

# Workers Compensation

1.0 Purpose

2.0 Scope

3.0 Procedure

3.1 Workers' Compensation Insurance Policy | 3.2 Forms and Documentation | 3.3 Application for Workers' Compensation | 3.4 Journey Claims | 3.5 Recess claims | 3.6 Claims administration | 3.7 Assessment and Review of Workers Compensation Applications |

4.0 Roles, Responsibilities, and Delegations when Applying for and Management of Workers' Compensation

5.0 Definitions

6.0 Information

7.0 Related policy documents and supporting documents

## 1.0 Purpose

This procedure outlines Griffith University's commitment to ensuring the provision of workers' compensation for staff members who sustain work-related injury/illness.

## 2.0 Scope

This procedure applies to all staff of Griffith University with work-related injury/illness. 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".

## 3.0 Procedure

As a values-based university, Griffith 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
- confidentiality of workers' compensation and rehabilitation information is maintained.

### 3.1 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'.

### **3.2 Forms and Documentation**

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 Injury Management and Wellbeing Partner (IM&WP)

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

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.

### **3.3 Application for Workers' Compensation**

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.

### **3.4 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.

### **3.5 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.

### **3.6 Claims administration**

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

### **3.7 Assessment and Review of Workers Compensation Applications**

Applications are decided by WorkCover Queensland within 20 business days of receiving all the required paperwork, however, some applications may and can take longer.

#### **3.7.1 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.

#### **3.7.2 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 three months of receiving written notice of the decision.

#### **3.7.3 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.

## **4.0 Roles, Responsibilities, and Delegations when Applying for and Management of Workers' Compensation**

### **4.1 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

## 4.2 Rehabilitation Team

The rehabilitation team will develop, implement, and monitor suitable duties programs and may include all, or some of the following persons:

- injured/ill staff member
- supervisor/manager of the injured/ill staff member
- treating medical practitioner
- Injury Management & Wellbeing Partner (IM&WP)
- Associate Director of Health & Wellbeing
- Wellbeing Specialist
- Other Health, Safety & Wellbeing roles
- WorkCover Queensland Customer Advisor
- associate/representative of the staff member (if requested)
- HR Business Partner
- Workplace Relations representative
- rehabilitation service provider (where required).

## 4.3 Injured/Ill Staff Member

The injured/ill staff member will:

- notify their manager/supervisor of the existence of any work-related 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
  - advise their treating medical practitioner of the availability of workplace rehabilitation
  - 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 IM&WP 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 IM&WP 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 IM&WP

- maintain contact with their supervisor/manager regarding the progress of the claim and recovery throughout the course of their rehabilitation
- participate in workplace rehabilitation approved by the treating medical practitioner,
- maintain contact with the IM&WP
- follow the University's Workers' Compensation Procedures if they are applying for workers' compensation
- maintain an accurate record of hours worked, signed by the supervisor, to provide to the IM&WP
- submit further current Workers' Compensation Medical Certificates to the IM&WP
- continue participation in performance management processes as appropriate.

#### **4.4 Supervisor/Manager**

The manager/supervisor will:

- notify the IM&WP as soon as possible of a staff member's 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;
- support and encourage the injured/ill staff member during workplace rehabilitation
- assist the staff member to seek necessary treatment
- provide relevant information assist with the lodgement of the workers' compensation claim
- assist the IM&WP to identify and coordinate suitable duties
- support reasonable adjustment to enable successful implementation of workplace rehabilitation and suitable duties
- 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 IM&WP
- ensure the staff member completes a leave application through the Staff Portal for any periods of total incapacity
- continue normal performance review processes during workplace rehabilitation.

#### **4.5 Injury Management & Wellbeing Partner (IM&WP)**

The IM&WP will:

- ensure an efficient system exists for early notification when staff members sustain a work-related injury/illness
- once they receive notification of the work-related injury/illness from WorkCover Queensland, HRBP, supervisor, medical practitioner, or staff member they begin the process
- assist the University with the duty to report the injury within 8 business days to WorkCover Queensland as soon as becoming aware of the injury
- initiate early communication with the injured/ill staff member to clarify the nature and severity of the injury and ensure initial notification processes are completed
- provide appropriate workers' compensation forms and information to the injured/ ill staff member,

- ensure information is provided to all staff members about the Workplace Rehabilitation Policy and Workplace Rehabilitation Procedures, and what to expect when an injury occurs, including this information in new staff induction programs
- educate managers/supervisors regarding their role and responsibilities for workplace rehabilitation
- ensure early intervention through early contact with all key parties, and:
  - contact the treating medical practitioner as soon as possible following notification of a staff member's injury/illness to commence workplace rehabilitation if required to:
    - promote workplace rehabilitation to treating medical practitioners to work cooperatively, and to gain their trust and assistance, and
    - provide a copy of the suitable duties program (SDP) to the treating practitioner where required
  - develop, coordinate, and monitor workplace rehabilitation and suitable duties programs in consultation with the rehabilitation team, ensuring consistency with the current medical certificate/report for the staff member's injury/illness.
- liaise with WorkCover Queensland about the injured/ill staff member's progress and suitable duties programs, including actual hours worked
- maintain accurate, relevant documentation, and confidentiality in accordance with the Guidelines for Standard for Rehabilitation under the Workers' Compensation and Rehabilitation Regulation 2014
- promote an internal culture of acceptance for workplace rehabilitation
- maintain a file for each staff member with a work-related injury/illness, which includes all documents, correspondence, dated case notes, and accounts, and:
  - ensure confidentiality is maintained for all written, verbal, and electronic information
  - maintain relevant statistics regarding workers' compensation and workplace rehabilitation
- provide reports to the University on workers' compensation trends and premiums
- provide injured workers with the opportunity to give feedback regarding workers' compensation and workplace rehabilitation.

#### **4.6 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 IM&WP 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 IM&WP 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 IM&WP if the leave balance is insufficient to cover the period of work absence
- submit any further paperwork received such as Workers' Compensation Medical Certificates to the IM&WP
- participate in the rehabilitation team processes as required



- advise the IM&WP of any leave requests and dates.

#### 4.7 Delegated Authorities

The Head of Element may approve:

- limited medical and rehabilitation costs until WorkCover Queensland accepts a claim
- other necessary and reasonable costs associated with the rehabilitation and return to work plan, e.g. equipment or training
- costs associated with providing a rehabilitation program for a staff member's non-work-related injury/illness.

The Chief Operating Officer is responsible for the oversight of strategic direction and procedures related to workplace rehabilitation within the University.

Implementation of the Workplace Rehabilitation Procedures is the responsibility of the Director, Health & Safety.

#### 4.8 Co-Workers

Co-workers outside of the rehabilitation team will be encouraged to support injured/ill staff members and will be informed about their co-worker's workplace rehabilitation-only as needed and as it relates to work.

### 5.0 Definitions

**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.

**Independent medical assessment (IMA)** – assessment by a medical practitioner arranged by the University to assess an employee's capacity for work.

**Injury Management and Wellbeing Partner – IMWP** - the IMWP is a person who is appropriately qualified to perform the functions of an Injury Management and Wellbeing Partner. The IMWP 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)

**Insurer** – see WorkCover Queensland.

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

**Non-work-related injury/illness** – an injury or illness that has not arisen out of employment.

**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 plan** - a written plan outlining the rehabilitation objectives and the steps required to achieve the objectives.

**Rehabilitation team**- a group of key Griffith staff (inclusive of managers/ supervisors, element heads, IM&WP, Director Health Safety & Wellbeing, Associate Director Health & Wellbeing, Wellbeing Specialist, Other Health, Safety & Wellbeing roles, Director Human Resources, Human Resources Business Partners, Workplace relations, General Council representatives) WorkCover Queensland, treating professionals (e.g., medical and allied health) that has the purpose of ensuring rehabilitation processes are managed.

**Rehabilitation service provider** – a person engaged to provide rehabilitation services to an injured employee. This may include, but is not limited to a Physiotherapist, Occupational Therapist, Psychologist, Rehabilitation Counsellor, Podiatrist, Osteopath, or Chiropractor.

**Staff** – a staff member is any employee of Griffith University 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 installments are required or would be required to be withheld by their employer.

**Suitable alternative employment** – if an employee is unable to return to their usual employment, the University may be able to assist the employee to locate suitable alternative employment considering the injury/illness, the employee’s qualifications and experience and business needs of the University.

**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 the 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.

**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 medical practitioner and should be provided by the treating practitioner 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 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.

## 6.0 Information

Title	Workers' Compensation Procedure
Document number	2023/0001234
Purpose	This procedure outlines Griffith University's commitment to ensuring the provision of workers' compensation for staff members who sustain work-related injury/illness.
Audience	Staff
Category	Operational
Subcategory	Safety
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal: 3: Good Health and Well-Being
Approval date	14/12/2023
Effective date	14/12/2023
Review date	14/12/2025
Policy advisor	Associate Director, Health and Wellbeing
Approving authority	Director, Health and Safety

## 6.0 Related Policy Documents and Supporting Documents

Legislation	<a href="#">Anti-Discrimination Act 1991 (Qld)</a> <a href="#">Criminal Code Act 1899</a> <a href="#">Disability Discrimination Act 1992</a> <a href="#">Disability (Access to Premises-Buildings) Standards</a>
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Employee Assistance Program  
 Fair Work Act 2009  
 GSafe  
 Guidelines for Standard for Rehabilitation  
 Human Rights Act 2019 (Qld)  
 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

**Policy**

Equity, Diversity, and Inclusion Policy  
 Griffith University Privacy Plan  
 Health, Safety and Wellbeing Policy  
 Staff Harassment, Bullying and Discrimination Policy  
 Workers Rehabilitation Policy

**Procedures**

Individual Grievance Resolution Procedure  
 Reporting and recording procedure for workplace incidents, injuries, illnesses or near misses  
 Workplace Rehabilitation Procedure

**Local Protocol**

Injury Management Kit - Staff  
 Injury Management Kit - Manager/ Supervisor

**Forms**

N/A