



ANMF (Vic Branch) Policy

Injured and ill nurses, midwives and carers

1. Introduction

The Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] recognises that many nurses, midwives and carers working in health and other industries are exposed to work-related injury and illness affecting their physical and psychological health and this impacts on their financial situation.

2. Objective

The ANMF (Vic Branch) objective is to assist members, who sustain a work-related injury or illness, with workers compensation, rehabilitation and return to work (RTW).

3. Scope

This policy applies to all ANMF (Vic Branch) members and all nurses, midwives and carers eligible for ANMF (Vic Branch) membership who are working in Victorian healthcare environments and other industries.

4. Policy

ANMF (Vic Branch) policy is that workers compensation should:

- 4.1 Provide compensation for all injuries and illness that arise out of or in the course of employment.
- 4.2 Be timely, efficient and fair in relation to the processing of injury claims and provision of benefits.
- 4.3 Provide weekly payments of 100% of lost earnings, which take account of overtime and penalty rates.
- 4.4 Allow payment of the actual cost of required medical and like expenses, which may differ from the 'reasonable' costs published in the WorkSafe fee schedule, ie - that which is reimbursed in the scheme.
- 4.5 Require superannuation to be paid on the weekly compensation payments for the life of the claim.
- 4.6 Allow for long service leave to be accrued for the entire time whilst receiving weekly payments.
- 4.7 Include an independent appeals body with the powers to conciliate and arbitrate on disputed claims, without cost to an injured nurse, midwife or carer. It should allow for binding determinations in a timely manner.
- 4.8 Provide that Victorian workers are part of the Victorian scheme rather than part of a National or self-insurance scheme, which is regulated and enforced by the Victorian Government or agencies thereof.

- 4.9 The ANMF (Vic Branch) policy on rehabilitation and return to work (RTW) is that:
- 4.9.1 Rehabilitation should be a proactive process which restores a nurse, midwife or carer to optimal physical, emotional, social, vocational and economic potential, following an injury or ill health.
 - 4.9.2 Rehabilitation should commence at the moment of injury or ill health and continue until the individual obtains optimal function.
 - 4.9.3 Injured or ill nurses, midwives and carers should be returned to their pre-injury employment where possible, or receive redeployment and retraining assistance to achieve other suitable meaningful, productive, safe and durable employment.
 - 4.9.4 When an employee sustains an injury at work and is unable to fulfil the genuine and reasonable requirements of their pre-injury role after 52 weeks, it is expected that the employer take every practical step to provide suitable redeployment to an alternative role within the organisation.
 - 4.9.5 Injured or ill nurses, midwives and carers who are not able to return to work, or who have ongoing impairment, should be assisted to restore quality of life, to the maximum possible.

5. Key elements

5.1 Employers

Employers, with active support from Boards and senior management, should:

- 5.1.1 Assist injured or ill nurses, midwives and carers with fair and effective compensation, rehabilitation and suitable employment.
- 5.1.2 Provide suitable and safe employment and support to injured or ill nurses, midwives and carers for the duration of their injury or illness, to facilitate them being at work.
- 5.1.3 Establish supportive relationships within the workplace for injured or ill nurses, midwives and carers.
- 5.1.4 Provide advice and training in workers' compensation, rehabilitation and return to work for management, supervisors and employees.
- 5.1.5 Ensure that employer representatives responsible for managing workers' compensation, rehabilitation and return to work, have appropriate training, competencies and authority to make decisions.
- 5.1.6 Encourage early reporting of incidents, injury and illness as soon as practicable by nurses, midwives and carers, so that support and assistance can be provided. This includes providing injured workers with information on WorkCover and how to make a claim.

5.2 WorkSafe Victoria (Victorian WorkCover Authority)

WorkSafe Victoria (Victorian WorkCover Authority) should:

- 5.2.1 Manage all complex claims to ensure the best (and most consistent) outcomes for injured or ill nurses, midwives and carers for fair, effective and timely access to compensation, rehabilitation and return to work.
- 5.2.2 Ensure that its agents meet their responsibilities to injured or ill nurses, midwives and carers, for fair and effective compensation, rehabilitation and return to work.
- 5.2.3 Promote occupational rehabilitation to assist injured or ill nurses, midwives and carers who are unable to return to their pre-injury role, to remain with their pre-injury employer or move to a new employer.
- 5.2.4 Increase the enforcement of employer obligations for compensation, rehabilitation and return to work.
- 5.2.5 Enhance advice and guidance to provide injured or ill nurses, midwives and carers with understanding of their full entitlements for compensation, rehabilitation and return to work.

5.3 ANMF (Vic Branch) Members

ANMF (Vic Branch) members who suffer a work-related injury or illness should:

- 5.3.1 Report their injury or illness, as soon as possible, to their employer.
- 5.3.2 Submit a completed Workers Compensation Claim for their injury/illness promptly, to the employer.
- 5.3.3 Maintain active involvement in their rehabilitation and co-operation with return to work plans.
- 5.3.4 Contact the Branch for assistance if they require advice, support or representation on compensation, rehabilitation and return to work matters.

5.4 ANMF (Vic Branch) commitment

ANMF (Vic Branch) will:

- 5.4.1 Assist injured or ill nurses, midwives and carers with advice, support and representation on compensation, rehabilitation and return to work.
- 5.4.2 Work with other Unions and stakeholders to achieve improved compensation, rehabilitation and return to work outcomes for members.
- 5.4.3 Increase the capability and confidence of the ANMF Organisers and staff to assist injured or ill members with their compensation claims and return to work queries.
- 5.4.4 Seek through enterprise agreements improved accident make up pay clauses, to mitigate the impact on pay as a result of statutory reductions in weekly payments (ie - reduction from 95% to 80% of pre-injury earnings at the 13-week mark of a claim).
- 5.4.5 Ensure members are supported in Conciliation.
- 5.4.6 Provide access to legal advice for injured or ill members.
- 5.4.7 Support the Nursing and Midwifery Health Program Victoria (NHMPV) self-referral counselling service.
- 5.4.8 Represent members in seeking improved compensation, rehabilitation and return to work policies and procedures in facilities.
- 5.4.9 Continue to lobby for changes to workers compensation legislation that reflects the position of ANMF (Vic Branch Policy).

6. Relevant legislation

- Workplace Injury Rehabilitation and Compensation Act 2013

7. Relevant guidance

- WorkSafe Victoria website, claims process for workers, accessible www.worksafe.vic.gov.au/claims-process-workers
- WorkSafe's On-line Claims Manual, which guides decisions of WorkSafe and its agents www1.worksafe.vic.gov.au/vwa/claimsmannual/Home.htm - www.worksafe.vic.gov.au
- Nurses Return to Work in Hospitals Project guidance material as follows, accessible: www.nursesrtw.com.au :
 - "Rehabilitation Model of Care for Injured and/or Ill Nurses in Victoria"
 - Guidance on Return to Work Duties
 - Guide to Nursing Roles and Employment Opportunities – "It's my career: I'm taking charge"
- ANMF Injured / Ill Nurses, Midwives and Carers pack

For further information, please contact the Occupational Health and Safety Unit of the ANMF (Vic Branch) Office on Telephone (03) 9275 9333.