

## Workers' Compensation Procedures

<b>Approving authority</b>	Vice President (Corporate Services)
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<b>Advisor</b>	For advice on this policy, contact the Team Leader, Wellbeing and Injury Management   Health, Safety and Wellbeing   <a href="mailto:workrehab@griffith.edu.au">workrehab@griffith.edu.au</a>   (07) 373 57320
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<b>Document URL</b>	<a href="http://policies.griffith.edu.au/pdf/Workers%20Compensation%20Procedures.pdf">http://policies.griffith.edu.au/pdf/Workers Compensation Procedures.pdf</a>
<b>TRIM document</b>	2018/0000081
<b>Description</b>	This document outlines Griffith University's commitment to ensuring provision of workers' compensation for staff members who sustain work-related injury/illness.

### Related University Documents

[Equity Diversity and Inclusion Policy](#)

[Griffith University Privacy Plan](#)

[Health and Safety Policy](#)

[Individual Grievance Resolution Procedure](#)

[Reporting and Recording Procedures for Incidents, Injuries, Dangerous Incidents, Hazards and Near Misses](#)

[Workplace Harassment, Bullying and Discrimination Policy](#)

[Workplace Rehabilitation Policy](#)

[Workplace Rehabilitation Procedures](#)

### External Links

[Anti-Discrimination Act 1991](#)

[Criminal Code Act 1899](#)

[Employee Assistance Program](#)

[Fair Work Act 2009](#)

[GSafe](#)

[Guidelines for Standard for Rehabilitation](#)

[Privacy Act 1988](#)

[Taxation Administration Act 2001](#)

[Transport Operations \(Road Use Management\) Act 1995](#)

[WorkCover Queensland](#)

[Workers' Compensation and Rehabilitation Act 2003](#)

[Workers' Compensation and Rehabilitation Regulation 2014](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulation 2011](#)

<https://www.fwc.gov.au/about-us/legislation-regulations/fair-work-act-2009>

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## 1. INTRODUCTION

The University is committed to ensuring staff members' health and safety in the workplace. However, staff members who sustain work-related injury/illness are entitled to workers' compensation benefits, in accordance with the *Workers' Compensation and Rehabilitation Act 2003*. Workers' compensation provides benefits to staff members sustaining injury or illness in the course of their employment, or their dependants where the injury results in the staff member's death. Benefits may include fair and appropriate costs of medical treatment, weekly payments and rehabilitation. The aim of these procedures is to ensure:

- staff members who sustain work-related injury/illness have access to workers' compensation benefits;
  - workers' compensation applications and claims are effectively administered;
  - workers' compensation applications and claims administration processes are coordinated with workplace rehabilitation practices; and
  - confidentiality of workers' compensation and rehabilitation information is maintained.
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## 2. SCOPE

These procedures apply to 'workers', as defined by the *Workers' Compensation and Rehabilitation Act 2003*, "a person who works under a contract and is a person for whom pay as you go (PAYG) tax instalments are required or would be required to be withheld by their employer".

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## 3. DEFINITIONS AND TERMS

**Engagement in a calling** – a calling means any activity ordinarily giving rise to the receipt of remuneration or reward including self-employment or the performance of an occupation, trade, profession, or carrying on of a business, whether or not the person performing the activity received remuneration.

**GSafe** – the University's online reporting system for all injuries/illnesses, hazards and near misses.

**Insurer** – see WorkCover Queensland.

**Journey Claim** - an entitlement for compensation may arise where an injury occurs on the way to or from work.

**Normal weekly salary/normal weekly earnings** -

(1) Normal weekly earnings are the normal weekly earnings of a worker from employment (continuous or intermittent) had by the worker in the 12 months immediately before the day the worker sustained an injury.

(2) If a worker has not had employment for the 12 months immediately before the day the worker sustained an injury, normal weekly earnings are the normal weekly earnings of the worker from employment (continuous or intermittent) had by the worker in the period in which the worker has had the employment.

(3) Normal weekly earnings are calculated as prescribed under a regulation.

**Rehabilitation** -

(1) Rehabilitation, of a worker, is a process designed to—

- (a) ensure the worker's earliest possible return to work; or
- (b) maximise the worker's independent functioning.

(2) Rehabilitation includes—

- (a) necessary and reasonable—
  - (i) suitable duties programs; or

- (ii) services provided by a registered person; or
  - (iii) services approved by an insurer; or
- (b) the provision of necessary and reasonable aids or equipment to the worker.

**Rehabilitation and Return to Work Coordinator (RRTWC)** - the RRTWC is a person who is appropriately qualified to perform the functions of a rehabilitation and return to work coordinator. The RRTWC is the link between an injured/ill worker, their treating doctor, management, supervisors, WorkCover Queensland and any other person involved in return to work. Griffith University Rehabilitation and Return to Work Coordinators can be found in the University phonebook under Health, Safety and Wellbeing (Injury Management).

**Suitable duties** – suitable duties are specially selected duties that are matched to a worker’s capacity for work. Suitable duties could mean doing their normal role but with restrictions or doing another job entirely.

**Suitable duties program** – a suitable duties program is the document outlining the agreed suitable duties and hours of work. A suitable duties program involves consultation between all key parties and will be monitored and upgraded as the worker’s recovery progresses.

**Total incapacity** – when the workers’ compensation medical certificate specifies that the injured/ill worker has no capacity for work (i.e. is totally unfit for any work).

**Treating medical practitioner** – the registered doctor or other medical professional (such as a Dentist) who provides treatment to an injured employee.

**WorkCover Queensland** – Griffith University’s workers’ compensation insurer is WorkCover Queensland. WorkCover will make decisions on claims regarding the University’s liability and will coordinate the overall rehabilitation plan based on the available medical information. WorkCover works closely with the RRTWC to ensure the safest and best possible return to work outcome for injured/ill workers.

**WorkCover Queensland Claims Assessor** – the WorkCover Queensland staff member responsible for determining liability of a workers’ compensation claim. The Claims Assessor may also manage the claim if it is one of short duration.

**WorkCover Queensland Customer Service Adviser** – the WorkCover Queensland staff member responsible for managing a workers’ compensation claim once the Claims Assessor has accepted liability for the claim.

**Worker** – a worker is a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953, schedule 1, part 2-5. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.

**Workers’ compensation** - compensation under the *Workers’ Compensation and Rehabilitation Act 2003*, that is,

- amounts for a worker’s injury payable under chapters 3 and 4;
- by an insurer to a worker, a dependant of a deceased worker;
- or anyone else, and includes compensation paid or payable under a former Act.

**Workers’ compensation benefits/payments** – payments made to a worker or employer (where the employer has continued to pay the worker) for lost wages or medical expenses relating to the work-related injury/illness. Benefits may include fair and appropriate costs of medical treatment, weekly payments and rehabilitation.

**Workers’ compensation claim** – a claim made via the injured worker’s employer or directly to WorkCover Queensland for a work-related injury or illness. The worker may be entitled to lost wages and/or payment of medical expenses relating to the injury.

**Workers’ compensation medical certificate** – this is a Workers’ Compensation Regulator medical certificate required for the lodgement of a workers’ compensation claim. Workers’ compensation medical certificates are issued by the worker’s treating doctor and should be provided by the treating doctor at each review.

**Workers' Compensation Regulator (the Regulator) – the Regulator** has many functions including administering of the medical assessment tribunals, providing administrative reviews of insurer decisions and educating the scheme about rehabilitation and return to work.

**Workplace incidents** - events resulting in injury, illness or plant/equipment failure that have occurred in the workplace, or a near miss where there is the potential for a workplace injury to occur.

**Workplace rehabilitation** - is a system of rehabilitation accredited by the Workers' Compensation Regulator that is initiated or managed by an employer.

**Work-related injury/illness** – is an injury that has arisen out of or in the course of employment. It may include injury or illness or aggravation of injury/illness.

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## 4. RESPONSIBILITIES OF THE UNIVERSITY

The University is obliged to:

- maintain a Workers' Compensation Insurance Policy; report workplace incidents and work-related injury/illness in accordance with legislation and the University's *Reporting and Recording Procedures for Incidents, Injuries, Dangerous Incidents, Hazards and Near Misses*;
  - facilitate staff member's applications for workers' compensation, if the staff member chooses to apply, in accordance with the *Workers' Compensation and Rehabilitation Act 2003*;
  - effectively administer workers' compensation claims in consultation with the insurer;
  - provide workplace rehabilitation following work-related injury/illness in accordance with the *Workers' Compensation and Rehabilitation Act 2003* and the University's *Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures*;
  - ensure all information pertaining to the claim is treated with respect to privacy and confidentiality, in accordance with legislation and Griffith University's *Privacy Plan*.
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## 5. RESPONSIBILITIES OF THE STAFF MEMBER

Staff members who sustain a work-related injury/illness will:

- report the incident/injury in accordance with legislation and the University's *Reporting and Recording Procedures for Incidents, Injuries, Dangerous Incidents, Hazards and Near Misses*;
  - follow the University's *Workers' Compensation Procedures* if they are applying for workers' compensation;
  - participate in workplace rehabilitation in accordance with legislation and the University's *Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures*.
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## 6. WORKERS' COMPENSATION INSURANCE POLICY

The University maintains a workers' compensation insurance policy with *WorkCover Queensland*. The policy ensures staff members have access to workers' compensation if they sustain an injury/illness, where their employment was a 'significant contributing factor'. For psychological illnesses, employment must be the 'major significant contributing factor'.

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## 7. APPLYING FOR WORKERS' COMPENSATION

### 7.1 Role of the injured/ill staff member

The injured/ill staff member will:

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- notify their supervisor of the injury/illness as soon as practicable, even if the injury/illness occurred away from their normal place of employment (e.g. overseas at a conference);
- seek first aid or medical treatment;
- report the incident in GSafe.

If the staff member wishes to apply for workers' compensation they must notify their supervisor of their intention and:

- contact the RRTWC for information and forms required for the lodgement of a workers' compensation claim;
- obtain a Workers' Compensation Medical Certificate from their treating medical practitioner;
- lodge a Workers' Compensation Claim with WorkCover Queensland either:
  - by giving the RRTWC permission to lodge the claim on their behalf; or
  - directly from the treating medical practitioner's surgery; or
  - over the phone to WorkCover Queensland 1300 362 128; or
  - by completing an online application directly via the WorkCover Queensland website.
- provide copies of all forms, including the Workers' Compensation Medical Certificate, and any medical accounts, to the RRTWC;
- maintain contact with their supervisor/manager regarding progress of the claim and recovery throughout the course of their rehabilitation;
- participate in workplace rehabilitation approved by the treating medical practitioner, and maintain contact with the RRTWC;
- submit further current Workers' Compensation Medical Certificates to the RRTWC; and
- continue participation in performance management processes as appropriate.

## **7.2 Role of the Supervisor/Manager**

The staff member's supervisor/manager will:

- where possible, assist the staff member to seek necessary treatment;
- notify the RRTWC as soon as possible of the injury/illness;
- ensure completion of the online Incident/Injury Report in GSafe in accordance with the *Reporting and Recording Procedures for Incidents, Injuries, Dangerous Incidents, Hazards and Near Misses*;
- provide information to the RRTWC to assist with the lodgement of the workers' compensation claim;
- maintain contact with the staff member throughout a workers' compensation claim regarding progress of the claim and recovery;
- ensure the staff member submits further medical certificates to the RRTWC;
- ensure the staff member completes a leave application through the Staff Portal for any periods of total incapacity;
- ensure workplace rehabilitation and suitable duties are available to facilitate early return to work; and
- continue normal performance management processes as appropriate.

## **7.3 Role of Human Resource Business Partners (HRBP)**

If contacted by an injured/ill staff member wishing to apply for workers' compensation or by the staff member's supervisor, the HRBP will:

- promptly direct the injured/ill staff member or supervisor to the RRTWC who will provide them with relevant forms and the process;

- direct the staff member or supervisor to the workers' compensation pages on the University website for further information and remind them to report the incident/illness in GSafe;
- immediately notify the RRTWC of the injury/illness to facilitate early workplace rehabilitation intervention;
- check staff member's leave balances where a work absence occurs, and notify the staff member, Payroll Services and the RRTWC if leave balance is insufficient to cover the period of work absence;
- submit any further paperwork received such as Workers' Compensation Medical Certificates to the RRTWC;
- advise the RRTWC of any leave requests and dates.

#### **7.4 Role of the Rehabilitation and Return to Work Coordinator (RRTWC)**

The RRTWC will:

- receive notification of the work-related injury/illness from WorkCover Queensland, HRBP, supervisor, medical practitioner or staff member and begin the process;
- provide workers' compensation forms and information to the staff member, and follow up workplace rehabilitation as soon as practicable;
- notify the supervisor of the work-related injury/illness and provide information regarding claims administration and workplace rehabilitation as soon as practicable;
- develop a suitable duties program where required, in conjunction with supervisor/manager, staff member and treating medical practitioner;
- contact the treating medical practitioner as soon as possible following notification of a staff member's injury/illness to commence workplace rehabilitation if required;
- monitor staff member's leave balances during work absence, maintaining contact as required with staff member, supervisor and Payroll Services;
- seek assistance from Payroll Services with leave enquiries where required;
- advise Payroll Services of accepted periods of total and partial incapacity for reimbursement of the worker's leave;
- manage workers' compensation claims and workplace rehabilitation in accordance with relevant legislation and University policy;
- provide reports to the University on workers' compensation trends and premiums.

#### **7.5 Forms and documentation required**

WorkCover Queensland requires notification of an injury within 8 business days of the date of injury, or of the employer being notified of the injury. The following documents need to be submitted for a claim to be considered by WorkCover Queensland:

- Claim Form (may be an electronic version or hard copy completed by the treating medical practitioner) and any supporting documentation, completed by the staff member and/or supervisor/manager;
- Workers' Compensation Medical Certificate obtained from the treating medical practitioner;
- Tax Declaration Form (available from WorkCover Queensland) in case of work absence, only where WorkCover Queensland will be paying the staff member directly.

The University requires the staff member to complete and send the following to the RRTWC:

- Payment Authorisation Letter (provided by the RRTWC);
- the Incident/Injury Report (through an invitation to view the report online via GSafe);
- Authorisation to Release Information Form (provided by the RRTWC).

The University also requires the staff member to complete a:

- Leave application online via the Portal, for all total incapacity medical certificates relating to the claim.

## 7.6 Time for applying

An application for Workers Compensation is valid and enforceable only if it is lodged by the staff member within 6 months with WorkCover after the “entitlement to compensation arises”. This is usually the day the staff member is assessed for the injury/illness by a treating medical practitioner.

## 7.7 Journey claims

A workers' compensation claim for injuries occurring on a journey may be accepted by the insurer.

The workers' compensation claim will not be accepted by the insurer if:

- the staff member is in contravention of the *Transport Operations (Road Use Management) Act 1995*, the *Criminal Code Act 1899*, or another corresponding law, or
- if there is a substantial delay, interruption of, or deviation from, the journey, unless the reason for the delay was connected with the staff member's employment, or beyond the staff member's control.

## 7.8 Recess claims

A workers' compensation claim may be accepted by the insurer, if the injury/illness occurs while the staff member is temporarily absent from the place of employment during an ordinary recess, if the worker is not voluntarily subjecting themselves to an abnormal risk of injury during that recess.

## 7.9 Claims administration

Once an application has been submitted, the WorkCover Queensland Claims Assessor or Customer Service Adviser administers the claim in consultation with the RRTWC.

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# 8. ASSESSMENT AND REVIEW OF WORKERS' COMPENSATION APPLICATIONS

Most applications are decided by WorkCover Queensland within 20 business days of receiving all the required paperwork, but some applications may take longer.

## 8.1 Decisions regarding applications

For a workers' compensation claim to be accepted by WorkCover Queensland, a personal injury must have arisen out of, or in the course of employment, if employment is a “significant contributing factor” to the injury. In cases of psychological or psychiatric disorder, work must be the “major significant contributing factor” to the illness.

A psychological claim will not be accepted if the injury arises out of:

- reasonable management action taken in a reasonable way by the employer in connection with the worker's employment;
- the worker's expectation or perception of reasonable management action being taken against the worker;
- action by the insurer in connection with the worker's application for compensation.

## 8.2 Review of workers' compensation decision

If a staff member or the University does not agree with a decision made by WorkCover Queensland about an application, the staff member or the University may apply to the Workers' Compensation Regulator for review of the decision within 3 months of receiving written notice of the decision.

## 8.3 Appeal of review decision

If a staff member or the University does not agree with a review decision given by the Workers' Compensation Regulator, an appeal may be filed to an industrial magistrate within 20 business days after receiving the review decision.

## **9. WORKERS' COMPENSATION BENEFITS FOR ACCEPTED CLAIMS**

### **9.1 Entitlement to compensation**

The staff member's entitlement to workers' compensation for an injury/illness arises on the day the staff member is assessed by a medical practitioner, provided a Workers' Compensation Medical Certificate is submitted. However, entitlement to weekly payment of workers' compensation starts the day after the worker stops work because of the injury, provided the application is submitted within time frames according to legislation. The University will pay the staff member for the day of injury.

Entitlement to workers' compensation will only continue where further Workers' Compensation Medical Certificates from the staff member's treating medical practitioner are submitted to WorkCover Queensland and WorkCover Queensland continue to accept liability for the claim.

### **9.2 Weekly payment entitlement**

If the claim is accepted and the person has time off work, the compensation payment is usually based on the average normal weekly earnings. However, after 26 weeks the payment rate drops to a lower rate and the staff member will receive weekly benefits directly from WorkCover Queensland on submission of a tax declaration form. WorkCover Queensland will advise the staff member and the University of the new rate, and any subsequent adjustments to their benefit.

Casual employees are normally paid directly by WorkCover Queensland.

### **9.3 Salary payments**

While a claim decision by WorkCover Queensland is pending, the staff member will continue to be paid from their leave credits if they are available (i.e. sick, recreation or accessible long service leave). If the claim is accepted, leave taken to cover absence will be re-credited and the staff member will receive back pay for any time taken as leave without pay. If the staff member accessed recreation leave and the claim is accepted, the staff member must repay any leave loading that was paid.

For accepted claims when the staff member is totally incapacitated, the University will continue to pay the usual fortnightly salary up to 26 weeks, from which time WorkCover Queensland will pay the staff member a lower rate.

If the staff member does not have sufficient leave entitlements to cover the period of absence while a claim is pending, or if the claim is rejected, the University will not continue to pay the staff member during the absence. The RRTWC will notify the staff member so that alternative arrangements can be made.

If the claim is denied, and where the staff member has received an incorrect payment, arrangements will be made with the staff member to repay the University.

### **9.4 Recreation leave**

Recreation leave will not be approved while a staff member has a Workers' Compensation Medical Certificate stating total incapacity, unless the leave was pre-arranged prior to the injury occurring. During periods of recreation leave, only work related medical expenses will be covered by WorkCover Queensland and they may request information from the staff member regarding their recreation leave.

### **9.5 Medical and rehabilitation expenses**

WorkCover Queensland will pay necessary and reasonable treatment costs related to an accepted claim while a staff member is covered by a Workers' Compensation Medical Certificate. This may include medication, medical or rehabilitation appointments, medical/rehabilitation equipment and hospital treatment.

### **9.6 Attending medical appointments**

If the Workers' Compensation Medical Certificate covers medical expenses or suitable duties, WorkCover Queensland will not usually cover work absences to attend appointments for treatment or therapy during work hours. Therefore, all medical appointments should be made outside of normal work hours if possible.

If WorkCover Queensland arranges specialist medical assessment, they will approve payment for work absence if this appointment is held during work hours.

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## **10. WORKPLACE REHABILITATION**

The University will provide workplace rehabilitation in the event of work-related injury/illness to facilitate the earliest possible safe return of the staff member to their pre-injury/illness position, in accordance with legislation and the University's *Workplace Rehabilitation Policy* and *Workplace Rehabilitation Procedures*. The staff member must satisfactorily participate in rehabilitation as soon as practicable after the injury/illness is sustained. Failure to participate in rehabilitation without reasonable excuse may result in WorkCover Queensland suspending entitlements until the staff member satisfactorily participates in rehabilitation. The staff member must advise WorkCover Queensland if intending to travel during rehabilitation.

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## **11. STAFF COUNSELLING**

For staff members requiring short-term counselling, the University has enlisted an external organisation to provide an employee assistance program (EAP). The program entitles Griffith University staff members and their immediate family up to four (4) sessions for each issue of counselling at no cost to them. Counsellors are available for face-to-face counselling and, over the telephone if requested.

If counselling is required and it relates to an accepted Workers' Compensation Claim, WorkCover Queensland may cover the cost of adjustment to injury and/or pain management counselling.

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## **12. CONFIDENTIALITY**

Information obtained during the claims and rehabilitation process will be treated with sensitivity and confidentiality. Approval to access or release medical or rehabilitation information relevant only to rehabilitation and return to work of the specific work-related injury/illness, will be sought from the staff member using the Authorisation to Release Information form. The RRTWC will release information to managers and supervisors only where information is required for workplace rehabilitation and return to work.

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## **13. NOTIFICATION OF RETURN TO WORK**

When a staff member receiving workers' compensation for an injury/illness returns to work, they must:

- give written notice to WorkCover Queensland within 10 business days of return to work or engagement in a calling;
  - provide a Workers' Compensation Medical Certificate indicating their fitness to return to work.
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## **14. CLAIM CLOSURE**

When a compensation claim is finalised, the staff member will stop receiving workers' compensation benefits. A claim may be finalised when:

- the staff member returns to work with the same or different employer; or
  - a medical practitioner provides a medical clearance; or
  - the claim is settled by WorkCover Queensland based on medical advice.
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If the staff member has been unable to return to work, the RRTWC will advise the staff member regarding access to alternative sources of income, such as superannuation. Residual incapacity due to work-related injury/illness will be managed in accordance with legislation and the University's *Workplace Rehabilitation Policy* and *Workplace Rehabilitation Procedures*.

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## **15. REVIEW**

It is the intent of the Workers' Compensation and Rehabilitation Act 2003 that policies and procedures relating to workplace rehabilitation are reviewed at least every three years. Therefore, in line with legislation, these procedures will be reviewed every three years along with the Workplace Rehabilitation Procedures and the Workplace Rehabilitation Policy.

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## **16. DELEGATED AUTHORITIES**

The Vice President (Corporate Services) is responsible for the oversight of strategic direction and procedures related to workers' compensation within the University.

Implementation of the Workers' Compensation Procedures is the responsibility of the Director, Health, Safety and Wellbeing.

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