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## **1. Determination of Liability**

The University's WorkSafe Agent 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 Scheduled Fee, neither the University nor the WorkSafe Agent is liable for the gap.

The WorkSafe Agent 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 People and Culture (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.

## **Workers Compensation Standard**

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Managers must also advise People and Culture (see Schedule 1) when they become aware of a potential WorkCover claim.

When a manager is advised of a claim, they must:

- Review the Supervisors and Managers responsibilities in the [Incident Reporting](#) section of the OHS Manual

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 [Wellbeing Consultants, People and Culture](#) 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 endeavor to develop mutually agreeable arrangements with the staff member in relation to time off for medical appointments and appropriate breaks.

The relevant faculty, division, or other organisational area must pay the University excess where the WorkSafe Agent 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.

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

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 WorkSafe Agent will pay medical and related expenses and compensation for time lost that exceed the University excess.

### **4. Where Liability is Disputed**

Where the WorkSafe Agent 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 WorkSafe Agent 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 WorkSafe Agent 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 WorkSage Agent, the staff member is eligible for workers compensation leave. The staff member is also eligible for make-up pay for a maximum of 12 months from the date of first absence in respect of one injury in accordance with clause 56 of the [Deakin University Enterprise Agreement 2017](#)

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 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 Agreement 2017](#) clauses on termination of employment on grounds of ill-health.

<b>DOCUMENT HISTORY</b>	
<b>Name of procedure</b>	<i>Workers Compensation Standard</i>
<b>Overarching policy</b>	<i>Health Wellbeing and Safety policy</i>
<b>OHS Manual</b>	<i>Workers Compensation Standard</i>
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## **Schedule 1: Where to get help**

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### **Deakin University's WorkSafe Agent**

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