

	<h2>WORKER'S COMPENSATION</h2>	Document No:	WHS-PRO-041
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1. Purpose

The aim of this procedure is to ensure that:

- There is a process to assist injured employees to claim Worker's Compensation
- Reasonable effort is made to provide safe and healthy workplaces for ACBC workers
- Reasonable steps are taken to prevent further injuries
- Rehabilitation and Return to Work commences as soon as possible after an injury/illness
- Injured workers are supported by their supervisor and co-workers during the Return to Work process

2. Scope

This procedure applies to all ACBC Agencies. It covers all ACBC employees and certain contractors as defined by legislation in the applicable jurisdiction.

3. Related Documents

[ACBC Work Health & Safety Policy](#)

[ACBC Rehabilitation for Work and Return to Work Guidelines](#)

Australian Capital Territory:	Workers Compensation Act 1951, Workers Compensation Regulation 2002
New South Wales:	Workplace Injury Management and Workers Compensation Act 1998 Workers Compensation Regulation 2010
Queensland:	Workers' Compensation and Rehabilitation Act 2003 Workers' Compensation and Rehabilitation Regulation 2003
Victoria:	Accident Compensation Act 1985, Accident Compensation Regulations 2012
South Australia:	Return to Work Act 2014 Return to Work Regulations 2015
Northern Territory:	Return to Work Act Return to Work Regulations
Tasmania:	Workers Rehabilitation and Compensation Act 1988 Workers Rehabilitation and Compensation Regulations 2011
Western Australia:	Workers' Compensation and Injury Management Act 1981 Workers' Compensation and Injury Management Regulations 1982

4. Definitions

Workers Compensation Agent

The Workers' Compensation Agent is the insurance company that administers the Workers' Compensation Scheme on behalf of the Workplace Authority. In Queensland, the agent is WorkCover Queensland, a State Government Entity. In Victoria, the agent is Gallagher Bassett Services Workers Compensation Vic Pty Ltd; in the Australian Capital Territory, New South Wales, Western Australia and South Australia, the agent is Catholic Church Insurance Limited.

Supervisor

The Supervisor is a Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of the injured employee.

Case Manager

On sites where there is no Return to Work Coordinator, the Case Manager is a person on site, who the applicable agency head has appointed to liaise with the injured employee and the Return to Work Coordinator.

RTW Coordinator

The Return to Work Coordinator is a worker, who has completed the approved training. At ACBC, the RTW Coordinators are as follows:

Agency	Return to Work Coordinator
Secretariat for Social Justice Caritas Australia Catholic Earthcare Australia	Senior Manager, People and Culture, Caritas Australia
General Secretariat Media and Communications Department National Centre for Pastoral Research Office of the Business Manager Digital Technology Office Facilities and Maintenance Team Finance Office Office for Employment Relations Public Policy and Research Department Secretariat for Canon Law Secretariat for Doctrine and Morals Secretariat for Ecumenism and Inter-religious Relations Secretariat for Evangelisation Australian Catholic Office for Film and Broadcasting National Centre Evangelisation incorporating the Catholic Enquiry Centre Office for Clergy and Ministry Office for Lay Pastoral Ministry Office for the Participation of Women Office for Youth Secretariat for Life, Family and Public Engagement Secretariat for Liturgy National Office for Liturgy Secretariat for Social Justice Catholic Social Services Australia Australian Catholic Migrant and Refugee Office Disability Projects Office Office for Social Justice Secretariat for Relations with Aborigines and Torres Strait Islanders Secretariat for the Plenary Council Plenary Council Facilitation Team	Employment Relations Advisor, Office for Employment Relations
Secretariat for Catholic Education National Catholic Education Commission Secretariat	Manager Governance and Corporate Services National Catholic Education Commission Secretariat

5. Responsibilities

Injured/Ill Employee

The injured or ill employee must:

- Report the injury or illness as soon as possible to their Supervisor
- Consult a medical practitioner and obtain a WorkCover Medical Certificate (Certificate of Capacity or First Medical Certificate)
- Provide the Return to Work Coordinator with documentation and information required to lodge the Worker's Compensation Claim
- Participate in a Return to Work program

Supervisors

Supervisors are responsible for ensuring that:

- Reported accidents and work related illnesses are investigated, and the recommended action(s) to prevent recurrence are implemented.
- They report injuries and work related illnesses to the RTW Coordinator
- The name and contact details of the RTW Coordinator are displayed in their workplaces
- They appoint a Case Manager to liaise with the injured employee and the RTW Coordinator (on sites where there is no RTW Coordinator)
- They cooperate with the Case Manager and the RTW Coordinator to provide suitable duties for the injured or ill employee
- They support the injured or ill employee while they are participating in a Return to Work Program.

Workers and co-workers

Workers should:

- Assist their Supervisors in determining the most suitable action(s) to be taken to prevent a recurrence of the injury or illness
- Support the injured or ill employee while they are participating in a Return to Work Program

Case Managers

Where a Case Manager has been appointed, they are responsible for:

- Remaining in regular contact with the injured or ill employee.
- Obtaining any documentation required from the injured or ill employee (e.g. WorkCover Medical Certificates, receipts for medical expenses, claim forms etc.)
- Forwarding documentation to the RTW Coordinator
- Assisting the RTW Coordinator in developing a Return to Work Plan for the injured or ill employee
- Assisting the RTW Coordinator in monitoring the Return to Work Plan

Note: Case Managers are not expected to liaise with Workers Compensation Agents or medical practitioners. Case Managers must forward these queries to the RTW Coordinator.

Return to Work Coordinator (RTW Coordinator)

The role of the RTW Coordinator is to:

- Lodge and manage Workers Compensation Claims
- Forward required documentation to the Workers Compensation Agent
- Liaise with the injured or ill employee, medical practitioners, Supervisors and Workers Compensation Agents (and Case Managers) to develop a Return to Work Plan for the employee
- Monitor the progress of Return to Work Plans
- Consult with Supervisors to determine suitable alternate duties for the injured or ill employee
- Coordinate the Return to Work Program at their allocated sites

6. Making a Worker's Compensation Claim

Australian Capital Territory

A Worker's compensation claim must be made within three (3) years of the date of the injury or the date that they become aware of the injury.

1. The employee or supervisor must report the Incident according to WHS-PRO-009, and to the RTW Coordinator. **Note:** The incident must be reported in writing by completing an Incident/Hazard Reporting and Investigation form ([WHS009](#)). This report forms the Register of Injuries.
2. If this is a notifiable incident, notify the WorkCover Authority in your jurisdiction according to WHS-PRO-019: Incident Notification.
3. The RTW Coordinator must inform the Worker's Compensation Agent within 48 hours of receiving notification of the incident using the Agent's own processes (e.g. using the [Employer's Report of Injury](#) form from Catholic Church Insurance).
Note: If the employer fails to give notice within the specified timeframe (48 hours), the employer is directly liable for weekly compensation from the end of the notification time until the notice is given to the Worker's Compensation Agent and cannot be reimbursed by the Worker's Compensation Agent for compensation paid prior to the date of notification.
4. The injured employee must obtain an approved medical certificate from their nominated treating medical practitioner.
5. If the employee is likely to be incapacitated for work for seven (7) days, the Worker's Compensation Agent must make contact with the injured employee, employer and (if appropriate and practical) the employees nominated treating doctor, within three (3) business days.
6. The injured employee must complete a Worker's Compensation claim form (which the RTW Coordinator will provide), attach the approved medical certificate to the form and forward it to their RTW Coordinator.
7. The RTW Coordinator must submit the following documentation to the Worker's Compensation Agent within seven (7) days of receiving the claim from the injured employee:
 - Worker's Compensation claim form
 - Injured employee's approved medical certificate
 - Information on the employee's normal weekly earnings
 - Any other relevant documentation, such as receipts or invoices for medical and like expenses
8. The Worker's Compensation Agent will either accept or reject the claim within 28 days.
9. The employer must make sure that any payments to the employee received from the insurer are immediately paid to the injured employee

New South Wales

A Worker's compensation claim must be made within six (6) months of the date of the injury.

1. The employee or supervisor must report the Incident according to WHS-PRO-009, and to the RTW Coordinator. **Note:** The incident must be reported in writing by completing an Incident/Hazard Reporting and Investigation form ([WHS009](#)). This report forms the Register of Injuries.
2. If this is a notifiable incident, notify the WorkCover Authority in your jurisdiction according to WHS-PRO-019: Incident Notification.
3. The RTW Coordinator must inform the Worker's Compensation Agent within 48 hours of receiving notification of the incident.
Note: The employer may have to pay a claims excess if they are not notified within 48 hours of being informed of the injury.
4. The injured employee must obtain a WorkCover Certificate of Capacity from their treating medical practitioner.
5. In general, the employee will not need to complete a [Worker's Injury Claim form](#). The injured

employee will only need to complete a Worker's Injury Claim form if the following applies:

- the scheme agent or insurer has a reasonable excuse to not commence provisional liability payments and has notified the employee
 - weekly payments exceed the 12 week provisional liability period or medical expenses exceed \$7500 and there is insufficient information to determine ongoing liability
 - the injury has been notified but there is insufficient information to determine liability
6. If required, the injured employee must complete a [Worker's Injury Claim form](#) and return it to The RTW Coordinator.
 7. The Return to Work Coordinator must submit the following documentation to the Worker's Compensation Agent:
 - Worker's Injury Claim Form.
 - Injured employee's Certificate of Capacity (signed by the injured employee).
 - Information on the employee's normal weekly earnings.
 - Any other relevant documentation, such as receipts or invoices for medical and like expenses.

Provisional liability enables an insurer to start paying weekly benefits and medical expenses to an injured employee without admitting or incurring liability under the legislation or otherwise. Provisional liability allows weekly payments to continue for a maximum of 12 weeks and payment of medical expenses*. It also extends the time allowed for the insurer to make a final decision on liability.

** Check NSW workers insurance's website for limits of medical and like insurances*

The Worker's Compensation Agent will begin to make provisional liability weekly payments to the employee within seven (7) days of being notified of the injury. If the payments do not commence within that period, the Worker's Compensation Agent must advise the employee of the reason(s) in writing, and of any actions that the employee may take.

Victoria

If an injury is reported to the employer in writing within 30 days of it occurring or the employee becoming aware of it, there is no time limit for a Worker's Compensation Claim to be lodged.

1. The employee or supervisor must report the Incident according to WHS-PRO-009, and to the RTW Coordinator. **Note:** The incident must be reported in writing by completing an Incident/Hazard Reporting and Investigation form ([WHS009](#)). This report forms the Register of Injuries.
2. If this is a notifiable incident, notify the WorkCover Authority in your jurisdiction according to WHS-PRO-019: Incident Notification.
3. The injured employee must obtain a WorkCover Certificate of Capacity from their treating medical practitioner.
4. The injured employee will need to complete a [Worker's Injury Claim Form](#) and give it to the Return to Work Coordinator to complete the Employer section of the form.
5. The Return to Work Coordinator must complete the "Employer" section and give the employee a copy of the completed claim form.
6. The Return to Work Coordinator must complete an [Employer Injury Claim Report](#).
7. The Return to Work Coordinator must submit the following documentation to the WorkCover Agent:
 - Worker's Injury Claim Form.
 - Employer Injury Claim Report.
 - Injured employee's Certificate of Capacity (signed by the injured employee).
 - Information on the employee's normal weekly earnings.
 - Any other relevant documentation, such as receipts or invoices for medical and like expenses.

This must be done within 10 days. **Note:** If you receive a form that does not have all the information filled in by the employee, you should still forward it to your Worker's Compensation Agent.

8. In most cases, the Return to Work Coordinator will be able to lodge the claim electronically.

If the employer does not agree with the claim, or has information that may affect the claim, the Return to Work Coordinator should forward the information to the Worker's Compensation Agent.

Queensland

A Worker's compensation claim must be made within six (6) months of the date of the injury.

1. The employee or supervisor must report the Incident according to WHS-PRO-009, and to the RTW Coordinator. **Note:** The incident must be reported in writing by completing an Incident/Hazard Reporting and Investigation form ([WHS009](#)). This report forms the Register of Injuries.
2. If this is a notifiable incident, notify the WorkCover Authority in your jurisdiction according to WHS-PRO-019: Incident Notification.
3. The RTW Coordinator must inform the Worker's Compensation Agent as soon as possible after receiving notification of the incident
4. The injured employee must obtain a Q-COMP medical certificate from their treating medical practitioner.
5. The employee may lodge the claim themselves online or ask their RTW Coordinator to assist them with lodging a claim from the WorkCover Queensland website.
<https://www.worksafe.qld.gov.au/rehab-and-claims/injuries-at-work/making-a-claim>
6. The Return to Work Coordinator must submit the following documentation to the WorkCover Agent:
 - WorkCover Claim Form
 - Injured employee's Q-Comp certificate (signed by the injured employee)
 - Information on the normal employee's weekly earnings
 - Any other relevant documentation, such as receipts or invoices for medical and like expenses
7. The Worker's Compensation Agent will make a decision regarding the claim within 20 days of receiving the claim.
8. If the claim is accepted, the Worker's Compensation Agent will make payments directly to the injured employee.

Northern Territory

Information on lodging a Worker's Compensation claim can be obtained from:

<http://www.worksafe.nt.gov.au/WorkersCompensation/Pages/default.aspx>

South Australia

Information on lodging a Worker's Compensation claim can be obtained from:

<http://www.rtwsa.com/claims/when-an-injury-occurs/report-an-injury>

Tasmania

Information on lodging a Worker's Compensation claim can be obtained from:

<http://worksafe.tas.gov.au/compensation>

Western Australia

Information on lodging a Worker's Compensation claim can be obtained from:

8. Working with Workers' Compensation Agents

It is important to involve the Workers' Compensation Agents in the return to work process as they have significant resources and expertise in returning injured employees to work.

The Workers' Compensation Agent can:

- Provide advice on claim related matters.
- Explain rights and responsibilities under the law of employers and employees.
- Answer questions regarding employees' claims or return to work.
- Assist with the preparation of return to work plans, including offers of suitable employment.
- Organise independent medical examinations to obtain further advice regarding a return to work.
- Provide information on the Workers Compensation system.

There are legal obligations for employers and Workers' Compensation Agents alike with regard to lodging claims and reporting injuries. Information on this is available from WorkCover websites in each state and territory.

9. Confidentiality

Injured or ill employees and treating practitioners must be assured that the information that they have given to assist with lodging their Worker's Compensation Claim and their return to work programs will be kept confidential.

Any information obtained regarding an injured or ill employee should be kept in a secure place (e.g. a locked cabinet). WorkCover and RTW Coordinator activities should be recorded and maintained in a separate file to the employee's personnel file, so that access is restricted.

10. Records

WorkCover Medical Certificates/WorkCover Certificates of Capacity

Workers Compensation Claim forms (WorkCover)

[Notification of Injury form \(CCI\)](#)

Medical certificates (WorkCover Certificates of Capacity, Q-COMP Certificates)

[Incident/hazard reporting and investigation form \(WHS009\)](#)

11. Further Information

The WorkCover authority in your state or territory has guides and sample documents.

ACT: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/4215

NSW: <https://www.icare.nsw.gov.au/>

NT: <http://www.worksafe.nt.gov.au/WorkersCompensation/Pages/default.aspx>

Qld: www.worksafe.qld.gov.au

SA: www.rtwsa.com/

Tas: www.workcover.tas.gov.au/

Vic: www.workcover.vic.gov.au

WA: www.workcover.wa.gov.au