

WORKCOVER PROCEDURE

SCOPE

This procedure applies to all staff employed by the University herein collectively referred to as 'you' for the purpose of this procedure. For the purpose of this procedure, references to 'the University' includes Monash University Australia ('us', 'our' or 'we').

PROCEDURE STATEMENT

We have a legal responsibility to provide a safe and healthy environment for our staff, students and visitors at all University locations and promote a preventative approach to dealing with workplace injury and illness.

This procedure outlines WorkCover entitlements and the process for staff should they sustain a work-related injury.

1. Introduction to WorkCover

- 1.1 WorkCover is Victoria's injured workers' compensation scheme, governed by the [Accident Compensation Act 1985](#) and [Workplace Injury Rehabilitation and Compensation Act 2013](#) and administered by [WorkSafe Victoria](#). Under the Act, if you are a staff member who sustains an injury arising out of or in the [course of employment](#), and your employment is determined to be a significant contributing factor, you shall be entitled to compensation. WorkCover:
 - covers reasonable medical and like services and rehabilitation;
 - provides weekly payments of compensation if there is incapacity for work after the injury or illness. Weekly payments are a percentage of your pre-injury average weekly earnings. Regular overtime and shift allowances are included in the amount of compensation rate for the first 52 weeks of weekly payments; and
 - assists you to return-to-work as quickly and safely as possible after your injury or illness.
- 1.2 In the event that you suffer an injury or illness, and it is established and accepted as a work-related injury, we will compensate you for any time loss, and medical expenses (up to the current employer threshold amount) incurred as a result of the injury or illness. We will also provide you with occupational rehabilitation support and opportunities for your return-to-work.
- 1.3 WorkCover places great emphasis upon [early intervention](#) and rehabilitation to facilitate an early return-to-work.

2. Reporting an injury or illness

- 2.1 If you sustain a work-related injury or illness, you must notify your supervisor/manager within 30 days following injury or onset of illness.
- 2.2 On receiving notification of your work-related injury or illness, your supervisor/manager must immediately notify the Safety Officer who will report the incident in line with the [Managing OHS hazards and incidents procedure](#). The online hazard incident report [S.A.R.A.H](#) must be completed by you or your supervisor/manager as soon as practicable.
- 2.3 All hazards, incidents or accidents must be reported whether or not a claim for compensation is to be made.

3. Lodging a WorkCover claim

Seek advice regarding lodgement of a WorkCover claim

- 3.1 If you wish to [lodge a WorkCover claim](#), you must contact Monash HR, [Employee Assistance](#) on 9902 9573 to discuss whether a WorkCover claim is appropriate for you and seek advice on other options that may also be available to you.

- 3.2 Where pursuing a WorkCover claim is appropriate, as soon as practicable after the injury you must:
- complete and sign the [online Worker's Injury Claim form](#) ('Claim form') or collect a hardcopy form from any Australia Post or outlet;
 - attach a valid [WorkCover Certificate of Capacity](#); and
 - send to Monash HR, Employee Assistance or hand to your supervisor who must then forward immediately to Monash HR, Employee Assistance.
- 3.3 Where a claim is for a physical injury only, we have a legal obligation to submit a WorkCover claim to our WorkCover Agent within 10 days of receipt of the claim by the injured staff member.
- 3.4 Where a claim includes a mental health injury, we have a legal obligation to submit the Worker's Injury Claim Form Part A to our WorkCover Agent within three business days of receiving the claim. The WorkCover Agent will then determine whether the injured staff member is entitled to provisional payments within two business days of receiving the Worker's Injury Claim Form Part A from us. We have a legal obligation to submit the Worker's Injury Claim Form Part B to the WorkCover Agent within 10 calendar days of receiving the Claim Form.
- 3.5 Where a claim form is not forwarded immediately to Monash HR, Employee Assistance, causing a delay in processing, we can be penalised and fined. Fines will be passed on to the area responsible for the delay.

Forwarding a claim to Monash HR

- 3.6 Your supervisor/manager must **immediately** forward the claim form, the WorkCover Certificate of Capacity, and any accounts/receipts relating to the injury and a copy of the incident report to:

Manager, Employee Assistance
Monash HR, Employee Assistance
Monash University
211 Wellington Road
Mulgrave VIC 3800

Acknowledgment and discussion of the claim

- 3.7 On receipt of the claim form and associated documentation as listed in 3.2, the Employee Assistance Manager, on behalf of the University, will send a letter to you acknowledging your injury, and will contact you and your supervisor/manager to discuss matters outlined in 3.8 and 3.9 below.
- 3.8 A discussion with you will include:
- acknowledgement of receipt of the claim form;
 - nature of injury;
 - rehabilitation requirements; and
 - assessment for determining liability of claim/claims process.
- 3.9 A discussion with your Supervisor/Manager will include:
- advising/acknowledging receipt of claim;
 - nature of injury;
 - rehabilitation requirements/providing suitable duties; and
 - assessment for determining liability of claim/claims process.
- 3.10 Witnesses to an incident may also be contacted at this stage.

4. Rehabilitation/return to work

- 4.1 If rehabilitation is required, the Employee Assistance Manager will facilitate a [rehabilitation/return to work program](#) in conjunction with key parties. In some cases, an external rehabilitation provider may be engaged to assist with your rehabilitation.
- 4.2 The primary emphasis is for your supervisor to find suitable alternate duties for you. Discussions can be held with the Employee Assistance Manager for further information.
- 4.3 When considering return to work arrangements, working from home is not an option available to you unless a pre-existing working from home arrangement is already in place. Refer to the [Working from Home procedure](#) for further information.

5. Taking leave resulting from injury

- 5.1 You must ensure that the dates of your leave correspond with the dates on the WorkCover Certificate of Capacity.
- 5.2 The application for WorkCover leave is processed by Monash HR, Employee Assistance initially as sick leave. If liability for the claim is accepted, the period of sick leave is credited and processed as WorkCover leave.

6. Documentation requirements for claim validity

Time lost claims

- 6.1 If you lose time from work due to your work-related injury/illness, you are required to lodge the following documentation:
 - a valid [Workers Claim for Compensation](#); and
 - a valid [WorkCover Certificate of Capacity](#) (Medical Certificate).
- 6.2 If a claim and/or certificate is not valid according to WorkCover guidelines, then further information will be requested before the claim can be processed and liability determined.

No time lost claims (claim for medical and like services only)

- 6.3 Under the legislation the only requirement for this type of claim is a fully completed [Workers Claim for Compensation form](#). However, our policy requires that a WorkCover Certificate of Capacity must be provided for 'No Time Lost Claims', to ensure appropriate support is provided where needed.
- 6.4 If a claim and/or certificate is not valid according to WorkCover guidelines, then further information will be requested before the claim can be processed and liability determined.

WorkCover Certificate of Capacity

- 6.5 You must obtain a WorkCover Certificate of Capacity signed by a medical practitioner. You are not entitled to receive weekly compensation benefits without supplying a valid WorkCover Certificate of Capacity. A WorkCover Certificate of Capacity that does not meet the specific guidelines will be returned to you so that a correct certificate can be issued by the medical practitioner.

7. Time limits on acceptance of claims

Time loss claims

- 7.1 Our insurer has 28 days from the date they receive a valid claim to advise you in writing whether your claim is accepted.

Other claims

- 7.2 If the WorkCover claim is for medical and like services only, our insurer has 60 days from the date they receive the valid claim to advise you in writing whether your claim is accepted.

8. Reimbursement of reasonable expenses

- 8.1 We will reimburse reasonable medical and like services costs paid by you with an accepted and open WorkCover claim.
- 8.2 If our threshold amount is reached, Monash HR, Employee Assistance will forward any receipts or unpaid accounts to our insurer for payment.
- 8.3 Reasonable costs include the maximum amount paid by WorkCover for various medical services. Some treating health practitioners charge above the maximum rate approved by WorkSafe. For accepted claims, you should instruct your health practitioner(s) to send their service accounts directly to Monash HR, Employee Assistance for payment and/or forwarding to the insurer.
- 8.4 Where a claim involving absence from work is accepted or determined in your favour, all workplace agreements and allied entitlements in accordance with your pre-injury classification and hours of work will be accrued during a make-up pay period.

9. Breach of procedure

- 9.1 The University treats any breach of policies or procedures seriously. The University encourages reporting of concerns about non-compliance and manages compliance in accordance with the applicable [Enterprise Agreement](#), relevant instrument of appointment and/or applicable contract terms. A failure to comply with policies, procedures and schedules may result in action by the University. Such action may include disciplinary and other action up to and including potential termination of employment for employees and cessation of other engagements for other persons.

DEFINITIONS

Course of employment	Includes a staff member's normal place of employment or an alternative place of employment where a staff member has been authorised to attend. This also includes travelling for work between two places of work.
Enterprise Agreement	<p>The Enterprise Agreement means the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 or the Trades and Services staff (Building and Metal Trades staff) 2009 or Trades and Services staff (Catering and Retail, Cleaning and Caretaking, and Miscellaneous services staff) 2005 as applicable to the staff member. Clauses relating to this procedure include:</p> <p>Monash University Enterprise Agreement (Academic and Professional Staff) 2019</p> <ul style="list-style-type: none"> ● Clause 47 - Leave or Make-up Pay to Incapacitated Staff Members <p>Monash University Enterprise Agreement (Trades & Services Staff- Building & Metal Trades Staff) 2009</p> <ul style="list-style-type: none"> ● Clause 49 - Accident Compensation Leave and Make-up Pay <p>Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005</p> <ul style="list-style-type: none"> ● Clause 40 - Accident Compensation Leave and Make-up Pay
Insurance excess	An insurance excess applies to WorkCover claims. If a Workers Claim for Compensation is accepted, Monash University is required to pay the first 10 days' time lost and the employer threshold of reasonable medical and like services related to the claim. (Note that the threshold amount is indexed each year on 1 July).
Monash University's make-up pay	<p>This provision ensures that full salary payments are made for a period of 52 aggregate weeks in cases where it is determined by a medical practitioner that there is no capacity for work.</p> <p>An 'aggregate' refers to cumulative days lost resulting from a compensable claim. Days or hours that form a gradual return-to-work plan are not included in the aggregate amount. An injured staff member will be advised in writing prior to when their make-up pay ceases.</p> <p>Refer to clause 47 Monash University Enterprise Agreement Monash University Enterprise Agreement (Academic and Professional Staff) 2019, clause 49 Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff and Grounds and Gardening Staff) 2005 and clause 40 Monash University Enterprise Agreement (Trades and Services staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous services staff) 2005.</p>
Reasonable medical and like services	Includes treatment which is deemed to be appropriate given the type of injury, by treating medical practitioners as well as independent specialists. Where treatment or cost is deemed to be inappropriate or unreasonable, claimants may not be reimbursed.
Rehabilitation provider	An external provider who may be engaged to assist with rehabilitation of injured/ill staff. The role of the rehabilitation provider is to provide rehabilitation to injured/ill staff where appropriate, and liaise with key parties to assist with development of a written rehabilitation/return-to-work plan. Rehabilitation providers are used depending on the circumstances including seriousness of the injury.
Valid Claim	<p>For a Worker's Injury Claim form to be valid, it must meet the WorkCover guidelines, which include:</p> <ul style="list-style-type: none"> ● answering all questions on the form using a dark blue or black pen; ● signing the authority to release medical information and worker's declaration; ● reporting your accident to the police if your injury was the result of a motor vehicle accident; and ● submitting the form with a valid certificate of capacity if you are unable to work and want to claim weekly payments, and also for no time lost claims to comply with Monash University policy.

GOVERNANCE

Parent policy	Leave and wellbeing
Supporting procedures	N/A
Supporting schedules	N/A
Associated procedures	<ul style="list-style-type: none"> • Employee Assistance Program • Occupational Health and Safety Policies and Procedures <p>Procedure forms</p> <ul style="list-style-type: none"> • Certificate of Currency • Workers Injury Claim form (available at any Australia Post outlet or online)
Related Legislation	<ul style="list-style-type: none"> • Workplace Injury Rehabilitation and Compensation Act 2013 • Accident Compensation Act 1985
Category	Operational
Approval	Chief Operating Officer 21 June 2022
Endorsement	Chief Human Resources Officer 31 May 2022
Procedure owner	Director, Workplace Relations 31 May 2022
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Content enquiries	ask.monash or phone Monash HR on (03) 990 20400