Workers Rehabilitation and Compensation PHC Remote Guideline

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<thead>
<tr>
<th>Target Audience</th>
<th>All Employees</th>
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<tbody>
<tr>
<td>Jurisdiction</td>
<td>Primary Health Care Remote CAHS; Primary Health Care Remote TEHS</td>
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<tr>
<td>Jurisdiction Exclusions</td>
<td>N/A</td>
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<tr>
<td>Document Owner</td>
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<td>Atlas Development Officer Primary Health Care Remote CAHS</td>
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<td>Approval Authority</td>
<td>Chair</td>
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<td></td>
<td>NT Quality and Safety Manager Primary Health Care</td>
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<tr>
<td>Author</td>
<td>PHC Quality and Safety Team</td>
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The attributes in the above table will be auto-filled from the PGC System. Do not update in this document.

Purpose

To provide Primary Health Care remote staff with a guideline on management and processes related to workers rehabilitation and compensation.

Guideline

1. General Information

The Workers Rehabilitation and Compensation Act and Workers Rehabilitation and Compensation Regulations provide the legislative framework for Workers’ Rehabilitation and Compensation, designed to:

- promote the rehabilitation and maximum recovery from incapacity of injured workers
- provide financial compensation to workers incapacitated from workplace injuries / diseases and to dependants of workers who die as the results of such injuries / diseases

A worker is entitled to claim Workers’ Compensation for any personal injury or disease, or an aggravation of an injury or disease that occurs:

- out of or in the course of employment
- as a result of any incident related to employment
- as a gradual onset of injuries or diseases materially and significantly contributed to by the employment
- on a journey to or from work, except where the accident involves a motor vehicle and this is claimed under the Motor Accidents Compensation Scheme

The Department of Corporate and Information Services (DCIS) Workplace Injury Solutions (WIS) is part of an integrated incident prevention and injury management service provided to the Department. WIS provides Claims Management Consultants to manage Workers’ Compensation claims and facilitate the expedient, safe and successful return to work of injured workers.

Workers’ Compensation expenses are paid out of the Primary Health Care (PHC) Remote budget, as most NT Government agencies are self-insured. The Territory Insurance Office (TIO) is paid a fee to manage the claims on behalf of the Department.
The Department of Health (DoH) Workplace Health and Safety intranet site and NT WorkSafe Workers Compensation website provide access to a range of resources for managers and employees on issues relating to Workplace Health and Safety, injury prevention and Workers Rehabilitation and Compensation.

2. Definitions

**Injury:** in relation to a worker, means a physical or mental injury arising out of, or in, the course of employment and also includes a disease, or the aggravation, acceleration, exacerbation, recurrence or deterioration of a pre-existing injury or disease.

**Compensation:** a benefit, or an amount paid or payable, under the Workers Rehabilitation and Compensation Act, as the result of an injury to a worker in the course of employment.

**Rehabilitation:** the process necessary to ensure, as far as is practicable, having regard to community standards from time to time, that an injured worker is restored to the same physical, economic and social condition in which the worker was before suffering the relevant injury.

3. Responsibilities

3.1 Primary Health Care Remote Staff

- Be aware of and observe Workplace Health and Safety (WH&S) requirements

3.2 Injured Staff

- Provide correct and timely information in reporting an injury to Management
- Liaise with Line Manager, WIA and other relevant personnel as required
- Undergo ‘reasonable’ medical, surgical and rehabilitation treatment as required

3.3 Line Manager

- Be aware of the relevant legislation
- Be aware of DCIS Workplace Injury Solutions and the formal delegations, responsibilities and legal requirements regarding Workers’ Rehabilitation and Compensation
- Confirm accuracy of the information provided on the RiskMan Incident Notification and Claim Form for Workers’ Compensation, complete relevant sections of each form and process within the specified time frame
- Maintain comprehensive records of discussions, correspondence and file notes
- Liaise with the DCIS WIS regarding claims and rehabilitation
- Attend planning meetings with relevant parties as necessary, eg rehabilitation provider, TIO, etc

3.4 Workplace Injury Solutions

- Ensure Legislative requirements are met
- Provide Workers’ Rehabilitation and Compensation management advice, support and training for managers
- Ensure timely processing and management for Workers’ Compensation Claim Forms
- Liaise with the injured employee, Manager, TIO and rehabilitation provider as necessary
- Ensure injured employee receive entitlements
- Facilitate the expedient, safe and successful return to work of injured employee

3.5 Territory Insurance Office (TIO)

- Ensure Legislative requirements are met
- Ensure timely processing and initial decision regarding the claim
- Obtain additional information as required to progress a deferred claim
- Appoint a Rehabilitation Provider as required
- Liaise with the WIS, Manager, rehabilitation provider and other relevant personnel, as required

4. Procedure

Both the employer and injured employee have responsibilities relating to Workers’ Compensation.

4.1 Lodging a Workers’ Compensation Claim

Following a work related injury, staff should notify their Line Manager as soon as possible. This can be verbal, but must be followed up with a notification in the RiskMan system and subsequently a Workers’ Compensation Claim Form. The claim form allows collection of personal information and details about the incident, and should be completed and signed either by the injured person or by another person on their behalf. Regardless of who completes the form, the injured person must sign the authorization for release of medical information, for the claim to be considered.

*Note:* Although the earliest possible notification leads to the best management of claims, an employee has six months to lodge a claim for workers’ compensation from the date of the injury or becoming aware of the disease.

A Workers Compensation Medical Certificate must accompany a Workers Compensation Claim Form. Until a Workers’ Compensation claim is accepted, leave is initially counted as sick leave and will be credited back to the employee once the claim is accepted.

4.1.1 Workers’ Compensation Medical Certificates

The issue of Medical Certificates for a Work Related Injury differs from the general issue of Medical Certificates. See [Issuing Medical Certificates](#).

Workers Rehabilitation and Compensation Regulations (s12 Medical certificate accompanying claim) provides guidelines for the issue of a Workers Compensation Medical Certificate. Access to relevant forms is provided in [Forms](#).

Where possible a Medical Certificate is to be signed by a Medical Practitioner. However where because of the employee’s isolation a Medical Practitioner is unable to provide the certificate, a Registered Nurse, Midwife or Aboriginal and Torres Strait Islander Health Practitioner (ATSIHP) within the meaning of the Health Practitioner Regulation (National Uniform Legislation) Act, may provide a certificate to accompany the worker’s claim for compensation. A Medical Certificate provided under this section has effect for the following period:

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<th>Duration</th>
<th>Eligibility</th>
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<tr>
<td>14 days</td>
<td>- if it is from a Medical Practitioner</td>
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<tr>
<td>14 days</td>
<td>- if it is from a prescribed person who has consulted about the matter with a Medical Practitioner by radio, telephone or other means</td>
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<tr>
<td>3 days</td>
<td>- if it is from a prescribed person who has not consulted about the matter with a Medical Practitioner</td>
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4.1.2 Recurrence or Aggravation of an Injury or Disease

Both the employee and employer have an obligation to ensure that duties are not undertaken which may cause a recurrence or aggravation of the original compensable condition. If recurrence occurs and is a progression of the original injury with no new causative incident or aggravation, then it will form part of the original claim. However, if the recurrence or aggravation is caused by a new work related incident, a new Workers’ Compensation Claim Form should be submitted.

4.2 Workers’ Compensation Claims Management

On receipt of the Claim Form for Workers’ Compensation from the employee, the Manager should check the accuracy of date recorded in the ‘Date Handed to Employer’ section and complete the ‘Employer’s Report on Incident’ section of the form. The Workers’ Compensation Claim form should be sent to WIS within one working day of receipt of the claim from the injured employee.
DCIS WIS should complete the salary and insurance details on the Workers’ Compensation Claim Form, and ensure all information and documentation is available to forward to TIO. The Workers’ Compensation Claim Form should be sent to TIO within three working days of receipt of the claim from the employee.

On receipt of the completed Workers’ Compensation Claim Form, TIO may consult with the Manager and WIS, and are to make an initial decision on the claim within 10 working days of the employer receiving the claim. If the initial decision is not made within this time frame, liability will be ‘deemed’ to be accepted. Therefore the time frame for managing the claims process from receipt of the Workers’ Compensation claim, to the WIA and finally TIO making an initial decision on the claim is extremely important.

In making a decision, three options are available to TIO:

**Accept Liability:** Payment of benefits will commence, including lost earnings, reasonable medical and rehabilitation expenses

**Defer Liability:** the employee will receive up to 8 weeks pay while TIO further investigates the claim. A final decision must be made before 56 days have expired from the date of the decision to defer. During this process, WIS will ensure the Manager and injured employee are fully informed of the processes taking place.

**Reject Liability:** The employee will be advised in writing of the reasons for rejection of the claim and provided with information on the rights of appeal. See NT WorkSafe Bulletin ‘Dispute Resolution’ (scroll down the webpage) for further details regarding rights of appeal.

### 4.3 Rehabilitation

Most employees injured at work return to work within a few days, however more serious injuries may require a period of rehabilitation. WIS recommends early intervention following a workplace injury, and not necessarily waiting for a decision regarding the Workers’ Compensation claim. The benefit of providing rehabilitation as soon as practicable after an injury has the potential of an early return to work which reduces the human and financial costs associated with Workers’ Compensation claims.

The employee must cooperate with, and undergo reasonable medical, surgical and rehabilitation treatment, and the costs reasonably incurred will be met by PHC Remote. The Manager must assist with any rehabilitation program and take all reasonable steps to provide or obtain suitable employment for the employee, during and following rehabilitation. See relevant Workers Compensation Bulletins for further information, including Rehabilitation - Information for employers.

### 4.4 Rights of Appeal

When an injured employee disagrees with an initial rejection of the claim or the reduction or cancellation of weekly benefits already being paid, they may firstly appeal through mediation, and if dissatisfied with this process may make an application to the Work Health Court. An injured employee has 90 days from receipt of the Notice of Decision and Rights Appeal to apply to NT WorkSafe for mediation. See the NT WorkSafe Bulletins ‘Dispute Resolution’ and ‘Preparation for Workers Compensation Mediation’ (scroll down the webpage) for further information.
### Document Quality Assurance

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<td><strong>Implementation</strong></td>
<td>Document will be accessible via the Policy Guidelines Centre and Remote Health Atlas</td>
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<td><strong>Review</strong></td>
<td>Document is to be reviewed within three years, or as changes in practice occur</td>
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<td><strong>Evaluation</strong></td>
<td>Evaluation will be ongoing and informal, based on feedback.</td>
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### Key Associated Documents

#### Forms

**NT WorkSafe Rehabilitation & Compensation Forms**, including:
- Claim Form for Workers’ Compensation
- First Medical Certificate (Compensation) – up to 14 days
- Progress Medical Certificate (Compensation) – up to 28 days duration
- Final Medical Certificate (Compensation)

RiskMan down time form (ONLY to be used in the event of outages)

#### Key Legislation, By-Laws, Standards, Delegations, Aligned & Supporting Documents

- Incident Reporting PHC Remote CAHS Guideline
- Issuing Medical Certificates
- Workplace Health and Safety (National Uniform Legislation) Act and Regulations
- Workers Rehabilitation and Compensation Act and Regulations
- Health Practitioner Regulation (National Uniform Legislation) Act
- DoH Workplace Health and Safety (intranet site)
- Workers Compensation Brochure
- NT WorkSafe
  - Workers Compensation webpage, scroll down the page for bulletins providing information on NT compensation and rehabilitation arrangements
- Motor Accidents Compensation Scheme

#### References

As Above

### Evidence Table

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