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SA Health

Policy

Injury Management

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Version 3.1

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Government
of South Australia

SA Health

1. Name of Policy

Injury Management

2. Policy statement

This Policy forms part of the SA Health broader Work Health Safety Injury Management (WHSIM) Management System. It sets out the legal responsibilities as outlined in the *Return to Work Act 2014* (the RTW Act) and the *Work Health and Safety Act 2012* (the WHS Act) and the requirements that employees who have sustained a work-related injury or illness, and their managers must follow.

3. Applicability

This policy applies to all employees of SA Health; this is all employees of the Department for Health and Wellbeing, Local Health Networks (including Statewide services aligned with those Networks) and SA Ambulance Service.

Out of Scope

The management of non-work related disability or medical incapacity of SA Health workers is not covered by this policy; refer to [Workforce information](#) (for SA Health internal use only).

4. Policy principles

SA Health's approach to injury management and claims administration is underpinned by the following:

- > We will ensure compliance with all relevant legislation, regulatory and self-insurance requirements, policies, standards and processes.
- > We will provide professional, timely and equitable injury management service, claims administration and return to work activities delivered with integrity and courtesy.
- > We will focus on early intervention, active case management and outcomes-based recovery to enable retention at work, or early safe, sustainable return to work to an employee's substantive position and roster, or to the contracted position the employee was occupying at the time of injury, or restoration to the community.
- > We will manage all personal information in accordance with privacy and confidentiality requirements, treating all with dignity and respect.

5. Policy requirements

All SA Health agencies must:

- > Establish and maintain injury management and claims administration procedures, local instructions and other materials that are compliant with the RTW Act and the Return to Work Regulations 2015 (the RTW Regulations), South Australian Public Sector Injury Management Standards 2021 (the SAPS IM Standards) and SA Health policies and guidelines. Specifically, these must reflect:
 - the priorities and requirements within each element of the SAPS IM Standards; and
 - the defined South Australian Public Sector Service Standards.
- > Ensure responsibilities and accountabilities are clearly defined including designating overall responsibility for injury prevention, recovery and return to work, and claims administration to the chief executive/chief executive officer of the organisation (agency).

- > Provide the necessary resources (financial and people) to support and promote positive injury management outcomes and appropriate claims administration.
- > Promptly assist employees with a work-related injury or illness with a view to achieving return to work in a way that will facilitate their best possible recovery as our primary goal.
- > Determine the needs of an injured or ill employee to assist in their recovery planning, and discovery and resolution of issues during the return to work process through the provision of clear, accurate complete and concise information.
- > Approach each case utilising the expertise of all key persons involved, recognising injury management is a shared responsibility, requiring cooperation and collaboration between key stakeholders to achieve successful outcomes for both the injured employee and SA Health.
- > Effectively implement claims, recovery and return to work processes and reasonably exercise the powers and discretions delegated under the Act (as the Crown self-insured employer) which direct achievement of equitable, accurate and timely workers' compensation claims administration.
- > Undertake periodic audits, measurements, assessments, and surveys to determine overall injury management and claims administration system performance, to identify risks, and to implement action and improvement plans.

6. Mandatory related documents

The following documents must be complied with under this Policy, to the extent they are relevant:

- > [Return to Work Act 2014](#)
- > [Return to Work Regulations 2015](#)
- > [South Australian Public Sector Injury Management Standards 2021](#)
- > [Work Health Safety Injury Management Policy](#)
- > [Financial Management of Workers Compensation Payments Policy](#)

7. Supporting information

See the SA Health Intranet [Work Health Safety Injury Management \(WHSIM\) corporate documentation listing](#) (for SA Health internal use only) for all supporting documents.

8. Definitions

- > **Aggravation:** means where a new incident causes further exacerbation of an existing injury or condition.
- > **Alternative duties:** means a different range of duties, which may be with the same or different employer, generally temporary in nature, and which considers physical or psychological constraint.
- > **Consultation:** means sharing of information and exchange of views between the employee, manager/supervisor, Injury Management team, treating medical practitioners and/or the employee's representative/s on injury management issues. It is the opportunity to contribute to work collaboratively to facilitate the smooth implementation of Recovery/Return to Work plans.
- > **Injury Management:** means a workplace program (the process that comprises activities and procedures, that are undertaken or established including treating, rehabilitating, retraining, claims management and employment management practices) to assist employees with a work-related injury or illness for the purpose of achieving optimum results in terms of timely, safe and sustainable return to work as coordinated by an injury management team. This includes appropriate and expedient injury reporting, early intervention, recovery and return to work procedures, and aims to minimise the extent of the injury/illness and to prevent aggravation or recurrence.

- > **Modified duties:** means duties an employee undertakes as part of their usual position that have been modified or restricted to eliminate those tasks which may aggravate the injury or illness (i.e. the provision of support tools or equipment, reduced hours, rest breaks, working with the support of a colleague). Duties are selected from the employee's usual range of duties which are compatible with their physical or psychological constraints (i.e. the employee's current medical condition as detailed on a Work Capacity Certificate and/or other medical advice).
- > **Recovery and return to work:** means a supported activity which aims to provide an early, safe and sustainable return to work for employees suffering from work-related injury or illness, which where it is safe and medically suitable includes using the workplace itself as a vital part of the rehabilitation/recovery process.
- > **Recovery/Return to Work Plan:** means an agreed and documented plan or program of activities developed to the specific needs of the injured/ill employee in consultation with the employee, manager/supervisor, Injury Management team, treating medical practitioners, and if requested by the employee, their representative.
- > **Recurrence:** means a spontaneous return of or increase in symptoms.
- > **Suitable duties:** means work duties for which an injured employee is able to perform while recovering from an injury/illness. Suitable duties may include alternative and/or modified duties having regard to the employee's pre-injury employment, nature of incapacity, skills, work experience and available medical information.
- > **SA Health agencies:** means all departments and business units, Local Health Networks (LHN), and emergency and statewide services that fall under the governance of SA Health.
- > **Statewide services:** means Statewide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.
- > **Work-related injury or illness:** means any injury or illness (physical or psychological) that arises in the course of, or in connection with, an employee's work, and to which the work is the main contributing factor (i.e. that happened at or because of work).
- > **Worker's Compensation Claim:** means if an employee has a work-related injury or illness, they may be able to receive compensation for time lost from work and/or medical related expenses. To do this they must lodge a Work Capacity Certificate relevant to the injury/illness being claimed and for the period of incapacity, and complete a ReturnToWorkSA Claim form. These forms should be sent to the Injury Management team.

9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [Integrated Compliance Policy](#).

Any instance of non-compliance with this policy must be reported to the Domain Custodian for the Employment, Work Health and Safety Policy Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

10. Document ownership

Policy owner: Domain Custodian for the Employment, Work Health and Safety Policy Domain

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11. Document history

Version	Date approved	Approved by	Amendment notes
3.1			Minor correction – removal of ‘all twelve’ in reference to South Australian Public Sector Service Standards.
3.0	16/06/2023	Deputy Chief Executive, Corporate Services	Reviewed and updated in line with Policy Framework requirements.
2.0	23/12/2015	Portfolio Executive	Reviewed to align with the new <i>Return to Work Act 2014</i> .
1.0	21/08/2013	Portfolio Executive	PE approved version.

12. Appendices

Appendix 1: Injury Management Mandatory Instruction

Appendix 2: Employee rights with respect to Workers Compensation Claims

Appendix 1: Injury Management Mandatory Instruction

The following Instruction must be complied with to meet the requirements of the Injury Management Policy.

1. All Injury Management personnel must:

- 1.1 Ensure the equitable management of workers compensation claims by:
 - a) exercising all powers and discretions as self-insurer in line with the requirements of the Act;
 - b) undertaking prompt investigation and determination of claims;
 - c) maintaining effective processes for consultation, dispute/complaints resolution and confidentiality in injury management and claim matters;
 - d) establishing targeted strategies aimed at increasing safe, sustainable return to work activity and outcomes, and reducing workers compensation costs;
 - e) identifying, managing, communicating, and monitoring associated risks particularly with respect to injury prevention or recovery, financial or litigation; and
 - f) ensuring appropriate use of financial delegations, reconciliation activities, and cost-effective recoveries in line with the [Financial Management of Workers Compensation Payments Policy](#).
- 1.2 Offer interim benefits if a claim determination cannot be made within 10 business days of receipt of the claim form.
- 1.3 Determine the return to work goal post injury/illness without delay through consultation with relevant stakeholders, and establish a process for retraining where applicable, and job seeking for injured workers who are not able to return to their substantive position.
- 1.4 Provide information, training and instruction to managers and supervisors and those with key injury management responsibilities about the injury management and claims process and the rights and responsibilities of all staff in the management of a work injury/illness.
- 1.5 Provide information and instruction to injured workers on the injury management process, including details of the injured worker's rights with regards to worker's compensation claim (refer to [Appendix 2](#)), the right to be supported by another person and to be represented by a union, advocate or lawyer, and of the injured worker's responsibilities.
- 1.6 Fulfil their obligations in the provision of a coordinated, timely and safe return to work of injured employees which benefits the employee's recovery process.

2. All managers must:

- 2.1 Ensure an injured employee receives appropriate first aid or medical treatment, as soon as practicable.
- 2.2 Comply with the incident reporting requirements of the SA Health [Work Health Safety Injury Management Policy](#).
- 2.3 Promptly forward any paperwork received relating to a workplace injury/illness to the Injury Management Team.
- 2.4 Ensure that they and all line managers/supervisors (and affected workers where applicable) are made aware of their responsibility to:
 - a) assist the Injury Management team to identify and coordinate suitable work duties;
 - b) participate in the recovery and return to work process with the provision of suitable work duties/employment, including in Return to Work Planning discussions and/or meetings with an injured employee and the Injury Management team;
 - c) identify and resolve workplace barriers preventing recovery and return to work that is swift, effective and without prejudice;

- d) support reasonable adjustments to enable successful implementation of workplace recovery and suitable duties;
 - e) support and encourage the injured employee during workplace rehabilitation/recovery;
 - f) stay in regular contact with the injured employee while they are away from the workplace;
 - g) ensure the injured employee only carries out duties as specified by their Return to Work Plan (or Work Capacity Certificate);
 - h) ensure the injured employee is aware of identified avenues for feedback or complaints;
 - i) ensure other employees in the injured employee's work area support their return to work activities;
 - j) ensure that other employees do not work unsafely or are not placed under increased pressure as a result of a recovery and Return to Work Plan for an injured employee;
 - k) maintain confidentiality of all personal information pertaining to an injured employee's medical or claim status; and
 - l) participate in any training that will assist in the monitoring or management of employees with an injury/illness.
- 2.5 Advise the Injury Management team of all matters relating to the injured employee's injury/illness, including any time they take off work, details of the employee's progress, and any further information reported by the employee in relation to the injury/illness or their return to work.
- 2.6 Actively support and assist the injured employee, Injury Management team and all other managers, line managers/supervisors in the resolution of workers compensation claims with the focus on maintaining effective working relationships.
- 2.7 Assist employees who are medically unable to return to their pre-injury duties including the investigation of alternative work within SA Health and support workforce retention where possible.
- 2.8 Promote workplace rehabilitation/recovery internally to foster a culture of acceptance for workplace recovery.

3. Employees must:

- 3.1 Take care to prevent work-related injuries and/or illnesses to themselves and others in the workplace.
- 3.2 Seek medical treatment as soon as practicable, where required.
- 3.3 Report any workplace injuries/illnesses to their supervisor/manager immediately, or if immediate reporting is not possible as soon as reasonably practicable (within 24 hours) and submit an injury report into the incident management system (as per the [Work Health Safety Injury Management Policy](#)).
- 3.4 If making a claim for compensation, notify their supervisor/manager or the Injury Management team as soon as possible.
- 3.5 Promptly complete all necessary paperwork relating to their workplace injury/illness and provide to their supervisor/manager or the Injury Management team.
- 3.6 Actively participate and cooperate in the establishment of the initial and all subsequent Return to Work Plan(s) and recovery program, with the agreed primary goal being a safe and sustainable return to work, and actively use services and cooperate with service providers where provided.
- 3.7 Participate and cooperate in assessments of their capacity for work, recovery progress and/or future employment prospects as requested.
- 3.8 Nominate a treating medical practitioner who is prepared to participate in the development and implementation of recovery via Return to Work Plan(s) and who will be responsible for the medical management of the injury/illness and who will assist in the return to work process.

- 3.9 Advise their treating medical practitioner that SA Health supports early recovery and return to work through the availability of suitable or modified duties in the workplace.
- 3.10 Give consent to the treating medical practitioner to provide information for the purposes of recovery and Return to Work Plan development.
- 3.11 Comply with the activities detailed in recovery programs and with the requirements of a Return to Work Plan, including performing suitable duties that have been identified in the workplace in accordance with certified medical capacity.
- 3.12 Actively participate and cooperate with representatives of SA Health including the Injury Management team as required in discussions or at an interview to enhance their opportunities to return to work.
- 3.13 Make reasonable efforts to return to work in suitable or pre-injury duties.
- 3.14 Avoid disruption to return to work activities by arranging, where possible, appointments outside agreed working hours.
- 3.15 Advise of any difficulties with return to work as soon as practical to prevent delays in addressing any problems.
- 3.16 Provide current and ongoing Work Capacity Certificates to their supervisor/manager or the Injury Management team for the duration of the injury/illness.
- 3.17 Abide by the agreed medical restrictions as outlined by their treating medical practitioner at work and outside of work.
- 3.18 Notify their supervisor/manager and the Injury Management team of any change in circumstances which might impact the injury/illness or work capacity.
- 3.19 Notify their supervisor/manager and the Injury Management team immediately if unable to attend work.
- 3.20 Attend scheduled medical and rehabilitation assessments as required.
- 3.21 Provide accurate information about any aspect of their claim, injury or illness.

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Appendix 2: Employee rights with respect to Workers Compensation Claims

1. Employees with a work-related injury/illness must be afforded their rights under the RTW Act and Scheme, including:

- Make a claim for workers' compensation at any time for work related injuries or illnesses.
- Nominate a treating medical practitioner of their choice.
- Seek a second opinion.
- Be provided with safe and suitable duties when a capacity for work is identified, if practicable.
- Be consulted in the development of the Recovery and Return to Work Plan(s).
- Be provided with a copy of the Recovery and Return to Work Plan(s).
- Have personal information kept confidential and in a secure location.
- Obtain advice if required before making decisions or signing documents.
- Have a personal witness, support person or advocate present during all discussions.
- Have access to an impartial grievance mechanism.
- Be treated with dignity and respect.
- Have cultural and ethnic practices respected.
- Use an interpreter if required.
- Be reimbursed for reasonable medical, treatment and travel expenses for accepted claims.

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