

Injury Management

Aim

The aim of this procedure is to detail the minimum requirements and processes involved in the event of an injury at any of the Organisation's potential workplaces.

Definitions

Employee

An individual who works under a contract of employment.

For the purpose of this procedure, it does not include contractors, subcontractors, labour hire employees, volunteers, and employment schemes (work for dole, work experience, etc.)

First Aid

Treatment given for a minor injury that does not require further treatment by a dedicated medical professional i.e. doctor, hospital, ambulance.

Injury

A personal injury arising out of or in the course of employment, and includes:

- a disease contracted by an employee 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.

Injury Management

Activities and procedures that are undertaken or established achieving a timely, safe and durable return to work for employees following workplace injuries.

Injury Management Plan – Insurer

A plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured employee. An Injury Management Plan is written for all employees with significant injuries.

Medical Assessment/Treatment

Treatment provided by a dedicated medical professional i.e. doctor, hospital, ambulance.

Notifiable Incidents (serious incident)

An incident that has resulted in fatality, a person placed on life support, loses consciousness, is trapped in machinery or confined space, has serious burns or an incident where there is an immediate threat to life.

Return to Work Plan

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 work.

Significant Injury

A significant injury is when an employee cannot undertake their usual duties for a continuous period of a particular number of days as determined by relevant state, territory, federal, industry legislation.

Suitable Employment (Duties)

Suitable Employment, in relation to a worker, means employment in work for which the worker is suited, having regard to the following:

- the nature of the worker's incapacity and the pre-injury employment,
- the worker's age, education, skills, and work experience,
- the details given in the medical certificate supplied by the worker,
- the provisions of any injury management plan for the worker,
- any suitable employment for which the worker has received rehabilitation training.
- the length of time the worker has been seeking suitable employment,
- any other relevant circumstances

In the case of employment provided by the worker's employer, suitable employment includes:

- the number of hours each day or week that the worker performs work, or
- the range of duties the worker performs, is suitably increased in stages (in accordance with a rehabilitation plan or return to work plan or likewise), and by the employer at the workplace or elsewhere, or
- by any other person or body under arrangements made with the employer,

A worker is to be regarded as suitably employed if:

- the worker's employer provides the worker with, or the worker obtains, suitable employment, or
- the worker has been reinstated to the worker's former employment under the relevant Industrial Relations Act.

Injury Management Policy

Opensore place the highest priority on the health safety and welfare of all its employees and is committed to preventing occupational injury and illness through providing a safe and healthy working environment.

Opensore shall ensure that an effective, systematic, and equitable approach to injury management is developed, implemented, communicated, and reviewed.

Early injury reporting and notification, accident investigation, preventative OHS risk management strategies and an active participatory approach by all involved will ensure the Opensore principal goals and objectives are achieved.

Opensore shall ensure, as far as is reasonably practical that commitment to effective Injury Management shall be demonstrated through:

- prevention of occupational injuries and illness through provision of a safe and healthy working environment
- allocation of necessary resources to the management of injury
- through consultation with employee representatives, develop a Return-to-Work Program
- ensuring early commencement of the injury management and return to work process with return to pre-injury duties the objective.
- provision of suitable employment (duties) for injured employees
- ongoing consultation and support of injured employees to ensure effective return to work.
- all workplace incidents are investigated with a 'no blame' philosophy.

Roles & Responsibilities

Directors

- To achieve the objectives set out in this procedure and ensure the effective implementation of this procedure.
- Monitor and review the effectiveness of this procedure.
- Allocate necessary training and resources to ensure all employees have the necessary skills and knowledge to implement and adhere to this procedure.
- Notify the WHS Coordinator immediately of any injury requiring medical treatment other than simple first aid and as required by this element.
- Ensure line managers are aware of their responsibilities and procedures that they must follow to ensure effective and efficient injury management.

- Implement, monitor, and review the effectiveness of this element at site level.
- Forward all injury management record files on site to the WHS Coordinator
- Discipline employees for breach of injury management procedures.

Management / Supervision

- Ensure that the injured employee receives the necessary first aid and/ or medical treatment, as appropriate for the injury/ illness. If in doubt, refer the injured employee for medical assessment.
- Immediately notify the Opensore Managing Director and the WHS Coordinator of any employee who requires medical assessment or treatment.
- Ensure the injured employee completes Workers Compensation claim forms if employee attends medical assessment or treatment and forward claim forms to the WHS Coordinator within 12 hours of the injury.
- Conduct an Accident Investigation within 24 hours.
- Assist the WHS Coordinator with identification and assessment of potential suitable employment (duties) for consideration in the injured employee's return to work plan.
- Ensure that any training and/ or workplace modifications as agreed to as part of an injured employee's return to work plan is completed.
- Monitor and review the injured employee's return to work plan progress, in liaison with the WHS Coordinator.
- Ensure that their responsibilities in relation to injury management are adhered to at all times.

WHS Coordinator

- Establish the overall Corporate Injury Management System
- Notify insurers within 24 hours of injury being reported by Management / Supervision
- Notify SafeWork of 'notifiable events'.
- Develop Return to Work Programs
- Liaise with the injured employee, nominated treating doctor, insurer, rehabilitation provider, specialists.
- Develop, implement, and monitor individual return to work plans.
- Provide support to the injured worker.
- in case management and record keeping
- Initiate review of injured site employees in conjunction with Opensore Manager on site
- Ensure 'alternate duties' are available where reasonably practical in consultation with project managers.

Employees

- Take reasonable care and comply with the Opensore Safety System, so as to prevent workplace injuries to themselves and others.
- Report all hazards, incidents, and injuries immediately to Management / Supervision.
- Cooperate with Opensore to enable it to meet its Injury Management obligations.
- Actively participate in any agreed individual return to work plan.
- Cooperate with reasonable workplace changes designed to assist the injury management of fellow employees.
- Attend any medical examination arranged by Opensore or its insurer for the purpose of assessing or reviewing their condition.
- Ensure that the scheduling of any medical treatment appointments take into consideration the operational requirements of their department or work group and to liaise with their line manager regarding this. This may include attending treatment times outside of designated work hours.
- Ensure that their responsibilities in relation to injury management are adhered to at all times.

Workers Compensation Insurance Providers

When notified of an injury, the insurance company must:

- contact the worker, the employer, and the treating doctor within three days, and consult with all relevant parties to ensure that the worker receives necessary assistance to recover and return to work,
- commence provisional liability payments of weekly benefits and medical expenses within seven days (unless a reasonable excuse exists),
- develop an injury management plan for a worker with a significant injury, and
- co-operate with its obligations under the injury management plan.

The insurance company will have a 'reasonable excuse' to not start provisional liability payments if:

- there is not enough medical information to make the decision,
- the worker is unlikely to be considered a 'worker' under workers compensation legislation,
- the insurance company is unable to contact the worker, after repeated attempts,
- the worker refuses access to information,
- the injury is considered not work-related,
- the injury is not a significant injury (in these cases, decisions must be made within 21 days),
- the injury was notified after two months of the date of injury.

General

All Opensore Managers, Supervisors and workgroup employees shall adhere to the injury management process as per this procedure.

When an injury occurs

- All injuries must be reported by the employee to their line manager immediately.
- Depending on the severity of the injury, the injured employee is to seek first aid and/ or medical treatment without delay.
- The Management / Supervision shall immediately notify the Opensore Directors who in turn shall notify the WHS Coordinator (verbal) immediately of any employee who requires medical assessment or treatment (other than first aid).
- If the injured employee requires medical treatment the treating Doctor shall determine if the injured employee
 - is fit for pre-injury duties.
 - is fit to for suitable duties.
 - is unfit to work.
- and will provide the injured employee with a SafeWork Medical Certificate.
- The injured employee must present the SafeWork Medical Certificate and any other documentation to their line manager.
- The line manager will provide the injured employee with Workers Compensation Employee claim form for completion.
- The SafeWork Medical Certificate and Employee claim forms and any other documentation are then to be forwarded to the WHS Coordinator within 12 hours of the injury.

In the case of an injured employee not being able to return to work to physically complete the forms, the line manager must notify the WHS Coordinator immediately and arrangements shall be put in place by the WHS Coordinator to contact the employee.

Notifiable incidents

SafeWork requires the immediate reporting of notifiable events which include serious injury. In all cases SafeWork must be notified within 12 - 24 hours of the incident.

Claims Management

The insurer must be notified by Opensore within 24 hours of injury notification be employee where a compensation claim will be made by the injured employee.

The notification involves the lodgement of incident/ injury notification, SafeWork Medical Certificate, and employee/ employer claim forms.

Provisional liability by the insurer will be provided within 7 days and complete liability being decided within 21 days. The injured employee will be notified by the insurer.

If liability for the claim is denied, the injured employee can dispute the decision: (Refer to Claims in Dispute). Any accounts, receipts, medical certificates that directly relate to the injury should be forwarded to the WHS Coordinator immediately, to enable efficient payment and/ or reimbursement from the insurer and/ or Opensore.

Return to Work Programmes

Opensore is committed to preventing injury and illness through the implementation of a systematic approach to the identification, assessment and control of hazards which may cause injuries and illness.

Opensore will ensure that the injury management process commences as soon as possible after an injury in a manner consistent with medical judgment and that early return to work by an injured worker is a normal practice and expectation. At no time shall any injured employee be disadvantaged as a result of their Return-to-Work management.

Opensore aim is to return injured employees to work according to the following preferred hierarchy of injury management goals.

1. Pre-injury duties/ pre-injury employer
2. Modified or reasonably adjusted duties/ pre-injury employer.
3. Different duties/ same employer
4. Pre-injury duties/ different employer
5. Modified or reasonably adjusted duties/ different employer.
6. Different duties/ different employer

The Return-to-Work Process

The employer shall nominate a Medical Treating Doctor if the injury results in the employee being unable to perform their pre-injury duties for a continuous period of 4 days or more.

If the injury is minor and as determined by the medical assessment the injured employee will return to “pre-injury duties.”

If the injury is not deemed as ‘significant’ and the employee classified as “fit for suitable duties,” the WHS Coordinator shall consult with the injured employee and their supervisor to develop an individual Return to Work plan consistent with the medical limitations. This plan shall detail agreed outcome, duties, hours of work, restrictions, review dates and shall be signed by the injured employee, supervisor, WHS Coordinator and nominated Treating Doctor. No suitable duties shall commence until they have been agreed to by the Nominated Treating Doctor (if contactable and replies to requests).

If the injury is ‘significant’ the commencement of the development of an Injury Management Plan must be started within 3 days of notification by Opensore. This Injury Management Plan will be developed by the insurer and contain specific requirements for the employer, insurer, and injured employee.

Injury management may not be necessary in all cases of work-related injury. However, early assessment of the need for injury management is imperative. Initial injury management contact will be made within 3 days by the WHS Coordinator for all workers compensation claims. Support will be provided to the injured employee, to monitor, review and effectively case manage including the provision of information and legislative rights and obligations during the return-to-work process.

The return-to-work process will follow the legislative requirements determined by SafeWork.

Involving an Accredited Rehabilitation Provider

Rehabilitation Providers are multi-disciplined teams of health professionals whose services may be engaged to assist in the injury management of injured employees. Rehabilitation Providers need to be accredited by the relevant state/ territory SafeWork body.

Rehabilitation Providers services shall be engaged when the workplace injury management of an injured employee is complex, and referrals shall be made as early as possible.

The right to referral of a Rehabilitation Provider may be made by an insurer, medical practitioner, and or employer.

The injured employee has the right to choose the Rehabilitation Provider.

Provision of Suitable Employment

Provision of suitable duties is an integral part of Opensore’s commitment to the Workplace Injury Management Program and an important aspect of helping the injured employee return to work in a safe and timely manner.

Suitable duties shall always be offered in accordance with relevant State Workers Compensation Act

Return to pre-injury duties following injury shall always be the initial objective.

In the allocation of suitable duties, consideration will firstly be given to suitable duties within the worker’s usual workgroup.

This provision includes outside employees undertaking duties within the office should there be no other suitable duties within their usual work groups.

Restricted hours, modification of a workplace, change in duties or a combination of factors will be considered when developing an employee's rehabilitation program.

Suitable duties shall be documented (Return to Work Plan), clearly listing the duties to be performed, working hours, physical/ medical restrictions, dates and times of medical treatment and Plan review.

Suitable duties shall be time limited, monitored closely (informal and formal) and regularly reviewed and upgraded.

Appropriate training must be given to injured employees on selected duties if they are working in a new area.

Duties may be changed as part of the rehabilitation process. This will occur in consultation with the worker, the treating doctor, the appropriate supervisor, the WHS Coordinator and if required, the Rehabilitation Provider.

Conclusion of Injury Management

Workplace Injury Management will conclude when an injured employee:

- resumes all pre-injury duties and hours; or
- returns to full employment of pre- injury position, but with modified duties acceptable to the employee and their department; or
- withdraws from their injury management program, in which case the appropriate parties will be notified; or
- is considered by a medical or injury management professional as unlikely to gain any further benefit from continued injury management; or
- ceases to be employed by Opensore, in this case the injured employee's injury management needs will be assessed through the Workers Compensation Insurer, and an accredited rehabilitation provider if appropriate.

Consultation of Employees

Particular needs of workers who speak a language other than English shall be considered.

Employees will be informed of their rights and responsibilities with regards to Opensore Injury Management Policy and Return to Work Program through the following

- Employee Induction
- Ongoing Development and Training
- Awareness and Information pamphlets
- Display summary of "Return to Work Program" on relevant noticeboards.

Dispute Resolution

Any conflict of interest or dispute should be resolved as quickly as possible in order to ensure effective injury management for the injured employee. It should be noted that Opensore is committed to making all reasonable efforts within its capability to resolve any dispute.

In the event of a dispute over an individual injury management case, the dispute shall be managed as follows:

- The WHS Coordinator shall attempt to informally resolve the dispute by coordinating discussions with, as appropriate and where applicable, the injured employee, supervisor, manager, treating Doctor(s), Rehabilitation Provider.
- Should the dispute not be resolved, the matter may be referred to a SafeWork Injury Management Consultant to facilitate resolution regarding fitness for work and the suitability of duties offered to the injured employee; or to a SafeWork Approved Medical Specialist in relation to medical disputes regarding the employee's condition or fitness for employment.
- If the matter still remains unresolved, the issue should then be referred to the Workers Compensation Commission.

Claims in Dispute

If the insurer decides to deny liability, the injured employee can dispute the decision through the Workers Compensation Commission.

Confidentiality

Opensore shall ensure:

- SafeWork Confidentiality of Rehabilitation Information guidelines for employers are adhered to.
- All injury management information concerning an injured worker is confidential.
- All case management files shall be kept separate to personnel files and access shall be limited to those who have direct responsibility in coordinating, monitoring, or providing return to work services to the injured worker, and those involved in providing clerical and administrative support. Access to information by relevant personnel shall be limited to information that is relevant to their area of responsibility for the injured employee.
- All records will be safely stored, secured and retained in line with SafeWork requirements.