1. INTENT

This procedure outlines the University’s process for the management of work and non-work related injury, illness and workers’ compensation claims. Following these procedures contributes to minimising time away from work, preventing further exacerbation of injuries and mitigating the financial and social impacts on the employee and the business.

2. ORGANISATIONAL SCOPE

This procedure applies to all Edith Cowan University employees.

3. DEFINITIONS

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECU</td>
<td>Edith Cowan University</td>
</tr>
<tr>
<td>Employee</td>
<td>A person employed by Edith Cowan University</td>
</tr>
<tr>
<td>First Certificate of Capacity</td>
<td>First Certificate of Capacity is prescribed by a medical practitioner to initiate the process for a Workers’ Compensation application and which specifies capacity for work including any medical restrictions and treatment recommendations.</td>
</tr>
<tr>
<td>Fitness For Work (FFW)</td>
<td>A state of physical and psychological wellbeing that enables a person to perform their work duties in a manner that does not compromise the safety or health of themselves or others.</td>
</tr>
<tr>
<td>HR Information System (HRIS)</td>
<td>The secure Payroll/HR database used by the University (currently Ascender Pay)</td>
</tr>
<tr>
<td>Inherent Job requirements</td>
<td>The tasks or functions that are a necessary part of the job.</td>
</tr>
<tr>
<td>Injury Management</td>
<td>The management of an injured or ill worker to successfully maintain or achieve a timely, safe and sustainable return to work.</td>
</tr>
<tr>
<td>Manager/Supervisor</td>
<td>The person with line management responsibility for any employee including all full time, part time and casual staff. A person responsible for controlling activities areas, workers or students.</td>
</tr>
</tbody>
</table>
4. GENERAL REQUIREMENTS

ECU is committed to early injury management intervention and actively encourages the reporting of both work and non-work related injuries and illnesses. Both work and non-work related injuries and illnesses are to be managed where they influence an employee’s ability to perform their role.

5. WORK RELATED INJURY MANAGEMENT COMPONENTS

5.1 Incident Management

In accordance with the University Incident Reporting and Investigation guideline:
Injured workers should seek or be provided with immediate first aid or medical assistance consistent with the injury/illness. All injuries and illnesses occurring in the course of work must be reported, as soon as practicable, and investigated.

5.2 First Certificate of Capacity

Injured employees seeking to apply for workers’ compensation will require a First Certificate of Capacity from a medical practitioner. Any claim for time away from work or medical expenses will only be compensable from the date of the First Certificate of Capacity and as stated on the First and Progress Certificates of Capacity.

5.3 Workers’ Compensation

5.3.1 Process for lodging a workers’ compensation claim

Upon receipt of a First Certificate of Capacity, the Safety and Employment Relations team will assist the employee to lodge a workers’ compensation claim with the Insurer.

Where an injured employee elects not to lodge or proceed with a claim payment of medical and allied health accounts will be the responsibility of the injured employee.

Delays in submitting a workers’ compensation claim may result in:

- medical expenses accumulating;
- impact on how efficiently medical treatment is received; and

Medical practitioner

A Registered Medical Practitioner, being a person qualified and registered to practise under the Health Practitioner Regulation National Law (WA) Act 2010 or equivalent State, Territory or International regulation, or other health practitioner as approved by the University.

Progress Certificate of Capacity

A Progress Certificate of Capacity is prescribed by a medical practitioner for ongoing issues relating to the injury (initially recorded with the First Certificate of Capacity).

Return to Work Program (RTW)

A written program developed in consultation with the injured / ill employee, manager/supervisor and medical practitioner, which sets out the overall return to work goal, outlines medical restrictions and identifies suitable duties, time frames and other actions to facilitate an employee’s maintenance at, or return to work.

Work related injury

In accordance with Section 5 of the Workers’ Compensation and Injury Management Act (1981), a work related injury is:

- a personal injury by accident arising out of, or in the course of employment, or while acting on the instructions of ECU; or
- a disease contracted in the course of employment; or
- the recurrence or aggravation of a pre-existing disease where the employment contributed to a significant degree.

It excludes psychological injuries arising from reasonable action taken by ECU in respect of the employees’ employment.
• may compromise acceptance of liability of the claim.

5.3.2 Determination of liability

Once a workers’ compensation claim has been lodged, ECU’s insurer will assess the claim and make a determination of liability. Where the insurer accepts a claim, employees are entitled to:

• reasonable medical and allied health treatment expenses
• compensation for loss of wages
• reasonable workplace rehabilitation expenses, travel and other expenses

Should a claim be pended for liability or declined, the Insurer will advise the injured employee in writing. This notification will provide advice as to the mechanisms available to the injured worker to seek further clarification or appeal any decision.

5.3.3 Leave

Until the workers’ compensation claim has been lodged and the insurer makes a determination of liability or the injured employee elects not to lodge a claim, they are required to access their available leave entitlements for any absences (including partial days) from work. In circumstances where leave entitlements have been exhausted, leave without pay must be taken for the period of incapacity. In the event that the insurer accepts liability, leave taken will be re-instated for anytime supported by a Workers’ Compensation Certificate of Capacity.

5.3.4 Maintaining workers’ compensation insurance

Each state within Australia has its own workers’ compensation requirement and for this reason, it is important that all employees have their working location recorded in HRIS to allow appropriate insurance cover. If an employee is to be employed internationally, ECU Insurance must be contacted to determine if additional coverage is required, in advance of the employee commencing their employment.

If at any stage an injured employee or their supervisor is uncertain of any aspect of this process, they should contact the Safety and Employment Relations (SER) team or the Insurer.

5.4 Injury Management

The University is committed to managing injured and ill workers in accordance with legislative requirements and industry standards.

5.4.1 Return to work plan

A Return to Work Plan is required when the employee’s treating Medical Practitioner:

• advises the Employer in writing that a return to work plan should be established for the employee.
• signs a medical certificate indicating that the employee has partial capacity to return to work: or
• signs a medical certificate indicating that the employee has total capacity to return to work but for some reason the employee is not able to return to the position they held immediately before the injury or illness occurred.

When a return to work plan is required it would be developed by the SER team, in consultation with the injured / ill employee, manager / supervisor and medical practitioner. The return to work plan sets out the overall return to work goal, outlines medical restrictions, suitable duties, time frames and other actions to facilitate a worker’s maintenance at and/or return to work.

It is the managers’ responsibility to provide meaningful alternative duties, supervision and regular communication with the injured employee during the return to work program.

A referral to an external vocational rehabilitation provider may be required in circumstances where the injury is complex, likely to impact on work capacity for more than a few months, or
where specialist expertise is required. The need for this type of referral will be discussed with the injured employee and their medical practitioner.

5.4.2 Employee participation

Injured employees are required to participate in the return to work process, which includes:

- keeping their supervisor informed of their medical status in relation to the work-related injury, even when certified unfit to work; and
- any absence from the workplace due to a workers’ compensation injury can only be covered by the insurer if documented on a Workers’ Compensation Certificate of Capacity and certificates cannot be backdated. In some circumstances, a case conference may be arranged between all parties and the treating medical practitioner to assist with resolving any barriers to recovery.

6. NON-WORK RELATED INJURY AND ILLNESS MANAGEMENT

A non-work related injury refers to an illness or injury (including physical, mental or psychological condition) that does not arise out of the course of employment.

A consistent approach is required in managing situations where a non-work related injury:

- has the potential to impact on the health, safety and welfare of the employee and/or others at work; and/or
- requires temporary or permanent modification to the employees duties or the way they go about their duties; and/or
- may result in significant periods of absences; and/or
- has the potential to inhibit the employee’s ability to fulfil the full requirements of the substantive role and responsibilities.

In accordance with the Occupational Safety and Health Act 1984 and ECU Enterprise Agreement, the following principles apply in relation to non-work related injuries and illnesses:

- An employee is responsible for taking reasonable care to ensuring the health, safety and welfare of themselves and avoid adversely affecting the health safety and welfare of other employees at work;
- An employee is responsible for their own health, well-being and ability to perform the duties for which they are employed. This includes taking appropriate steps to address any non-work related health issues they may have/develop if these impact on their capacity to safely perform the inherent job requirements and demands of their position;
- An employer has the right to request an assessment of the employee’s non-work related injury or health condition where it impacts on their ability to safely perform the inherent job requirements and demands of their position.

6.1 Return to work plan and reasonable adjustment

Where an employee discloses they are experiencing difficulties at work or is certified as having a reduced capacity for work because of a non-work related injury or illness, a return to work plan may be developed and implemented in order to maintain or return them to work as outlined in section 5.4 of this document.

The following steps are a guide to assisting with the implementation of reasonable work adjustments:

- Clarify and confirm the employee’s medical restrictions or recommendations.
- Identify the inherent job requirements of the role.
- Identify and record reasonable and effective adjustments that may be required.
- Place a copy of the adjustments record on the employee’s personnel file located in Payroll Services.
- Provide a copy of the agreed adjustment to the employee.
- Implement the adjustments as promptly as possible.
6.2 Access to Leave Entitlements

Where an employee is certified unfit for work due to a non-work related injury or illness, they may apply to access their accrued sick leave entitlements.

Should sick leave entitlements be exhausted, the employee may seek approval to use other leave entitlements or sick leave without pay in accordance with the relevant industrial instrument.

UniSuper members who are unable to work due to injury or illness may be eligible to claim a temporary or permanent incapacity benefit. Applications and assessment are managed through UniSuper.

6.3 Independent Medical or Other Relevant Expert Advice

Where a fitness for work issue has been identified or an employee is returning to work after an absence because of a physical, psychological injury or illness, the employee may be required to provide medical certification of their fitness to return to work before recommencing at work.

In some cases, independent specialist or other relevant expert evidence may be highly desirable as a means of resolving concern about whether a person can perform job requirements without exacerbating their condition. Written consent is required from employees to enable medical information to be obtained from the treating medical practitioner or relevant specialist.

If the employee does not provide consent, or withdraws their consent at any stage of the process, this must be referred to the Safety and Employment Relations team immediately in order to determine the required course of action.

6.4 Cessation of a RTW Arrangement for Non-work Related Injuries/Illnesses

An approved RTW arrangement may be ceased if any of the following occurs:

- the employee does not comply with the approved RTW arrangement;
- the employee revokes their medical authority;
- the workplace is unable to continue providing the RTW arrangement due to operational requirements; or
- the employee does not demonstrate increased functionality.

6.5 Permanent Inability to Undertake Inherent Job Requirements

If, following medical review, the employee is unable to perform the inherent job requirements and no permanent reasonable adjustment is possible, the employee's employment status will be reviewed by the University in consultation with the employee.

7. RELATED DOCUMENTS

This procedure is supported by the following documents, available from the Work Health, Safety and Wellness page of the Human Resources Services website:

- Incident Reporting and Investigation Guideline
- Fitness for Work Guideline
- Return to work plan template
- Authority and consent form
- Temporary parking permit application

Further information on Workers’ Compensation is also available from WorkCover Western Australia. [https://www.workcover.wa.gov.au/](https://www.workcover.wa.gov.au/).
8. CONTACT INFORMATION

For queries relating to this document please contact:

<table>
<thead>
<tr>
<th>Procedures Owner</th>
<th>Director Human Resources Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Enquiries Contact:</td>
<td>Safety and Employment Relations Team</td>
</tr>
<tr>
<td>Telephone:</td>
<td>08 6304 2302</td>
</tr>
<tr>
<td>Email address:</td>
<td><a href="mailto:osh@ecu.edu.au">osh@ecu.edu.au</a></td>
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9. APPROVAL HISTORY

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<td>3 May 2019</td>
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