

# Workers Compensation Standard

Owner: Manager OHS  
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## 1. Determination of Liability

The University's WorkSafe Agent (Insurer) will determine whether the University accepts liability for WorkCover claims.

## 2. Payments and Entitlements

For payment or refund of medical costs, the claimant must provide accounts and receipts. If lost time is involved in the claim, the claimant is responsible for providing an appropriate WorkCover Certificate of Capacity for any absence from work and any return to work or change in work hours. Except for the first Certificate, the staff member must sign the Certificate and have their signature witnessed.

Where a WorkCover provider, such as a doctor, charges the claimant more than the standard WorkCover fee, neither the University nor the insurer is liable for the gap.

The WorkCover insurer will reimburse reasonable travel and accommodation costs arising from medical examinations associated with a WorkCover claim.

Further details can be found on the ["If you are Injured" poster](#).

## 3. Local Area Responsibilities

Where a manager receives a WorkCover claim directly from a staff member, they must notify Human Resources (see [Schedule 1](#)) in writing and immediately forward the claim to the relevant person. Managers must not refuse the lodgment of a WorkCover Claim Form or discriminate against a staff member lodging a claim.

Managers must also advise Human Resources (see [Schedule 1](#)) when they become aware of a potential WorkCover claim.

When a manager is advised of a claim, they must complete a Manager Accident Analysis Report within two working days. This involves, if possible, meeting with the claimant and identifying the factors that lead to the injury and discussing measures that would reduce the risk of another injury. The manager may also need to discuss the accident with other staff members and the local OHS representative. The OHS Unit will provide assistance as needed.

The manager, will cooperate in providing alternative, restricted or modified duties for the injured staff member where needed, and will endeavour to develop mutually agreeable arrangements with the staff member in relation to time off for medical appointments and appropriate breaks.

The relevant faculty or division, or other organisational area, must pay the University excess where the insurer accepts the claim for liability or the University accepts provisional liability. The University excess consists of the Workers Compensation payments for the first 10 working days lost and for an annually indexed amount of medical payments (in 2011/12: \$610)

Payment of the University excess does not imply that the University accepts liability for the claim.

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The relevant organisational area will provide funds to meet excess, [make-up pay](#) and other uninsured costs associated with claims. This applies regardless of whether claims are under dispute or not.

Where liability is accepted, the insurer will pay medical and related expenses and compensation for time lost that exceed the University excess.

### 4. Where Liability is Disputed

Where the WorkCover insurer questions liability, the staff member's salary entitlement will be maintained through use of sick leave and, if the worker requests, annual leave. If the insurer later accepts the claim, the University will re-credit these leave entitlements to the worker.

If the staff member does not have appropriate leave credits, the University will provide the staff member with a letter confirming that the staff member has applied for WorkCover compensation and that the claim is under dispute. This enables the staff member to attempt to access Centrelink benefits.

If a staff member considers the insurer has made an incorrect decision regarding liability, the staff member may initiate the WorkCover conciliation process.

### 5. Workers Compensation Leave and Make-up Pay

Where a WorkCover claim is accepted by the insurer, the staff member is eligible for workers compensation leave and [make-up pay](#) for a maximum of 52 weeks in respect of one injury in accordance with clause 46 of the [Deakin University Enterprise Bargaining Agreement 2009–2012](#).

Where [make-up pay](#) is exhausted, and where the staff member agrees, sick or recreation leave entitlements (where they exist), will be used to maintain the staff member's pre-injury salary until arrangements are made regarding temporary or permanent disability retirement.

After the exhaustion of [make-up pay](#) and leave entitlements, accrual of sick leave, recreation leave and other benefits will become pro-rata on the hours worked. Therefore, the claimant's absence from work will result in the suspension of accrual of benefits from the date the leave entitlements are exhausted.

A claimant may suspend use of [make-up pay](#) and/or workers compensation leave using sick, recreation or other forms of leave instead, provided the claimant is entitled to do so under the normal arrangements for such leave.

Since leave entitlements such as sick leave and recreation leave accrue normally during Workers Compensation Leave, these balances will be used normally to cover any non-work related illness or holidays.

### 6. Temporary and Permanent Disability

Where there is a prolonged absence from work, the claimant may be able to access temporary or permanent disability benefits under superannuation. Arrangements for disability retirement will normally occur within 104 weeks of absence.

Claimants should also refer to the [Deakin University Enterprise Bargaining Agreement 2009–2012](#) clauses on termination of employment on grounds of ill-health.

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### Schedule 1: Where to get help

#### Deakin University's Return to Work Coordinators

Name	Phone	Email Address	Notes
Philip Crowther	924 6	<a href="mailto:philip.crowther">philip.crowther</a>	Faculty of Science and Technology Faculty of Health Areas in the portfolios of the: Vice Chancellor Chief Operating Officer Deakin Prime Deputy Vice Chancellor (Research) Vice President (Enterprise and Engagement) ITRI / ITSD
Human Resources Division, 221 Burwood Highway, Burwood 3125			
Chris Ross	527 72868	<a href="mailto:chris.ross">chris.ross</a>	Faculty of Arts and Education Faculty of Business and Law Areas in the portfolios of the: Deputy Vice Chancellor (Academic) (except ITSD) Deputy Vice Chancellor (International and Development) Chief Financial Officer
Human Resources Division, Pigdon's Road, Waurin Ponds			

#### Deakin University's WorkSafe Agent (Insurer)

Geelong and Warrnambool	Melbourne
Name: CGU Insurance Phone: (03) 5215 3000 Freecall 1800 806 954 Web: <a href="http://www.cgu.com.au/cgu/workers-compensation-vic/Pages/workers-compensation.aspx">http://www.cgu.com.au/cgu/workers-compensation-vic/Pages/workers-compensation.aspx</a> Postal Address: GPO Box 1744, Geelong VIC 3220	Name: CGU Insurance Phone: (03) 8630 1000, Freecall 1800 066 204 Web: <a href="http://www.cgu.com.au/cgu/workers-compensation-vic/Pages/workers-compensation.aspx">http://www.cgu.com.au/cgu/workers-compensation-vic/Pages/workers-compensation.aspx</a> Postal Address: GPO Box 2090S, Melbourne VIC 3000

#### WorkSafe Victoria

Phone: freecall 1800 136 089 or (03) 9641 1444

Web: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

Email: [info@worksafe.vic.gov.au](mailto:info@worksafe.vic.gov.au)

Postal Address: WorkSafe, Ground Floor, 222 Exhibition Street, Melbourne 3000