



catholic education commission of victoria ltd

A Guide to Workers' Compensation and Return to Work



This guide provides Victorian Catholic schools with practical advice to support ill and injured employees, from when an injury occurs, through the claims process and the employee's return to work.

A series of online videos have been produced to assist in managing these processes. They are available on the Catholic Education Commission of Victoria YouTube channel.

Does the school have a Register of Injuries? Yes No

Is an 'If you are injured at work' poster displayed where all employees can read it? Yes No

If applicable, has a Return To Work (RTW) Coordinator been appointed and trained? Yes No

If an employee suffers from a work-related accident or injury

Accident or injury occurs

If an accident or injury has occurred, the most important thing is the employee's health and ensuring they receive appropriate treatment.

Register the injury

Any injury or illness must be recorded in the school's Register of Injuries by the injured employee or by someone on their behalf.

A Register of Injuries can be a hardcopy register or electronic file where all workplace injuries or illnesses are recorded. The Register of Injuries must include the following information:

- the employee's name
- the employee's main occupation
- time and date of the injury
- employee's location at the time of the injury
- names of witnesses, if any, to the injury
- date on which the entry is made
- name of the person making the entry.

Notify Worksafe

Schools must report incident(s) to WorkSafe immediately on **13 23 60** if:

- medical treatment is provided by a doctor (e.g. fractures, administration of a drug or medical treatment)
- the employee receives immediate treatment as an in-patient in a hospital
- the employee dies.

A completed Incident Notification Form must be sent to WorkSafe within 48 hours and a copy of the completed form kept by the school for five years.

If you are unsure, call WorkSafe immediately to discuss notification requirements.

Does the employee want to lodge a workers' compensation claim?

If the injury has caused the employee to be absent from the workplace or has resulted in serious health issues, the employee may wish to lodge a Workers' Compensation Claim.

If the employee is absent from work due to an injury, the school must record the employee as being on personal (sick) leave until the claim has been accepted. If the employee has no personal leave entitlements, the injured employee should be placed on unpaid personal leave.

If the injured employee chooses not to lodge a Workers' Compensation Claim, the school must provide them with support to return to work as soon as possible (ensure a medical clearance or medical restraints certificate is provided prior to their return to the workplace).

Acknowledging and lodging the claim

Acknowledging the employee's injury claim form

To accept an employee's Workers' Compensation Claim the school must ensure that:

- the injured employee has completed a WorkSafe Worker's Injury Claim Form
- the school acknowledges, in writing, that they have received the claim form. This may be done by giving the employee a copy of the form when they have completed their section.

The school must also complete a WorkSafe Employer Injury Claim Report.

Lodging the claim

The following documentation must be submitted to the school's Workers' Compensation Insurer via email or post:

- the employee's WorkSafe Worker's Injury Claim Form
- the WorkSafe Employer Injury Claim Report
- the injured employee's Certificate of Capacity

Note: A Certificate of Capacity is used by the Workers' Compensation Insurer and the school to determine an employee's capacity for work and the nature of their injury. Certificates are issued by a registered medical practitioner. An injured employee must have a Certificate of Capacity to receive loss of income compensation.

*The school must lodge all forms within **10 calendar days**, including school holiday periods, once the claim form has been received from the employee.*

Claim decision

Within 28 days, the Workers' Compensation Insurer will notify the school of the decision of the claim.

Claim acceptance and school obligations

Pay initial time off work

If the employee needs time off work, modified duties or varied hours, they must provide the school with a Certificate of Capacity. If the employee's claim is accepted, the school is liable to pay the first 10 days of their incapacity. After the first 10 days have been paid, the Workers' Compensation Insurer will reimburse the school for any further weekly payments made to the employee before they return to full duties.

If the Workers' Compensation Claim is accepted by the Insurer, the school must re-credit any personal leave that has been deducted from the employee since the date of injury.

Accident make-up pay (if applicable)

Under clause 46 of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA), the school is responsible for making up the difference between the weekly benefit paid if an employee is absent from work due to the accepted illness or injury. This make-up pay lasts for a period of 26 calendar weeks from the date of injury.

Pay initial medical expenses

The school is liable for the Workers' Compensation excess (which changes annually) for the costs of medical treatment provided to the employee. The school must keep copies of all invoices or receipts and forward them to the Workers' Compensation Insurer once the excess amount has been paid.

Stay in touch

If the employee requires time off work, the school should stay in touch with the employee while they are absent and discuss what they can do at work rather than what they can't. Once the claim exceeds 52 weeks the obligations of the school may need to be reviewed; schools are encouraged to seek appropriate advice.

Forward any Certificates of Capacity to the Workers' Compensation Insurer

Forward all Certificates of Capacity to the Workers' Compensation Insurer as soon as the school receives them. This allows the Workers' Compensation Insurer to keep track of how much the school has paid the employee and to make any adjustments, as the level of weekly payments decreases over time.

If the claim has not been accepted

If the employee's Workers' Compensation claim has not been accepted, contact the Workers' Compensation Insurer for further information and options for both the school and employee.

Return to work

Start planning:

Plan the employee’s return to work as soon as practicable and discuss what they can do at work. The school must take into consideration the medical restraints determined by the employee’s treating doctor.

Appoint a Return to Work Coordinator

It is important that the school nominate and appoint a TRAINED Return to Work (RTW) Coordinator who has an appropriate level of seniority. This is a requirement if the employee has an incapacity for work and the school does not already have a RTW Coordinator.

The responsibilities of a Return to Work (RTW) Coordinator are to:

- assist injured employees to remain at or return to work while they recover from a work-related injury
- plan the injured employee’s return to work if they are absent from work to recover and make decisions to assist their return
- consult with the injured employee and their treating health practitioner
- monitor the progress of an injured employee’s recovery.

A school’s obligation to have a RTW Coordinator depends on their rateable remuneration:

- a rateable remuneration of \$2 million or more MUST have a RTW Coordinator appointed at all times
- a rateable remuneration of less than \$2 million MUST appoint a RTW Coordinator, for the duration of the school’s return to work obligations to the injured employee.

Contact your Diocesan Catholic Education Office to find out more information on Return to Work Coordinator training.

Develop a Return to Work Plan

A RTW Plan is a template documenting what duties will be performed by an employee upon their return to work. If they have an incapacity for work or pre-injury employment, the school is required to provide the employee with suitable duties in line with their medical restraints. If applicable, consider workplace support, aids or modifications to assist in the employee’s return to work.

Monitor

When the employee has returned to the school environment the school should monitor their progress by talking to them and keeping in touch with the Workers’ Compensation Insurer until the employee is cleared by their medical practitioner to return to full pre-injury duties.

STEP 1 – If an employee suffers from a work-related accident or injury	YES	NO
If there has been a serious accident or injury, was WorkSafe notified by phone and in writing?		
Has the school’s Injury Register been completed by the injured employee or by someone on their behalf?		
Does the employee wish to lodge a WorkSafe Worker’s Injury Claim Form? If yes, go to step 2. If no, ensure that the employee’s medical requirements have been appropriately met.		
STEP 2 – Acknowledging and lodging the claim	YES	NO
Has the injured employee completed a WorkSafe Worker’s Injury Claim Form which has been acknowledged by the school (the acknowledgment is completed by signing the employer’s section of the form)?		
Has the school completed an Employer Injury Claim Report?		
Has the school lodged the form and all required documentation to their Workers’ Compensation Insurer within 10 calendar days?		
While waiting for a decision, is the school planning to prepare for the employee’s return to work?		
STEP 3 – Claim acceptance and school obligations	YES	NO
Has the claim been accepted? If the claim has not been accepted, please contact your diocese for further assistance.		
Has the school ensured the injured employee has continued to be paid?		
Has the school paid the first 10 days of their incapacity for work (if they are absent from the workplace)?		
If applicable, has the school paid accident make-up pay (up to 26 weeks)?		
Has the school paid initial medical expenses in line with the excess amount?		
Has the school kept in touch with the employee if they are absent from the workplace?		
Has the school forwarded all Certificates of Capacity to the Workers’ Compensation Insurer?		
STEP 4 – Return to work (RTW)	YES	NO
Has the school started planning a return to work for the injured employee?		
If applicable, has the school appointed a RTW Coordinator?		
Has the school developed a RTW Plan for the injured employee?		
Has the school got alternative duties to offer the injured employee?		
Has the school considered reasonable aids or supports?		
Has the school monitored the injured employee’s return to work?		

Who to contact

Catholic Education Melbourne

Tel: 9267 0431

Catholic Education Office Sale

Tel: 5622 6600

Catholic Education Office Ballarat

Tel: 5337 7135

Catholic Education Sandhurst

Tel: 5443 2377



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