

## 6. Injury Management Code of Practice

From the 14<sup>th</sup> November 2005 all employers in Western Australia must comply with an Injury Management Code of Practice. In addition there are new requirements in relation to injury management contained in Part IX – Injury Management of the *Workers' Compensation and Injury Management Act, 1981*.

An employer is required to:

1. Establish and implement an injury management system in accordance with the code. The injury management system needs to:
  - be in writing;
  - describe the steps the employer will take when an injury occurs; and
  - provide details, including contact details of the person who will have day to day responsibility for the injury management system

A copy of the document describing the injury management system is to be made available to any employee who requests a copy.

**There is a \$2000 fine for non-compliance. Refer to Section 155B of the act**

2. Establish and implement a return to work program in accordance with the code when either of the following occur:
  - the worker's treating medical practitioner signs advises the employer in writing that a return to work program should be established.
  - The worker's treating medical practitioner signs a medical certificate to the effect that the worker has total or partial capacity for work.

Not applicable if the worker has total capacity to RTW and is returning to the position held prior to the injury.

**There is a \$2000 fine for non-compliance. Refer to Section 155C of the Act**

### What a return to work program has to include

- The name of the injured worker and employer
- A description of the goal of the program
- A list of actions that will be taken to enable the worker to return to work
- The name of the person(s) who will take the actions
- A statement that the worker agrees with the contents of the program

### What the employer needs to ensure

- The workers program is changed as appropriate if the treating doctor changes/modifies the workers restrictions in relation to work duties.
- The worker agrees to any program changes.
- Any changes to the program are in writing
- Both the worker and treating medical practitioner are given a copy of the RTW program document
- Both the worker and the treating medical practitioner are given a copy of any document that describes any changes to the program.

An application can be made to an Arbitrator to order a worker to participate in a RTW program. The Arbitrator must be satisfied that:

1. A RTW program is required to be established under Section 155 C of the Act
2. The Worker, without reasonable excuse, refuses or has failed to participate in a RTW program; and
3. The establishment, content and implementation of the RTW program are, or will be, in accordance with the code.

The arbitrator may require the worker to participate in a RTW program other than that proposed by or on behalf of a party to the application

The Injury Management Code of Practice is just the beginning; your injury management system can be as comprehensive as you need it to be. Its not just about compliance but a system that works well for managing injuries in *your* workplace.

### Injury Management System Checklist

	Yes	No
Injury Management Policy is in place		
The policy establishes a commitment to early intervention and a safe sustainable return to work		
There is a linkage between the injury management system and injury prevention programs	←	
Procedures are in place that ensure early identification, intervention and a pro active approach to assisting injured workers		
The system includes a description of the steps that your organisation will take when an injury occurs		
The system includes details of the person who has day to day responsibility for the injury management system and their contact details		
A document is available that can be given to employees on request that describes the injury management system at your workplace		
Information and training programs have been conducted with employees in relation to your injury management system		
All staff responsible for injury management have had training in relation to: <ul style="list-style-type: none"> <li>Workers compensation legislation specific to injury management</li> <li>The Injury Management Code of Practice</li> </ul>		
There is a procedure to ensure that a RTW program will be established if: <ul style="list-style-type: none"> <li>An injured worker’s treating medical practitioner advises that a RTW program should be established</li> <li>An injured workers treating medical practitioner signs a medical certificate that an injured worker has a partial or total incapacity</li> </ul>		
There a procedure in place to notify Vero Workers Compensation of injuries using the early report system		

It is important that your injury management program be linked to your injury prevention program. Investigate every accident and learn what went wrong to prevent any recurrence.

#### How Vero can help

- Assess employers current position and make recommendations
- Ensure Code of Practice Compliance

## Return to Work Program Checklist

	Yes	No
A procedure is in place that ensures reasonable steps will be taken to ensure that the injured worker agrees with the content of their RTW program		
There is a procedure in place to ensure the RTW program is in writing		
The form that is used to document RTW programs makes provision to include: <ul style="list-style-type: none"> <li>• The names of the injured worker &amp; your organisation</li> <li>• A description of the goal of the program</li> <li>• A list of actions that will be taken to enable the worker to return to work, identifying who has to take each action.</li> <li>• A statement as to whether the worker agrees with the content of the program</li> </ul>		
There is a procedure in place to ensure that medical certificates and other communication from the treating doctor are monitored to ensure any modifications made by the doctor are translated into the RTW program		
There is a procedure in place to ensure that the worker agrees to any changes needed in the RTW program.		
There is a procedure in place to ensure that any change to the RTW program is in writing		
There is a procedure in place to ensure that both the worker and the treating medical practitioner are given: <ul style="list-style-type: none"> <li>• A copy of the RTW program</li> <li>• A copy of the document describing any change that is made to the workers RTW program</li> </ul>		

### Important Information

A Copy of the Code of Practice can be obtained from WorkCover or a hardcopy from the State Law Publisher, 10 William St Perth or visit [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

WorkCover WA has published *Guidance Notes to Accompany the Code of Practice (Injury Management)*

This publication provides lots of information for example, templates for a RTW program, an injury management system template and a sample injury management policy.

Visit [www.workcover.wa.gov.au](http://www.workcover.wa.gov.au) to access a copy