

Work Health and Safety and Workers Compensation Policy

1 Document Information

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Author	Risk Management Coordinator
Owner <i>(Relevant director)</i>	Director Finance and Corporate Services
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2 Summary

Council is required to provide worker's compensation and a return to work program for injured/ill workers. Worker's Compensation ensures that an employee is appropriately paid, and the Return to Work program ensures an early and positive commitment to get the injured/ill employee back to work safely, working towards rehabilitation for a permanent return to pre injury duties.

3 Approvals

Title	Date Approved	Signature
Director Finance and Corporate Services		

4 History

Minute No.	Summary of Changes	New Version Date
02/01/19	Reviewed October 2010	
21/01/02		
10/11/11	Adopted by Council	15 November 2010
11/12/26	Reviewed by RMO	19 December 2011
13/09/30	Readopted as per s165(4)	17 September 2013
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

Worker's Compensation and Return to Work Policy and procedure are required to provide all employees with full access to rehabilitation after an injury, and to assist them to return to pre injury work as soon as possible.

6 Scope

If an employee has a work related injury or illness and need medical treatment at either a hospital or your doctors', and/or the employee cannot work for a certain period of time because of that injury or illness, then they can claim workers compensation. This provides for coverage of wages whilst they are unfit for work or are on selected duties. The Return to Work program provides a means by which the employee is able to return to work under medical supervision until they are deemed fit for pre injury duties. Worker's compensation payments are made to permanent, permanent part time, part time and casual employees of Council, but exclude Councillors, volunteers and (generally) contractors.

7 Associated Legislation

Worker's Compensation Act 1987

Workplace Injury Management and Workers Compensation Act 1998

Work Health and Safety Act 2011

Work Health and Safety Regulation

8 Definitions

Injury Management Plan - A plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured worker, for the purpose of achieving a timely, safe and durable return to work for a particular employee

Insurer - Council's licensed Worker's Compensation insurance company as defined by New South Wales Workers' Compensation legislation ie, StateCover Mutual Limited.

Nominated Treating Doctor - The doctor nominated by the injured employee to provide and coordinate treatment.

Return To Work Co-ordinator – Trained Council appointed officer responsible for the co-ordination of rehabilitation for injured employees.

Return to Work Program – A formal Procedure that Council must have in place to help injured/ill workers with their recovery and return to the workplace.

Rehabilitation Provider - An external organisation appointed by Council or the insurer to provide individual case management to injured employees including the assessment of injured employees, inspection of work sites and re-training where required.

Significant Injury/Illness - An injury/illness arising out of or in the course of employment where an employee is unlikely to be able to undertake their usual duties and/or normal hours for a continuous period of more than seven days.

Suitable Duties - Those duties selected by Council within the restrictions as prescribed by the Nominated Treating Doctor on a Workcover Medical Certificate. Suitable duties are temporary restrictions and are subject to a review date. Tasks or jobs selected as appropriate for an employee to undertake in order to continue productive employment whilst recovering from injury

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy.

9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

9.3 Supervisors

Supervisors are responsible for assisting the Return to Work Coordinator in the selection of suitable duties and supervising the injured/ill employee who is working under a Return to Work Plan.

9.4 Employees

Employees who are injured or ill and are on worker's compensation must cooperate with the employer and comply with the requirements of the Return to Work Plan.

10 Related Documents

Document Name	Document Location

11 Policy Statement

Cabonne Council is committed to preventing injury and illness by providing a safe and healthy working environment. Council will ensure, as far as is reasonably practicable, that its Worker's Compensation and Return-To-Work requirement is committed to:

- Designating and supporting the Return-To-Work Coordinator,
- Providing an occupational rehabilitation process as soon as possible after a workplace injury/illness in a manner consistent with medical judgement that minimises lost time and ensures a staged return to normal duties,
- Ensuring that it is normal practice and expectation for an injured/ill employee to return to work as soon as possible after an injury/illness,
- Providing suitable duties/employment for an injured employee as an integral part of the rehabilitation process,
- Consulting with staff and their representatives to ensure that the rehabilitation of any injured/ill employee has been developed and is working effectively,
- Ensuring that participation in a Return-To-Work program will not, of itself, prejudice an injured/ill employee.
- Providing training for the prevention of workplace based injury and illness, and ensuring an effective system for the identification and review of the causes of injury,

Worker's Compensation and Return to Work and Rehabilitation Procedures.

A. WORKERS' COMPENSATION PROCEDURE

- Complete an Incident and Accident Report form for any injury, illness, accident, incident or near miss by the end of the day it occurs. These forms are available from your Supervisor.
- Time frames apply to Council with respect to notification of injuries/illness. The Supervisor must notify their Manager and the Risk Management Coordinator within 24 hours of their becoming aware of the incident.
- Give the completed Incident and Accident Report form to your immediate Supervisor who will conduct an investigation and where applicable take action to eliminate hazards.
- If an injury results in time lost from work or medical expenses, obtain an Employee's Compensation Claim form and an Authority Form from your Supervisor or Overseer, the Return to Work Co-coordinator or the Payroll Officer.
- Complete these forms honestly, and include the names of any witnesses to the injury or other people who may be able to verify your claim.
- Attach a Workcover Medical Certificate and forward this form to the Risk Management Coordinator/Return to Work Coordinator in Cudal.
- Forward all further medical certificates and accounts related to the injury to:
 - Return to Work Co-coordinator
Cabonne Council
PO Box 17
MOLONG NSW 2866
- Instruct all medical providers to send accounts to the same address.
- When a claim number has been advised, include that number on all correspondence (including timesheets) and accounts.
- As far as possible have doctors indicate the length of incapacity and any restrictions required for safe return to work on suitable duties, on the Workcover Medical Certificate.
- Carefully note and follow the recommended treatment by the doctor and rehabilitation service provider(s) where applicable.
- Maintain close liaison with the Return to Work Co-coordinator.
- Early rehabilitation is the primary aim. It is also the employees' responsibility to resume normal duties as soon as possible.

NOTE

- *Notice of an injury may be given orally or in writing except in the case of loss of or further loss of hearing where the notice must be in writing.*
- *If compensation is claimed, the claim must be made within six months after the injury or accident happened. However, failure to make a claim within six months is not to be a bar to the recovery of compensation if the failure was occasioned by ignorance, mistake, absence from the State or other reasonable cause.*
- *An employer is guilty of an offence under the Workers' Compensation Legislation if the employer:*

- *Fails to forward any claim or other documentation to the insurer within 7 days after the receipt; or*
 - *Fails, within 7 days, to provide the insurer with information requested and in the Council's possession or reasonably obtainable by Council; or*
 - *Fails, as soon as practicable, to pay over compensation received from the insurer to the person entitled.*
- Weekly payments are to commence as soon as practicable after the claim is duly made. If liability for the claim is disputed, the claimant can seek to have the claim reviewed by completing an **Application for Review of Decision** that will be provided by Council's insurer.
 - A party to any dispute relating to worker's compensation may request that the dispute be referred to the Worker's Compensation Commission.
 - The Council's Workers' Compensation insurer is:

StateCover Mutual Limited
PO Box H25
Australia Square
SYDNEY NSW 1215
 - Employees may be required to submit to a medical examination by a medical practitioner nominated by StateCover. Travelling expenses are claimable.
 - All medical certificates must be in the Workcover Worker's Compensation Medical Certificate format.
 - Compensation payments will be made fortnightly in line with Council's standard pay day.

Council's nominated Return to Work Co-coordinator is Council's Risk Management Coordinator.

B. RETURN TO WORK AND REHABILITATION PROCEDURE

Council will consult with the employee (and/or their representative(s) if requested) and then the Rehabilitation Provider regarding the rehabilitation programme and will ensure that no injured worker is disadvantaged whilst undergoing rehabilitation.

Council has implemented the following procedures to ensure a successful rehabilitation:

- The worker must give early notification of a work related injury. Notify Council of the injury/illness by the end of the day it occurred. Council must comply with injury/illness notification time frames.
- The Return to Work Co-ordinator will contact the injured worker to ensure that appropriate medical attention is being received and to prepare the injured worker for a safe and timely return to work consistent with medical advice.
- Where the nature of the injury warrants, the Council and/or the insurer may direct the employee to a Rehabilitation Provider.
- It is recognised that Council's insurer (StateCover) has the right to direct the injured employee to undertake examination by an appointed medical officer.
- When the injured worker is unlikely to resume previous duties or cannot do so without alteration to the workplace or working arrangements, the Return to Work Co-coordinator will consult with the treating doctor, allied health professionals and/or the Rehabilitation Provider to obtain assistance.

- The Return to Work Co-coordinator and/or rehabilitation provider in consultation with the nominated treating doctor will ensure that individual return to work strategies are developed where required.
- If it is determined by a specialist and/or the nominated treating doctor that the injured worker will never fully recover, Council will contact the Rehabilitation Provider to assist in determining appropriate permanently modified duties with Council, duties with another employer, or by assisting the employee to undertake vocational retraining.

Unsuccessful Rehabilitation

Where an employee has been absent for a period in excess of six months and all attempts of rehabilitation have been unsuccessful, there will be consultation between the Return to Work Co-coordinator, the injured worker, Council's Human Resource Coordinator and the medical practitioner regarding a re-deployment search or the termination of employment may be considered.

Casual Appointments

The General Manager has the authority to appoint casual or temporary staff to replace staff members absent for extended periods of Workers' Compensation.

Disputes

The Return to Work Co-coordinator will make every endeavour to resolve disputes by consultation with the worker, the Rehabilitation Provider and where applicable, the industrial union representing the worker. If a dispute cannot be resolved, the matter may be referred to the Worker's Compensation Commission.