



# Injury Management Policy

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<b>Policy Number:</b>	ML 1.16	<b>Date:</b>	23 <sup>rd</sup> October 2018
		<b>Approved by:</b>	Chief Executive Officer
<b>Version:</b>	1/2018	<b>Scheduled review date:</b>	1 <sup>st</sup> November 2019

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## 1. Statement of Context and Purpose

- 1.1 Melbourne Legacy (ML) is committed to providing a safe and healthy workplace for its workers, Legatees and visitors.
- 1.2 This policy defines the principles of this commitment and Melbourne Legacy’s approach to facilitating a timely and safe return to work where it is possible to do so.

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## 2. Scope

- 2.1 This policy applies to all employees, volunteers, contractors and other authorised personnel required to perform functions on behalf of Melbourne Legacy or on its premises.
- 2.2 This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to an employee, but should be considered a reasonable direction to staff. As such all employees, volunteers, contractors and other authorised personnel are expected to abide by this policy and report any suspected or known breaches of this policy.

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## 3. Related Documents

- 3.1 External Documents
  - a) Fair Work Act 2009 (Cth)
  - b) Melbourne Legacy Collective Agreement 2014
  - c) Occupational Health and Safety Act 2004 (Vic)
  - d) Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)
  - e) Accident Compensation Act 1985 (Vic)
  - f) Accident Compensation (Occupational Health and Safety) Act 1996 (Vic)
  - g) Workers Compensation Act 1958 (Vic)
  - h) Workplace Injury Rehabilitation and Compensation Regulations 2014
  - i) Occupational Health and Safety Regulations 2017
  - j) Magistrates’ Court (Occupational Health and Safety) Rules 2005

- 3.2 Internal Documents

Policies and Procedures:

- a) Workplace Health and Safety Policy
  - b) Grievance Handling Policy
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#### 4. Definitions

- 4.1 **Injury Management** is the process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable return to work for employees following workplace injuries or illnesses.
  - 4.2 **Rehabilitation** is a process involving early intervention with appropriate, adequate and timely services based on assessed needs and which is aimed at maintaining injured or ill employees in, or returning them to, suitable employment.
  - 4.3 **Return to Work Plan** is a plan or program developed to the specific needs of the employee in consultation with the employee, the employee's manager, the Chief Executive Officer, Melbourne Legacy's Insurer, Rehabilitation Provider and the employee's treating medical practitioner.
  - 4.4 **Suitable Duties** are duties for which the injured worker is medically suited whilst recovering. They will vary according to factors such as the type of injury sustained, medical restrictions, level of education or skills, pre-injury duties and hours of work. Suitable duties are meant to be a short term graduated arrangement that may include:
    - (a) Parts of the job the injured employee was going before the injury;
    - (b) The same job, but on reduced hours; and/or
    - (c) Different duties in the same or another section altogether.
  - 4.5 **Workplace Injury or Illness** means any injury or illness that arise in the course of, or in connection with, an employee's work, and to which work is a substantial contributing factor.
  - 4.6 **WorkSafe Agent** is the agency or in this case, insurer, responsible for managing claims on behalf of Melbourne Legacy and in line with the relevant State and Commonwealth legislation.
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#### 5. Responsibilities

- 5.1 Managers and Supervisors are responsible, as far as it is reasonably practicable for them to do so and within the scope of their authority, for ensuring that:
    - (a) The objectives of this policy are integrated into the workplace
    - (b) When a staff member suffers a workplace injury or illness, the Chief Executive Officer is notified as soon as practicable; and
    - (c) They are involved in the rehabilitation process and assist in any investigation required.
  - 5.2 Injured staff must:
    - (a) Participate and cooperate in the establishment of a Return to Work Plan and fulfil their obligations under the prospective plan;
    - (b) Nominate a treating doctor who is authorised to participate in the development of the Return to Work Plan, including provision of relevant information to the Insurer or Melbourne Legacy representative; and
    - (c) Make all reasonable efforts to return to their pre-injury position as soon as possible.
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- 5.3 The Workplace Health & Safety Coordinator is responsible for ensuring that:
- (a) Melbourne Legacy complies with all legislative requirements in relation to its injury management and rehabilitation obligations;
  - (b) An appropriate Rehabilitation Consultant is appointed where required;
  - (c) Written, individual return to work plans are agreed to and signed by all relevant parties and all parties are kept informed of the progress of the rehabilitation process;
  - (d) The progress of individual rehabilitation plans are documented; and
  - (e) All parties respect the confidentiality of staff rehabilitation information and records.
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## **6. Responsibilities**

- 6.1 Melbourne Legacy relies on its employees, volunteers, contractors and other authorised personnel to help maintain and grow its culture of honest and ethical behaviour.
- 6.2 ML will look unfavourably on any individual who falsely reports a claim. Disciplinary action may be taken against any employee who makes a report that is not in good faith. A report will not be considered to be made in good faith if it is frivolous, raised for a malicious reason or ulterior in motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made in good faith.
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## **7. Reporting an Injury or Illness**

- 7.1 All incidents which cause injury or illness to an employee must be logged and registered in accordance with the provisions as set out in Melbourne Legacy's Work Health and Safety Policy.
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## **8. Claiming Workers Compensation**

- 8.1 All employees are eligible to lodge a claim if an injury or illness was sustained while they were engaged in a work-related activity.
- 8.2 To submit a worker's compensation claim, employees should obtain an initial WorkSafe Certificate of Capacity from their Nominated Treating Doctor and submit a Worker's Injury Claim Form (which may be obtained from Melbourne Legacy's Intranet site or WHS Coordinator).
- 8.3 An injured or ill employee should notify their manager if their Nominated Treating Doctor places restrictions on their work capacity (as outlined on their WorkSafe Certificate of Capacity) as duties may need to be revised during the period of injury.
- 8.4 Prior to the claim being assessed, any expenses incurred up to the value of \$707, should be paid for by the employee. The employee should retain a receipt for any such expenses incurred prior to the claim being assessed and provide these to the Rehabilitation Coordinator. If the claim is subsequently accepted, all eligible expenses, to the value of \$707, will be refunded by Melbourne Legacy and any ongoing expenses will be covered by the insurer.

- 8.5 Throughout the claim period, the employee should ensure that he or she provides ongoing WorkSafe Certificates of Capacity which may be issued by the employee's, for example, nominated treating doctor, or physiotherapist. The recommendations outlined within an employee's Certificate of Capacity will facilitate the development of a Return to Work Plan.
- 8.6 The Workplace Health & Safety Coordinator, the employee's manager and/or a nominated representative of Melbourne Legacy will maintain contact with the injured employee throughout the duration of the claim.
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## **9. Provision of Employment and Suitable Duties**

- 9.1 To the extent that it is reasonable to do so, Melbourne Legacy will provide suitable employment to an injured worker if they have a current work capacity and provide pre-injury employment to them if they no longer have an incapacity or work.
- 9.2 To the extent that it is reasonable to do so, Melbourne Legacy will provide pre-injury or suitable employment to an injured worker for a period of 52 weeks of the employee's incapacity. This will commence from the date a WorkSafe Certificate of Capacity or a Worker's Injury Claim Form in which weekly payments are claimed is received from the employee or from when the WorkSafe Agent notifies Melbourne Legacy of receipt of same (whichever is the earliest).
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## **10. Return to Work Plan**

- 10.1 From the time that Melbourne Legacy receives a Worker's Injury Claim Form in which weekly payments are claimed or the initial WorkSafe Certificate of Capacity from the employee of the WorkSafe Agent notifies ML of receipt of same (which ever is earliest), Melbourne Legacy will, to the extent that it is reasonable to do so, commence return to work planning for an injured employee.
- 10.2 As part of the planning, Melbourne Legacy will:
- (a) Obtain relevant information about the injured employee's capacity for work;
  - (b) Consider reasonable workplace support, aids or modifications to assist the employee's return to work;
  - (c) Assess and propose options for suitable employment or pre-injury employment;
  - (d) Engage in consultation about the return to work of the employee; and
  - (e) Provide the employee with clear, accurate and current details of their return to work arrangements; and
  - (f) Monitor the employee's progress as often as is necessary to enable the employee to return to work in employment which is consistent with the employee's capacity for work.
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## **11. Consultation**

- 11.1 Melbourne Legacy will, to the extent that is reasonable to do so, consult with the employee, the employee's nominated treating doctor and occupational rehabilitation provider (if one is involved) in relation to the injured employee's return to work.
- 11.2 Melbourne Legacy will consult with the parties listed in clause 11.1 above, by:
- (a) Sharing information about the employee's return to work;
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- (b) Providing a reasonable opportunity for the injured employee to consider and express their views about the employee's return to work; and
  - (c) Taking those views into account.
- 11.3 Melbourne Legacy will consult directly with the employee about their return to work. The injured employee at all times is welcome to bring a support person to any meeting throughout the consultation period.
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## **12. Employee Return to Work Rights and Obligations**

- 12.1 An injured employee's rights are:
- (a) To be provided with return to work information and be consulted about how that information is to be made available;
  - (b) To the extent that it is reasonable for Melbourne Legacy to do so, to be provided with suitable employment if they have a current work capacity or pre-injury employment if they no longer have capacity for work for a period of 52 weeks;
  - (c) To be consulted by Melbourne Legacy about planning their return to work;
  - (d) To be provided with clear, accurate and current details of their return to work arrangements as part of planning for their return to work;
  - (e) To the extent that it is reasonable for Melbourne Legacy to do so, to be consulted and be provided with information about their return to work. The injured employee must be given a reasonable opportunity to consider and express their views about their return to work and have those views taken into account; and
  - (f) To be assisted or supported by their support person during any stage of the return to work process, including the consultation period.
- 12.2 An injured employee's obligations are:
- (a) In cooperation with Melbourne Legacy and the insurer, to make reasonable efforts to actively participate and cooperate in planning for their return to work;
  - (b) In cooperation with Melbourne Legacy and the insurer, to make reasonable efforts to return to work in a suitable or pre-injury employment at their place of employment or at another place of employment;
  - (c) To actively use an occupational rehabilitation service where provided and cooperate with the provider of that service;
  - (d) To actively participate and cooperate in assessments of their capacity for work, rehabilitation progress and/or future employment prospects at the request of Melbourne Legacy and/or the insurer;
  - (e) To actively participate and cooperate with the representative of the Agent or insurer in an interview to enhance their opportunities to return to work, as required; and
  - (f) If an issue about their return to work arises, to attempt to resolve the issue in accordance with the procedure for resolving return to work issues.
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## **13. Nominate and Appoint a Return to Work Coordinator**

- 13.1 The Workplace Health & Safety Coordinator is Melbourne Legacy's nominated Return to Work Coordinator and is competent to assist Melbourne Legacy meet our obligations under Part VIIIB of the *Accident Compensation Act 1985* (Vic).
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## **14. Where to get help**

14.1 An injured employee may contact:

14.1.1 Melbourne Legacy's Workplace Health & Safety Coordinator

Name:  
Phone:  
Mobile:  
Email:  
Postal Address:

14.1.2 Melbourne Legacy's Agent/Insurer:

Name:  
Phone:  
Email:  
Website:  
Postal Address:

14.1.3 WorkSafe Victoria

Phone: 1800 136 089 or (03) 9641 1444  
Email: [info@worksafe.vic.gov.au](mailto:info@worksafe.vic.gov.au)  
Website: [worksafe.vic.gov.au](http://worksafe.vic.gov.au)  
Postal Address: WorkSafe, Ground Floor, 222 Exhibition Street, Melbourne 3000

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## 15. Dispute Settlement

15.1 Where a dispute arises throughout the period to which Melbourne Legacy is supporting an injured employee's return to work, Melbourne Legacy will resolve return to work issues in accordance with its Grievance Handling Policy.

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## 16. Consequences of a Breach of this Policy

- 16.1 ML emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to ML's information resources.
- 16.2 Failure to comply with one or more of the above obligations outlined in clause 12.2 may result in an injured employee's payment being suspended, terminated or ceases and determined in accordance with the *Accident Compensation Act 1985* (Vic) by Melbourne Legacy's Agent.
- 16.3 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy and Procedure.
- 16.4 Similarly, a Legatee or volunteer found to be in breach of the requirements of this policy may be subject to disciplinary action in accordance with ML's Legatee Code of Conduct.
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## 17. Policy Review

- 17.1 ML may make changes to this Policy at any time and will inform Legatees, volunteers and staff accordingly.
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## 18. Authorisation

Approved by Melbourne Legacy Chief Executive Officer:

**Justin Elwin**

Date: 23 / 10 / 2018

Ratified by:

**Melbourne Legacy Board of Management**

Date: 23 / 10 / 2018

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