



Department of
Education

Injury Management and Workers' Compensation Policy

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1. Policy statement

The Department of Education provides assistance to injured or ill employees to facilitate their return to work as soon as practicable.

2. Policy rules

Principals and line managers will:

- consult with the employee and their medical practitioner to develop and maintain a written return to work program;
- make provisions, where practicable and required by medical specialist certification, for the placement of injured employees who have accepted workers' compensation claims and are unable to return to their original duties;
- keep records of information pertaining to an accident/incident with details being kept as specific as possible;
- maintain appropriate confidentiality and demonstrate procedural fairness; and
- manage injured or ill employees in accordance with the Injury Management and Workers' Compensation Framework.

Guidance

The Workers' Compensation and Injury Management Act 1981 is the principal legislation governing workers' compensation and injury management in Western Australia. Amongst other things, the Act makes provision for the:

- compensation of employees who suffer a work-related injury or certain dependents of those employees where the death of an employee results from such an injury;
- promotion of the injury management of injured employees, to return them to the fullest capacity for gainful employment; and
- promotion of safety measures to minimise the occurrence of injuries.

All employees of the Department who are injured in the course of work may apply to receive workers' compensation benefits for a compensable injury, as defined in the Workers' Compensation and Injury Management Act 1981 (the Act) 2 3.

Workers' compensation is a no fault system except in the case of: motor vehicle accidents that occur on the journey to or from work; or proven serious and wilful misconduct; or if the employee's injury was attributable to his or her consumption of alcohol or of a drug of addiction; and or failure to use protective equipment and clothing. In these cases the employee may be ineligible for workers' compensation.

Stress claims wholly or predominantly arising from the exclusion provisions in the Act including, but not limited to, an employee's dismissal, retrenchment, demotion, discipline, redeployment, failure to receive a promotion or reclassification, or any expectation of these matters may not be covered by the legislation.

3. Responsibility for Implementation and Compliance

Principals and line managers are responsible for implementation of the policy.

Compliance monitoring is the responsibility of Executive Directors and Directors.

4. Scope

This policy applies to all employees.

5. Definitions

Employee

A person employed under:

- part 3 of the Public Sector Management Act 1994; and or
- section 235 of the School Education Act 1999; and
- casual employees employed under contracts for service.

Injury management

Injury management is defined as a workplace managed process incorporating employer and medical management team, from time of injury to facilitate where practicable efficient maintenance in or return to suitable employment. It is intended to achieve the best results for a safe and durable return to work for injured employees.

Procedural fairness

The concept of procedural fairness is derived from the principles of natural justice. A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions;
- the person affected is given a fair hearing;
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
- all relevant arguments are considered and irrelevant arguments are excluded.

Return to work program

A plan that details the agreed actions, goals and assistance required to support the injured employee to remain at work or return to their pre-injury employment.

Workers' compensation

A form of insurance compensation paid to employees if they are injured at work or become ill due to their work. Workers' compensation payments to employees cover their wages while they're not fit for work and may also cover medical and rehabilitation expenses for the work related injury or illness.

6. Related documents

Relevant legislation or authority

Workers' Compensation and Injury Management Act 1981

School Education Act 1999

Occupational Safety and Health Act 1984

Equal Opportunity Act 1984

Public Sector Management Act 1994

School Education Regulations 2000

Department policies

Occupational Safety and Health

Equal Opportunity, Discrimination and Harassment

Other documents

Public Sector Standards in Human Resource Management

WA Public Sector Code of Ethics

Retirement on Grounds of Ill Health Guidelines

7. Contact information

Policy manager:

Director, Employee Relations

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8. History of changes

Effective date	2 April 2007
Last update date	20 January 2014
Policy version no.	1.1
Notes	Updated contact details added to policy D13/0581606
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Effective date	20 June 2017
Last update date Policy version no.	2.0
Notes	Major review of policy. Endorsed by the Director General at Corporate Executive on 9 February 2017.

9. More information

Supporting content

Framework

[Injury Management and Workers Compensation Framework](#)

Policy review date

20 June 2020
