has the right to request medical assessment of the employee's injury or health condition where it impacts on their ability to safely perform the inherent requirements and demands of their position.
- The employee is to seek medical or other appropriate advice when directed to do so by the employer in the case of an employee having reduced capacity to safely perform the inherent requirements and demands of their position.
- The overall aim is to restore injured / ill employees to their fullest physical, psychological, vocational and economic capability.

Scope

This policy applies to all GHSC employees.

Definitions

Employee refers to an individual who works under a contract of employment with GHSC. For the purpose of this policy, this does not include: a contractor or subcontractor; an employee of a contractor or subcontractor; an employee of a labour hire company who has been assigned to work in the business or undertaking; a student gaining work experience; a volunteer; or a person involved with an employment scheme (such as work for the dole, etc).

Employer has the same meaning as a person conducting a business or undertaking under Section 5 of the *Work Health and Safety Act 2011*. For the purpose of this policy, the employer is Greater Hume Shire Council (GHSC).

Health Condition refers to illnesses or conditions sustained or developed by an employee, with a corresponding medical diagnosis. The nature of the health condition may be physical or psychological, acute or chronic, terminal or non-terminal.

Injury (compensable) means a personal injury arising out of, or in the course of, employment, and:

- includes:
 - a work-related injury or illness that is linked to a workers compensation claim lodged with the insurer, or
 - a disease contracted by an worker in the course of employment, where the employment was a contributing factor to the disease, or
 - the aggravation, acceleration, exacerbation or deterioration of any disease where the employment was a contributing factor to the aggravation, acceleration, exacerbation or deterioration, but
- does not include (except in the case of a worker employed in or about a mine to which the *Coal Mines Regulation Act 1982* applies):
 - a dust disease, or
 - the aggravation, acceleration, exacerbation or deterioration of a dust disease.

Note: Where a person suffers from a dust disease, compensation is provided in the *Workers Compensation (Dust Diseases) Act 1942*.

Injury (non-compensable) is an injury or health condition which is not compensable (non-work related) but impacts on the employee's ability to safely perform the inherent requirements and demands of their position.

The terms *non-compensable* and *non-work related* refer to all injuries or health conditions that are:

- Sustained or developed outside of the workplace, that is, NOT as a result of performing duties for GHSC
- Either sustained or developed prior to commencing employment with GHSC (referred to as a pre-existing condition) or whilst employed by GHSC that is not linked to a claim lodged with GHSC's workers compensation insurer.

Injury Management the process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable return to work for employees following workplace injuries.

Injury Management Plan (insurer) is a plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and / or retraining of an employee with a compensable injury, for the purpose of achieving a timely, safe and durable return to work. An Injury Management Plan is to be written by the insurer for all employees with significant compensable injuries.

Inherent requirements and demands of the position refers to the requirements and demands of the employee's substantive position at their substantive workplace (at which they are employed). This is also referred to as the employee's pre-injury duties.

Independent Medical Assessment (IMA) is a medical examination conducted by a suitable qualified independent medical practitioner, nominated by GHSC, for the purposes of assessing an employee's fitness to safely perform the inherent requirements and demands of their substantive position at their substantive workplace.

Insurer (workers compensation) is the NSW WorkCover Authority approved insurer engaged for the purposes of managing workers compensation claims for GHSC.

Medical Retirement is an employment decision to separate an employee from GHSC. This type of separation is always based on medical information obtained.

Pre-Injury Duties refer to the definition for Inherent requirements and demands of the position.

Return to Work Coordinator (RTW / RAW Coordinator) as a Category 1 employer, GHSC has a legislative obligation to appoint a Return to Work Coordinator who is suitably qualified, experienced and accredited by the NSW WorkCover Authority. GHSC's appointed Return to Work Coordinator is the Risk & WHS Coordinator.

Recover at Work Plan (RAW Plan) is a written, agreed and time limited plan stating suitable duties, restrictions, hours worked, supervision arrangements, regular monitor and review dates, including steps that will be taken to help the injured employee return to and recover at work. The RAW Plan is developed by the RTW Coordinator in consultation with all relevant stakeholders.

Suitable Duties are temporary, often graduated, medically appropriate duties to assist in the recovery from an injury or health condition that may be assigned to an employee who is working towards a return to their pre-injury duties, having regard to:

- the nature of the employee's incapacity and the pre-injury employment
- the employee's age, education, skills and work experience
- the employee's place of residence
- the details given in the medical certificate supplied by the employee
- the employee's injury management plan (for compensable injuries)
- workplace rehabilitation services available to the employee
- any suitable employment for which the employee has received rehabilitation training
- the length of time the employee has been seeking suitable duties
- any other relevant circumstances.

Policy Content

Injury Management is a coordinated approach to the management of injuries or health conditions with the aim of a timely, safe and durable return to work.

The Risk & WHS Coordinator has received accredited Return to Work (RTW) Coordination training from the NSW WorkCover Authority and provides a role in assisting employees with a health condition or injury to remain at, or return to, work as soon as possible in a safe and durable manner.

Employees with a health condition or injury are required to cooperate with injury management efforts and, in relation to compensable injuries, may also need to cooperate with GHSC's workers compensation insurer.

Where reasonably practical and medically appropriate, an offer of suitable duties will be made to employees with a health condition or injury. Suitable duties must be consistent with the employee's certified medical capacity, be meaningful and be provided for the purpose of increasing the employee's capacity for work.

GHSC will always endeavour to match the offer of suitable duties with the pre-injury / pre-illness work and conditions. Employees must make reasonable efforts to return to work, including:

- Being willing to accept work that is within their abilities and circumstances
- Undertaking any necessary rehabilitation and / or retraining to improve their chances of obtaining suitable work.

All offers of suitable duties must be agreed and documented in a *Recover at Work Plan (RAW Plan)*, which sets out any specific restrictions and identifies the suitable duties assigned to the employee, consistent with their certified medical capacity, as well as specifying the monitoring arrangements and timeframe for the Plan. Employees certified fit for a return to work on suitable duties cannot recommence work until the RAW Plan is communicated with, and confirmed by, relevant stakeholders.

Suitable duties are intended as an interim, short-term, injury management strategy that will safely assist the employee back into their pre-injury / pre-illness role within a reasonable timeframe, consistent with the nature of their injury or health condition.

Where medical certification determines the health condition or injury is long-term and an eventual return to pre-injury or pre-illness duties is not medically possible, workplace adjustments, retraining, redeployment, medical retirement or other options will be considered, in accordance with the injury management hierarchy.

The preferred hierarchy for injury management is:

- Pre-injury duties with GHSC
- Modified or reasonably adjusted duties with GHSC
- Different duties with GHSC
 - Note: Any internal transfer into another role within GHSC will be subject to merit selection requirements
- Pre-injury duties with a different employer
- Modified or reasonably adjusted duties with a different employer
- Different duties with a different employer.

For compensable injuries, any suitable redeployment and / or retraining options will continue to be managed by the workers compensation insurer for the duration of the claim.

Links to Policy

Employee General Health and Wellbeing Policy
Risk Management Policy
Work Health and Safety Policy

Links to Procedure

Risk and WHS Responsibility Authority and Accountability Procedure
Managing Work Related Injuries Procedure
Managing Non-Work Related Injuries and Health Conditions Procedure
Employee Assistance Program (EAP) Procedure

Links to Forms

Medical Information Consent
Recover at Work Plan

References

Nil

Responsibility

General Manager

Document Author

Risk & WHS Coordinator

Relevant Legislation

Anti-Discrimination Act 1977

Disability Discrimination Act 1992 (Commonwealth)

Health Records and Information Privacy Act 2002

Local Government (State) Award 2014

Privacy and Personal Information Protection Act 1998

WHS Act 2011

WHS Regulation 2011

Workers Compensation Act 1987

Workers Compensation Regulation 2010

Workers Compensation Dust Diseases Act 1942

Workers Compensation (Dust Diseases) Regulation 2013

Workplace Injury Management and Workers Compensation Act 1998

Associated Records

Nil