6.9 Employee health

The Department of Education recognises its legal and social responsibility to prevent work-related injury and illness and to provide a healthy, safe and supportive workplace for its employees and others who come into Department schools and other workplaces. The Department is committed to improving workplace health, safety and wellbeing as a fundamental people management responsibility. All principals and staff need to work collaboratively to implement improvements.

In the event of a work related illness or injury all necessary steps are to be taken to ensure the injury does not happen again. Should an employee incur a work-related illness or injury that prevents them from continuing their usual work, the necessary assistance is to be provided for them to remain at work, or return to work as soon as it is safely possible.

This section provides a range of information related to occupational health and safety and WorkCover to assist principals to manage the wellbeing of all staff and students.

6.9.1 Occupational health and safety

The Department is committed to providing safe and healthy workplaces and schools to sustain the physical and emotional wellbeing of its employees and students.

Accountability for the health and safety of staff and students resides with principals and school councils. Employees share the responsibility for their own safety. They are required to adhere to safe work practices.

Effective planning for health and safety will contribute to a supportive and productive education environment that generates improved student outcomes.

Resources

Legislation

Acts

Dangerous Goods Act 1985

Equipment (Public Safety) Act 1994

Occupational Health and Safety Act 2004 (in effect from 1 July 2005)

To access the current version of the legislation go to the following website

Then

1. select the ‘Acts’ button
2. select the first letter of the required legislation (e.g. for Occupational Health and Safety Act select ‘O’)
3. Click on the required legislation in the list generated by the search.

*Regulations*

- Dangerous Goods (Storage and Handling) Regulations 2000
- Equipment (Public Safety) (Incident Notification) Regulations 1997
- Equipment (Public Safety) (General) Regulations 1995
- Health (Infectious Diseases) Regulations 2001
- Occupational Health and Safety (Asbestos) Regulations 2003
- Occupational Health and Safety (Hazardous Substances) Regulations 1999
- Occupational Health and Safety (Incident Notification) - Refer to the Occupational Health and Safety Act 2004
- Occupational Health and Safety (Issue Resolution) Regulations 1999
- Occupational Health and Safety (Manual Handling) Regulations 1999
- Occupational Health and Safety (Noise) Regulations 2004
- Occupational Health and Safety (Plant) Regulations 1995
- Occupational Health and Safety (Prevention of Falls) Regulations 2003

To access the current version of the Regulations go to the following website


Then

1. select the ‘Statutory Rules’ button
2. select the first letter of the required Regulations (e.g. for Dangerous Goods (Storage and Handling) Regulations 2000 select ‘D’)
3. Click on the required Regulations in the list generated by the search.
**Codes of practice**

Building and Construction Workplaces (No. 13, 1990)

Dangerous Goods Storage and Handling (No. 27, 2000)

First Aid in the Workplace (No. 18, 1995)

Hazardous Substances (No. 24, June 2000)

Manual Handling (No. 25, 2000)

Noise (No. 17, 1992)

Plant (No. 19, 1995)

Plant (Amendment No. 1) (No. 23, 1998)

Provision of Occupational Health and Safety Information in Languages Other Than English (No. 16, 1992)

Safe Work on Roofs (Excluding Villa Constructions) (No. 10, 1989)

Safe Work on Roofs (Excluding Villa Constructions) (Amendment No. 1) (No. 22, 1998)

Workplaces (No. 3, 1988)

All codes of practice are available from the Victorian WorkCover Authority website


**Australian standards**

AS 1485–1983: Safety and health in workrooms of educational establishments

AS 3760 -2003: In-service safety inspection and testing of electrical equipment

All Australian standards are available from a link on Facilities Online.


Edumail identification and password is required to access this site.

### 6.9.1.1 Introduction

The Victorian WorkCover Authority administers a number of Acts and regulations that provide the legal framework for health and safety within Victoria.

The following is an overview of the *Occupational Health and Safety Act 1985* (the OHS Act) from the Victorian WorkCover Authority.
The Occupational Health and Safety Act 1985 describes itself as ‘an Act to promote and improve standards for occupational health, safety and welfare’. It sets out to do this in two ways:

- by imposing duties of care on persons who can influence occupational health and safety, and by supporting those duties with inspectorial and enforcement powers and penalties
- by promoting consultation within workplaces, including by creating health and safety representatives who are also able to exercise enforcement powers.

### 6.9.1.1.1 Duties

Duties of care are imposed on the following persons:

- employers
- self-employed persons
- occupiers of workplaces
- designers of plant
- manufacturers, importers and suppliers of plant and substances
- erectors and installers of plant
- employees.

The Act defines ‘workplace’ as ‘any place, whether or not in a building or structure, where employees or self-employed persons work’.

Ordinarily, these people and corporations are required to conduct their affairs in a way that does not create a risk to health and safety. In the case of an employer, the duty is expressed very broadly, so that the employer must ensure that the entire ‘working environment’ is safe and without risks to health. The duties are not absolute, but must be complied with ‘so far as is practicable’.

This key concept of ‘practicability’ involves weighing up the following factors:

- the severity of the hazard or risk
- the general state of knowledge about it and about ways of addressing it
- the availability and suitability, and the cost, of ways of addressing it.

### 6.9.1.1.2 Legislative enforcement

Inspectors appointed under the Occupational Health and Safety Act can enter and inspect workplaces at all reasonable times. If they detect a contravention of the Act, or of regulations made under the Act, they can demand that remedial action be taken, or they can take enforcement action, or they can do both.

An Improvement Notice gives a deadline for remedying the contravention. A Prohibition Notice does the same, and in the meantime prohibits the activity if it involves an immediate risk.

Enforcement is by commencing proceedings to prosecute the offender in court.
For contravening the Act itself, the maximum fine is $250,000 for a corporation and $50,000 for an individual. For contravening any regulations, the maximum is $40,000 for a corporation and $10,000 for an individual. These penalties apply in relation to every provision that creates a duty (‘shall’ or ‘must’) or that imposes a prohibition (‘shall not’ or ‘must not’).

6.9.1.1.3 Health and safety representatives

The *Occupational Health and Safety Act* provides a system that allows employees to group together and elect a health and safety representative to act on their behalf. A health and safety representative has the power to inspect the workplace, and the employer must cooperate with this. The employer must consult with the health and safety representatives about proposed workplace changes that have health and safety implications and, if a health and safety representative requires it, must establish a health and safety committee to address health and safety issues in the long term.

If a health and safety representative detects a contravention of the Act or regulations, the health and safety representative can require the employer to take remedial action.

A **Provisional Improvement Notice** serves the same purpose as an **Improvement Notice**. An employer who wishes to challenge a Provisional Improvement Notice can call an inspector.

Where there is an immediate risk, a health and safety representative can order a cessation of work—after which either party can require an inspector to attend the workplace to resolve any disagreement.

6.9.1.1.4 Regulations and codes of practice

The Act provides for regulations to be made and codes of practice to be approved.

The Government can make regulations under the *Occupational Health and Safety Act*. For the most part, regulations under the Act impose more particular duties in relation to specific types of hazard.

Like the Act itself, regulations impose obligations that must be complied with and that are enforceable when contravened. Regulations are legally binding, and contain instructions or requirements for specific areas or industries. They are as binding as the Act and failure to comply with any regulations made under an Act is an offence (see sections 27 and 47).

The Minister for WorkCover can approve codes of practice. Codes of practice provide detailed guidance on how to meet legal requirements or accepted standards. They do not have the same legal force as regulations, and a failure to observe a provision of an approved code of practice is not in itself a breach of the Act, especially if an alternative solution achieves the same results. However, a code of practice can be used to support prosecution in proceedings under the Act (see sections 55 and 56).
6.9.1.5 Australian standards

Standards are advisory documents that specify acceptable levels of design or performance. They become law when they are put into legislation. Standards can provide risk management guidance to achieve safe work practices and environments.

6.9.1.2 Compliance in schools and other workplaces

Legislative requirements especially relevant to the Department are outlined below. This should not be read as a comprehensive list of legislative requirements and does not replace a reading of the relevant legislation.

6.9.1.2.1 Occupational Health and Safety Act 2004

All Department employees should familiarise themselves with their legal obligations and responsibilities and what the consequences are for breaching the law. The requirements for each workplace manager and employees are contained in the Occupational Health and Safety Act 1985.

For the purposes of the Occupational Health and Safety Act, employer duties are delegated to senior managers and the principal of the school. In a school, the school council shares responsibility with the principal for the overall safety and maintenance of the school’s facilities and the provision of resources to establish and maintain safe learning environments.

The most relevant sections of the Occupational Health and Safety Act in relation to duties are outlined below.

Section 21: Duties of the employer

The principal has primary responsibility for providing and maintaining a safe and healthy workplace for school employees. This includes:

- maintaining safe systems of work
- safe use, handling and storage of plant and substances
- employing or engaging suitably qualified person(s) to provide specific advice regarding health and safety
- monitoring conditions in the workplace
- providing adequate information, instruction training and supervision
- enabling employees to perform their work in a manner that is safe and without risk to health.

Section 22: Duties of employers to non-employees

This includes students, contractors and members of the public who come into the school. The duty is not to expose such people to risks to their health and safety.

Delegation of principal duties

While the principal is responsible for the duties outlined above, some of these duties can be delegated to a member of the management team.
acting as the principal's representative (for example, an assistant principal).

However, the ultimate responsibility cannot be delegated and still rests with the principal.

Some of the areas where a management representative could help would be to:

- provide support to the principal by acting as a coordinator for any health and safety matters
- ensure that effective preventive action is taken to control workplace hazards
- ensure that all staff are aware of all relevant health and safety matters
- carry out regular inspections of the site and maintain records of those inspections in conjunction with the health and safety representative
- maintain all appropriate health and safety records and see that they are available as required
- ensure that all policies and position profiles make mention of health and safety where appropriate
- liaise with local authorities regarding emergency management procedures
- prepare an annual report for the school council
- consult and negotiate with the health and safety representative regarding health and safety issues or concerns.

The role of the health and safety management representative should not be confused with that of the health and safety representative who represents employees in consultations on health and safety matters.

Section 25: Duties of employees

Employees must take reasonable care for their own health and safety and for the health and safety of others who may be affected by their acts or omissions.

Section 26: Provisions for dealing with health and safety issues

The employer, or the employer’s representative, and the health and safety representative for the work group (employees) have a duty to attempt to resolve any issue concerning health and safety in accordance with the relevant agreed procedure or the relevant prescribed procedure.

Section 31: Functions of health and safety representative

The health and safety representative is elected by the employees. Their functions include:

- inspecting the whole or any part of the workplace at any time after giving reasonable notice to the principal (immediately in the event of any accident, hazardous situation, dangerous occurrence or immediate risk to health and safety)
- accompanying any inspector during an inspection of the workplace
- to be present, with the consent of the employee, at any interview between any employee and an inspector concerning health and safety.
The principal is required to provide the health and safety representative with any information they possess relating to the health and safety of the employees and to any actual or potential hazards at the workplace. The health and safety representative is also entitled to be present at any interview concerning health and safety between the employer and an employee.

The health and safety representative should be permitted to take such time off work with pay as is necessary for performing their function or duties, or taking part in any course of training relating to health and safety approved by the Victorian WorkCover Authority.

Section 37: Health and safety committees

On the request of a health and safety representative a principal must establish a health and safety committee to:

- facilitate cooperation between the employer and employees with a view to ensuring the health and safety of the employees
- provide employees with information, including standards, rules and procedures relating to health and safety that are to be carried out or complied with at the workplace
- deal with any other relevant matter as agreed.

6.9.1.2.2 Occupational Health and Safety (Manual Handling) Regulations 1999

Principals are required to ensure adequate ongoing procedures are in place to identify, assess, consult and control manual handling injury risk, and provide training to at-risk staff.

Application within schools includes:

- staff handling immobile students
- all staff engaged in lifting and moving activities
- working environments of contract cleaners.


6.9.1.2.3 Occupational Health and Safety (Prevention of Falls) Regulations 2003

All schools must comply with the OHS (Prevention of Falls) Regulations 2003. The primary objective of the regulations is to prevent incidents at workplaces involving falls of more than 2 metres and to prevent or reduce injury resulting from those falls.

6.9.1.2.4 Occupational Health and Safety (Plant) Regulations 1995

The Occupational Health and Safety (Plant) Regulations apply to a range of machinery, tractors, hoists for lifting students and other specified plant.


6.9.1.2.5 Occupational Health and Safety (Noise) Regulations 2004

Principals are accountable for provisions applying to identification, assessment, consultation and control of noise exposure, training and audiometry.

These regulations apply to metalwork, woodwork and instrumental music areas and other areas exceeding noise limits outlined in the regulations.


6.9.1.2.6 Occupational Health and Safety (Hazardous Substances) Regulations 1999

These regulations prescribe requirements for material safety data sheets, labelling, the maintenance of a register, the requirement to undertake risk assessment and to control risks associated with hazardous substances, to undertake atmospheric monitoring where appropriate, and provide health surveillance, information, instruction and training to employees.

The purpose of the regulations is to protect people at work against risks to their health associated with the use of hazardous substances.


6.9.1.2.7 Occupational Health and Safety (Incident Notification) Regulations 1997– Refer to the Occupational Health and Safety Act 2004

These regulations specify incidents and procedures relating to notifiable incidents at a workplace for the purpose of identifying whether preventative action is necessary following an incident occurring at a workplace.

6.9.1.2.8 Occupational Health and Safety (Issue Resolution) Regulations 1999

The Occupational Health and Safety (Issue Resolution) Regulations prescribe a process for resolving health and safety issues in the school, including a requirement for the principal to consult with the health and safety representative.
6.9.1.2.9 **Occupational Health and Safety (Asbestos) Regulations 2003**

All schools have had an asbestos audit carried out which details the presence of any asbestos-containing materials within a school.

Schools have also received a planning document which enables them to develop their own management regime. This *School Asbestos Management Plan* details the processes and actions required to deal with asbestos risks. Records of all asbestos works are to be kept by the school for 30 years.

Further information can be obtained from the Facilities website


6.9.1.2.10 **Dangerous Goods Act 1985**

The *Dangerous Goods Act 1985* prescribes procedures for:

- accident reporting
- security of premises
- rights and duties of dangerous goods inspectors.

6.9.1.2.11 **Dangerous Goods (Storage and Handling) Regulations 2000**

Principals are accountable for identification, assessment, registration, notification, licensing, accident prevention and storage requirements for different classes of goods.

These regulations apply to cleaners’ materials, science laboratories, technology studies, LPG storage and other areas where dangerous goods are stored.

The Compliance Guidelines


for the Dangerous Goods Storage and Handling Regulations will assist schools to meet their obligations.

6.9.1.2.12 **Health (Infectious Diseases) Regulations 2001**

The Health (Infectious Diseases) Regulations provide lists of infectious diseases, notification requirements and exclusion provisions.

Further information can be obtained in section 4.5 of this reference guide.

6.9.1.2.13 **Code of Practice First-Aid in the Workplace**

Principals are accountable for:

- identifying causes of work injury and work-related illness
- assessing the risk of work injuries and work related illness occurring
- determining and evaluating the appropriate first-aid facilities and training
- consulting with health and safety representatives regarding first-aid services and training needs
- ensuring first-aid facilities (kits and rooms) are adequate to meet the identified need
- ensuring the number and competencies of first-aiders are adequate to meet identified need.

First-aid coverage is required for staff, students and visitors. See the OHS website


for Department policy and information about approved training providers.

Further information can be obtained in section 4.5.

6.9.1.2.14 Code of Practice for Workplaces


Principals are accountable for provisions applying to:

- dining facilities
- change rooms
- washing and storage accommodation
- drinking water
- work environment
- thermal conditions
- outside work
- passageways
- cleanliness
- seating
- floors
- space
- construction.

See Health and Safety


on the Facilities website for further information.

6.9.1.3 Legal responsibilities of schools with regard to contractors

It is standard practice for schools to arrange for the hire of outside contractors to perform a variety of tasks ranging from cleaning or gardening to other activities that involve substantial maintenance or upgrading of buildings (for example, the removal of asbestos).
Employers are required under the Occupational Health and Safety Act to provide and maintain, as far as practicable, a working environment that is safe and without risks to health for all employees. Pursuant to section 21(3), an independent contractor and the contractor’s employees may be considered to be employees in the same way as teachers or other staff. The duty of the principal to such a contractor is the same as to actual employees in relation to matters over which the principal has control. This duty of care cannot be removed through agreement.

There is a duty to take care in employing independent contractors to ensure that they are competent and are able to control their own systems of work.

There is also a duty to retain a general supervisory power over any work, and a duty to define the contractor’s respective areas of responsibility, particularly where there is more than one contractor involved, and here such interrelationships may give rise to risks.

School councils need to examine carefully the contractual relationships that are entered into, and ensure that the activities undertaken do not put staff, students or the contractors at risk.

Each school needs to develop its own protocol to deal with issues to be addressed when arranging for a contractor to perform work in the school. This could include:

- naming a person within the school to coordinate all contacts and requirements who is prepared to carry out the preparatory work to explain the requirements of the school to the contractor
- ensuring that contractors have been provided with a copy of the school’s health and safety policy
- ensuring that contractors are made aware of the requirements of other school policies, including smoking, drug and alcohol requirements
- checking the requirement for appropriate protective equipment to be worn depending on the type of work being performed (for example, pesticide spraying)
- requiring contractors to provide evidence that where work is being undertaken that requires licensed operators/compliance with regulations or codes of practice, appropriate measures are taken to comply (for example, pesticide spraying, asbestos removal, forklift driving, working overhead)
- checking the contractor’s approach to safety requirements, whether the contractor provides equipment such as barricades, warning lights and so on, and whether these are used
- ensuring that equipment, materials and substances are safely stored
- maintaining corridors, doorways and staircases so they are clear of obstructions
- ensuring that guard equipment on electrical tools is used
- ensuring that there is a process for the entry into the school for trucks, cars, cement and sand trucks and so on
- ensuring that staff and students have been alerted to any works being carried out and that they are made aware of any safety requirements
- ensuring a provision requiring contractors to comply with all applicable health and safety and other legislation as well as the
Department’s health and safety policies and guidelines. These should be written into all contracts.

**Documentation of process**

Appropriate documentation should be produced by the school that acknowledges that the contractor:

- has been provided with the school’s safety requirements
- has identified for the school the safety requirements that govern their activities
- will observe both of these requirements.

This documentation should be signed by the contractor and filed by the school for its own protection.

6.9.1.4  **Risk management**

A systematic process of evaluation of risk will enable improvement by reducing the risk factors for accidents. One approach to risk management that schools have applied successfully is outlined in the **CAP Risk Management Procedures** available on the OHS website:


This process involves three steps:

- Collecting information to identify hazards
- Analysing risks.
- Preventing future accidents through risk control.

Therefore, accidents can be reduced by identifying and publicising work areas or processes that could be hazardous. It can also be a powerful tool for linking common sources of accidents and could ultimately lead to improved working environments for staff and students alike.

6.9.1.4.1  **Collecting information**

An efficient system for reporting, recording and investigation of incidents enables injury management to be integrated into the core activities of the school. A systematic plan for the management of health and safety will give the school control over the prevention of workplace injury and illnesses. This should include reporting and recording of incidents, for example, near misses, accidents, injuries and dangerous occurrences.

It is essential that the current practices of the workplace are assessed so that the school knows what needs to be changed.

**Incident records**

Accident data when combined with information from inspections, checklists, interviews, or just walking around the school, will provide valuable insights into health and safety within the school. Such information allows for making informed decisions as to what action can be taken to reduce risks and hazards.
When considering prevention and early detection it is important that:

- the principal ensures all staff have received instruction in investigating, analysing and costing accidents
- the school keeps reliable injury records. The incident reports registered on CASES/CASES 21 can be used for this purpose.

Examples of how to record incidents such as near misses, accidents, injuries and dangerous occurrences can be found in *CAP Risk Management Procedures*.

Regular reports summarising incidents are prepared. The Incident Report system is on CASES/CASES 21. This system permits entry of injury data. Management reports can be generated at monthly, yearly or term intervals. The reports can assist schools in monitoring their safety performance and also to identify any persistent patterns in injury occurrence (for example, slipping injuries at football).

The school uses incident records to drive preventive activities. By using such data as a starting point, it is possible to develop a range of control measures and test their effectiveness by monitoring the improvement in injury records.

Any data compiled is distributed so that staff may gain an overview of safety in the school.

*Register of injuries*

When an accident or an injury occurs in a school, it is important to enter it in a register of injuries. This is a requirement of the *Accident Compensation Act 1985*.

As schools are required to keep copies of CASES/CASES 21 incident reports, these copies can be kept together to constitute a register of injuries.

*Notice of serious injury*

The Occupational Health and Safety (Incident Notification) Regulations 1997 oblige principals as employers to notify the Victorian WorkCover Authority for the range of matters set out below. To facilitate this, the Department requires schools to notify the Emergency and Security Management Branch on 9589 6266 (24 hour emergency number) who will in turn notify the Victorian WorkCover Authority.

*Notice of Incident: Regulation 7*

The principal must notify the Victorian WorkCover Authority via the Emergency and Security Management Branch immediately after they become aware of an incident at school that results in the following:

- the death of any person
- a person requiring medical treatment within forty-eight hours of exposure to a substance
- a person requiring immediate treatment as an in-patient* in a hospital
• a person requiring immediate medical treatment for:
  – the amputation of any part of his or her body
  – a serious head injury
  – a serious eye injury
  – the separation of his or her skin from underlying tissue such as degloving or scalping)
  – electric shock
  – a spinal injury
  – the loss of a bodily function
  – serious lacerations#.

‘Incident’ is defined to mean an accident or dangerous occurrence.

‘Medical treatment’ in the regulations is defined to mean treatment by a registered medical practitioner—a doctor.

*‘In-patient’ means being admitted to hospital. It does not include treatment in a hospital emergency room or hospital out-patient facility.

Although ‘serious’ is not defined in the regulations, schools should only notify the Victorian WorkCover Authority if the incident is critical/grave. ‘Laceration’ is a ‘wound with jagged tearing of flesh’.

**Notice of Dangerous Occurrence: Regulation 8**

Additionally, there is an obligation to notify the Victorian WorkCover Authority via the Emergency and Security Management Branch after the school authorities become aware of a ‘dangerous occurrence’. This requirement is contained in Regulation 8 which states that the obligation to notify is when the school authorities become aware of an incident at school which exposed a person to an immediate risk to their health and safety through the following:

• the collapse, overturning, failure of, or damage to, any item of plant listed in item 2 of schedule 2 of the Occupational Health and Safety (Plant) Regulations 1995
• the collapse or failure of an excavation or of any shoring supporting an excavation
• the collapse or partial collapse of any part of a building or structure
• an implosion, explosion or fire
• the escape, spillage or leakage of any substance, including dangerous goods as defined in the Dangerous Goods Act 1985
• the fall or release from a height of any plant, substance or object.

The failure to notify of an incident or a dangerous occurrence results in a penalty of $40,000.

**Equipment (Public Safety) Reporting**

The same obligations to notify of incidents and dangerous occurrences apply under the Equipment (Public Safety) (Incident Notification) Regulations. An example of ‘equipment sites’ are amusement structures used by volunteers at a school fete/fair.
Records of incidents

In addition to the requirements to notify an incident or dangerous occurrence, schools are required to provide a written record of the incident to the Victorian WorkCover Authority within forty-eight hours of the school becoming aware of the incident. Schools are required to use the form titled Incident Notification Form completed on CASES/CASES 21 for this purpose.

Before completing the form, please read carefully the Change to Incident Notification Procedure S362-2006 which is available in EduLibrary


Accident and incident investigations

Regular inspections and consultations can prevent many accidents from occurring.

When they do occur, they must be assessed to determine the underlying causes. Most accidents and incidents are likely to have a number of causes and personal fault-finding contributes little to minimising them. Some accidents, because of their nature or impact, will require a more comprehensive and formal investigation. This is certainly true of accidents resulting in medical treatment or time off work.

In schools, some of the factors that contribute to accidents are:

- broken, malfunctioning or unguarded machinery
- high work demands and competing priorities
- unsafe work procedures
- blocked aisles or passages
- poorly positioned posts, steps and seats
- liquids spilled on floors or stairs
- environmental factors such as noise, or long working hours
- inadequate training and supervision.

This is not a comprehensive list.

An effective accident investigation and reporting system will generate crucial information for the school. It will point out the need to take preventive measures so that similar occurrences are not repeated, and allowing schools to select priorities for action and evaluate the effectiveness of controls already in place.

Important issues relating to any accident/incident investigations

Following an accident or incident, it is the school’s responsibility to take immediate steps to prevent a recurrence.

Following an accident involving a fatal or serious injury where a WorkSafe inspector is called in to investigate, care must be taken not to disturb the area or anything associated with the accident, except where people are exposed to a continuing safety risk (see section on notice of a serious accident).
Under section 26 of the Occupational Health and Safety Act 1985, if an incident poses an immediate threat to the health or safety of any person, the principal and health and safety representative may, after consultation, direct that work shall cease. If consultation does not lead to agreement, either one may direct that work shall cease.

What should a principal do if a serious accident happens?

If a serious accident occurs, the principal should:

- notify the health and safety representative if they have not already been told
- go to the scene of the accident as soon as possible, making sure it is safe to approach (for example, if electricity is involved, ensuring it has been disconnected)
- see that the injured person is receiving first aid or medical attention
- when possible, speak to the injured person and any witnesses to get information
- investigate the circumstances of the accident and insist that, as far as possible, nothing is moved or altered until any investigation is completed. Such an investigation should identify the cause and what action needs to be taken to prevent a recurrence
- inspect the scene of the accident, documenting as appropriate
- document the sequence of events leading up to the accident
- document work practices and other systems with which these events are associated
- take immediate precautions to prevent any recurrence and check to see if this is effective in removing the hazard
- check that the incident report form has been filled in, and see if the accident comes under the classification of accidents to be notified to the Victorian WorkCover Authority
- record any identified accident causes or risks that cannot be remedied immediately in the Hazard Alert Register. See appendix 3 in OHS Guidelines: Support Material for Schools
  - prepare an accident investigation report documenting findings and recommendations. Ensure this report is accessible for future reference
  - regularly review accident investigation reports and work practices to ensure no opportunity for a recurrence exists.

Workplace inspections

An effective inspection program is one of the most important preventive measures that a school can take to ensure a safe and healthy workplace. Emerging health and safety issues can be detected early before any harm results. It is also a compliance requirement under health and safety legislation that schools carry out such inspections.

Such inspections improve health and safety performance by lessening the probability of accidents caused by unsafe conditions and work practices. They encourage a proactive approach by looking at the potential for accidents and illnesses rather than looking at accidents after they have occurred.
Inspections can take various forms depending on the reason for the inspection, including:

- routine hazard inspections of the workplace
- routine inspections of particular activities, processes or areas, such as wood preparation rooms, cleaners’ store rooms, stairways, passages and playgrounds
- specific inspections arising from complaints by members of staff, or an investigation decided upon by a health and safety committee
- accident and incident investigations.

The development of inspection systems should be the result of a joint consultative process between management and employees. Inspections systems that have the support of both parties have an increased success rate.

When developing inspection systems, it is important to establish:

- the scope of the inspections
- how inspections are to be conducted and what form this should take
- who should be involved
- who is responsible for ensuring that any suggested improvements are presented to management and implemented.

**When should inspections be carried out?**

Routine inspections of workplaces or of identified high-risk activities, processes or areas should be conducted on a regular basis. How often they take place depends on the nature and circumstances of each workplace (for example, in workplaces that do not change much, inspections may be carried out monthly. If there is a high risk of illness or injury, it may be appropriate for inspections to be conducted more regularly).

Under the *Occupational Health and Safety Act*, a health and safety representative may inspect the whole or part of the workplace:

- at any time after giving reasonable notice to the employer
- immediately in the event of any accident, hazardous situation, dangerous occurrence or immediate risk to the health and safety of any person.

**Who should carry out inspections?**

It is recommended that routine hazard inspections of the workplace be conducted by the principal or delegated staff member and the elected health and safety representative. If necessary, any specialist health and safety staff might arrange to be available during and after any specific inspection to give advice on health and safety issues (for example, noise inspections may require expert help).

**How should inspections be conducted?**

Procedures should be developed for conducting routine inspections, specific inspections, and accident and incident investigations. These procedures should be made known to all employees.
The inspection team should have clarified any procedure before an inspection commences, and should have checklists for each work area (for example, woodwork rooms).

Some of the questions that may be included in checklists are found in *OHS Guidelines Support Material for Schools*. These are not extensive checklists and are provided only as a guide to some of the questions that may need to be asked in various areas.

A checklist is only a beginning. Standard report forms can assist in documenting the results of inspections immediately following an inspection. The report should include what the checklist revealed, and what procedures are to be taken following this investigation.

Any unsafe or unhealthy conditions or practices should be remedied as soon as possible, or immediately in situations where this is necessary.

Regular inspections of the workplace will allow for discussion with employees on health and safety issues that concern them.

**What should be inspected?**

To determine what aspects of the workplace are priority areas for routine inspections, it is necessary to consider:

- the existing and potential health and safety hazards and problem areas within each workplace
- any regulations or standards relating to particular hazards, processes and operations that apply to the workplace, and health and safety issues that have been identified.

Before any inspection, those responsible should have made themselves aware of any Acts, codes of practice and/or regulations that apply to the workplace or procedure being inspected. Any specific requirements can then be incorporated into any checklist that is used for an inspection.

Some examples of areas that may need to be inspected include:

- workplace: layout of the school, building conditions, lighting, ventilation, noise, storage areas, emergency procedures, first-aid facilities, electricity or dangerous chemicals
- work processes: design of the job, task sequences, working position, manual handling, confined spaces. Each workplace has the responsibility to identify and prioritise those job tasks requiring development or review of safe working procedures
- plant and equipment: machinery guards, ladders, lifting gear, vehicles and other transportation, chemicals and hazardous substances and safety equipment.

When the school has established what needs to be inspected on a regular basis, it is necessary to develop a checklist that can be completed during any inspection. Such a checklist will help to save time and ensure that a thorough inspection is carried out. Examples of such checklists are provided in *OHS Guidelines Support Material for Schools*.  


6.9.1.4.2 Analysing risks

What does injury and illness recording provide?

An injury/illness recording system will allow management to:

- track their progress in prevention
- provide a factual, rather than hearsay, basis for analysis and improvement
- show where action is required
- allow for efficient processing of WorkCover claims.

This will also provide a school database in case of queries or litigation.

If schools have collected copies of their incident reports, and if properly compiled, they are a good basis for such a system. The form covers:

- type of injury
- who was involved
- when and where the injury occurred
- what caused the injury
- what action was taken to prevent recurrence.

Computerising data

Effective data management ensures that informed decision making and problem solving is possible, and that information on claims management is available. It is also possible to measure the effectiveness of the school's injury management.

The Incident Report Form included on CASES/CASES 21 for use in all schools provides a readily accessible database. The injury data entry component is located at Menu 114 and injury management reports at Menu 115. The CASES/CASES 21 injury management system provides additional functions over a purely manual system. Accident trends can be identified using Menu 115.

Accident statistics and priority planning

Once an effective data collection system has been established, it is critical that this material is analysed so that planning can begin to deal with the priorities that will emerge from such data.

Some questions that may be considered include:

- Is there anything surprising or unusual in the material?
- Are there any patterns emerging (for example, common injury locations or accident agency)?
- Is there anything unclear or in need of follow-up to get more information?
- What is the most significant thing?
- Which points are likely to raise debate within the school?
- Is there a noticeable difference in data from different groups or from different sources?
- Do other data confirm accident patterns (for example, accident and incident investigation)?
Having identified hazards there will be a need to set priorities. A prevention action plan should be prepared and implemented. Priorities can be based on consideration of, both the severity and potential severity, of an injury resulting from exposure to the hazards and the relative frequency of occurrence of accidents connected with the hazard.

Priorities for action can be determined through a process of consultation with the school community or workplace staff, and will include:

- consideration of data analysis and information obtained from accident investigations, hazard surveys, risk assessments and so on
- allocation of resources, including time, staff and finances (see action plans in OHS Guidelines: Support Material for Schools).

Reports on compensation claims and costs should be prepared and distributed to assist in any planning. Where a major hazard has been identified (for example, manual handling) the workplace should have a strategy plan in place to eliminate or control such a hazard. A senior person within the school or workplace should have the authority to allocate resources, implement priorities, and take corrective action on any such reports.

6.9.1.4.3 Preventing future accidents through risk control

Hazards and risks should be identified through audits and survey. A hazard is a source of potential loss or harm that arises from the interaction of physical conditions and human practices. A risk is the measure of how likely an injury or illness is when a hazardous situation exists.

Regular hazard audits and work area surveys are a fundamental part of any prevention program.

Hazard identification includes:

- checking records of injuries and incidents. The accident and first aid incident data is an invaluable record for identifying hazards and assessing their risk. This information should be de-identified to protect individual privacy.
- consulting with employees. Employees and students often have first-hand information about processes, tasks, physical hazards and stresses that cannot be easily gleaned from the accident records.
- employee feedback can be elicited from formal surveys or questions put to groups of staff regarding workplace hazards and negative or positive impacts on morale
- conducting ‘walk through’ inspections that should include management and the health and safety representative.

Hazard identification should assist in understanding the severity and nature of problems.

Staff participating in audits should be trained in hazard investigation and the use of a comprehensive checklist, as used in the samples in OHS Guidelines: Support Material for Schools.
Having identified any hazards in the school, it is necessary to assess the risk created by each hazard, and then to set priorities to ensure that resources can be allocated efficiently to deal with the hazard. While some problems can be dealt with quickly, others require more time to resolve.

Using a consultative approach to agree on an order of priority, a decision can be made on how to control each hazard. The prioritising should give full regard to the prevalence of the hazard in the school, and the risk of a serious incident occurring if the hazard is not controlled.

Risk control

When a significant hazard has been identified, it should be added to the Hazard Alert Register that will record that further action is required. See appendix 3 of *OHS Guidelines: Support Material for Schools*.

Hazard control

Action must be taken to control risks once they have been identified. Some schools at this stage develop an action plan. Such a process should:

- record the problem
- ascertain urgency
- develop and cost solutions
- identify a solution and involve the person(s) affected by the problem
- obtain funding required
- allocate responsibilities
- report to the health and safety representative on the timeline involved
- include an inspection when completed
- evaluate to see if the solution has been satisfactory
- check off hazard alert register.

Probably the most crucial part of this process is using creative resources to find the best solution. The processes necessary to provide challenging learning environments for students are not very different to the processes needed to generate effective health and safety solutions.

The preferred order of control when dealing with risks is eliminate the hazard, reduce the risk, task analysis, and protective equipment.

Eliminate the hazard

Remove the hazard through good design or purchasing procedures (for example, use of a non-hazardous chemical instead of a hazardous one). As far as possible, curriculum should be designed to eliminate identified hazards. This is particularly relevant when considering science, technology studies, physical education and outdoor education programs.

Have a system whereby purchasing of plant, equipment and chemicals comply with relevant health and safety legislation, standards and codes of practice. In particular Plant, Noise, Asbestos, Hazardous Substances and Dangerous Goods (Storage and Handling) regulations should be considered.
Involve health and safety representatives and health and safety committees in determining relevant requirements to be included in purchasing specifications.

Establish safe working procedures prior to operation or use of new materials or equipment.

Include all new plant and equipment in an ongoing maintenance program.

*Reduce the risk*

If a hazard cannot be eliminated, then the next measure is to reduce the risk. Such controls can include enclosures, guards, ventilation, automation, the use of mechanical aids, improving walkways and other facilities redesign.

Introduce work practices that reduce the risk by limiting the exposure of the employee to the hazard. One example of how this can be achieved is by analysing a task using the manual handling risk assessment check sheet, and minimising awkward postures.

*Task analysis*

Task analysis looks at factors such as how work is organised, what equipment is used, and what if any training has been given so the person can carry out the job safely, efficiently and productively.

Task analysis should only be carried out by those who are experienced in the area under review (for example, ergonomist, health and safety consultant, chemist and so on). The person whose job is being analysed should also be involved. The principal and the health and safety representative may undertake a basic or preliminary task analysis as part of the risk assessment procedure in the manual handling regulations.

Any procedures recommended should be documented so that they are available for job instructions/auditing as to whether these procedures have been implemented. There should be a review of tasks on a regular basis, especially when changes are made to work processes. See an example of a task analysis in Appendix C of Preventing Manual Handling Injuries [http://www.eduweb.vic.gov.au/edulibrary/public/ohs/manhand.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/ohs/manhand.pdf), which has been distributed to all schools.

*Personal protection equipment*

Personal protection equipment should be employed when other measures cannot eliminate the hazard.

Protective clothing and equipment should be viewed as only an interim measure (for example, ear muffs should not be seen as the complete answer to a noise problem). Protective equipment for staff, students and any visitors exposed to the hazard should be considered.

If personal protective equipment is required, adequate training and supervision should be provided to ensure that it is correctly used, maintained and stored.
The selection of personal protective equipment must be based on:

- an evaluation of the nature of the hazard
- the circumstances and restrictions of the task
- the fit of the device to the user
- the suitability of the device for use in conjunction with other personal protective equipment
- consultation with workers required to use the equipment.

Instances in schools that commonly require use of protective equipment such as dust masks, ear protection, eye protection and gloves include:

- wood preparation
- saw preparation
- metal work
- welding
- cleaning
- outdoor activities.

6.9.2 WorkCover management

6.9.2.1 Introduction

WorkCover is Victoria’s workers compensation scheme. The legislative basis for WorkCover is the *Accident Compensation Act 1985* and the occupational rehabilitation and risk management regulations.

The key legal obligations that must be addressed as part of the school-based management of WorkCover are to:

- have the Victorian WorkCover Authority’s “If You are Injured” poster displayed in the school
- maintain a register of injuries as prescribed in *WorkCover Management Guide*
- forward within ten days of receipt any claim for workers compensation (with an employer report form) to the Department’s authorised WorkCover insurer, CGU Workers Compensation (Vic) Ltd
- offer suitable employment to an injured worker within twelve months from when they became eligible to receive weekly compensation payments
- pay benefits to injured employees on normal pay days upon notification of acceptance of the claim by CGU Workers Compensation (Vic) Ltd
- prepare a return-to-work plan for an injured employee off work for twenty days or more
- have displayed in the school a copy of, or an amended version of, the Department’s Occupational Rehabilitation Program Statement included in the *WorkCover Management Guide*.  

Resources

Legislation

Acts
Accident Compensation Act 1985
Accident Compensation (WorkCover Insurance) Act 1993
Workers Compensation Act 1958

To access the current version of the legislation go to the following website


Then

1. select the ‘Acts’ button
2. select the first letter of the required legislation (e.g. for Accident Compensation Act select ‘A’)
3. Click on the required legislation in the list generated by the search.

Regulations

Accident Compensation Regulations 2001
Workers Compensation Regulations 1995

To access the current version of the Regulations go to the following website


Then

1. select the ‘Statutory Rules’ button
2. select the first letter of the required Regulations (e.g. for Workers Compensation Regulations 1995 select ‘W’)
3. Click on the required Regulations in the list generated by the search.

6.9.2.2 Arrangements for the management of WorkCover

The major features of the Department’s arrangements for the management of WorkCover are:

- The Department’s authorised WorkCover Insurer is CGU Workers Compensation (Vic) Ltd.
• In the event of the lodgement of a WorkCover claim, principals are required to ensure that employee claim forms, employer report forms, medical certificates and accounts are sent within ten days to CGU Workers Compensation (Vic) Ltd for processing and payment.
• Schools are not required to pay any medical accounts or rehabilitation expenses. Accounts should be forwarded to CGU Workers Compensation (Vic) Ltd for payment.
• Make-up pay costs and below-threshold expenses are met by the Department on behalf of all schools.
• HRMS should be adjusted promptly to reflect the correct rate of salary payable to the injured employee.
• While above-threshold medical and like expenses and rehabilitation expenses are not charges against individual school budgets, they will, as claims costs, have an impact on the school’s WorkCover premium.
• Schools are given a WorkCover budget allocation in their Student Resource Packages against which the WorkCover premium cost is charged for the school.
• Principals are responsible for the management of employees who suffer work-related injuries through the identification of a return-to-work coordinator for the school.
• School return-to-work coordinators deal directly with providers of occupational rehabilitation services where rehabilitation services are required as part of the return to work of an injured employee.
• All schools are responsible for leave and payroll recording for employees on WorkCover leave.

6.9.2.2.1 Support for the school-based management of WorkCover

Principals and other school personnel undertaking claims management and return-to-work coordination are supported by:

• the CGU Workers Compensation (Vic) Ltd advice service, telephone 8630 1311
• claims management support and advice from CGU Workers Compensation (Vic) Ltd
• the provision of training and information sessions on the management of claims and return-to-work coordination
• telephone case conferencing with CGU Workers Compensation (Vic) Ltd
• the Department’s nominated providers of occupational rehabilitation services
• access to resources to facilitate early return to work through the provision of alternative duties for periods of up to fifty-two weeks.

Financial responsibility for the payment of WorkCover premiums

Currently the Department pays WorkCover premiums on behalf of all schools. However, a proportion of the premium cost is charged to schools to provide an incentive for improved WorkCover performance. A WorkCover premium budget allocation is included in the Student Resource Packages.

School liability for the payment of the WorkCover premium costs that exceed their budget allocation are capped at a specified amount.
6.9.2.2 Occupational rehabilitation and return to work

Importance of occupational rehabilitation

WorkCover emphasises early return to work through workplace-based occupational rehabilitation.

Early return to work following an injury or illness is in the interests of the Department, as the employer, and the injured employee.

Long absences from the workplace can result in the loss of job skills and advancement opportunities, and the social and psychological support that comes from contact with fellow employees. Return-to-work data shows that the longer an injured employee is absent from the workplace, the less likely it is that the employee will be successfully rehabilitated back into their previous job role.

Early return to work and employers

Failure to implement policies and procedures that facilitate the early return to work of injured employees will result in increased costs to the Department and schools through:

- increased WorkCover claims costs and consequentially increased premium costs
- increased replacement teacher and make-up pay costs
- time-lost productivity costs and losses associated with poor worker morale
- possible penalties of up to $25,000 for failing to offer suitable employment after an injury.

Early return to work and the payment of a salary instead of compensation means more effective management of the school’s financial and human resources.

Entitlement to compensation and WorkCover leave

It is important that principals implement strategies that are aimed at maintaining injured employees at work or returning injured employees to work as soon as possible. However, any employee who has suffered a work-related injury is entitled to WorkCover leave and to be paid weekly compensation payments consistent with the provisions of the legislation.

It is not appropriate to discourage employees from submitting WorkCover claims.

Occupational rehabilitation programs

Section 156 of the Accident Compensation Act 1985 requires employers to establish an occupational rehabilitation program. This program must be in writing and displayed in a prominent position in the workplace and brought to the attention of all staff.

The WorkCover Management Guide contains a statement on the policy framework for occupational rehabilitation for all schools and Department workplaces.
This statement, or an adapted local statement, should be displayed in a prominent position in the school and include the name of the school’s return-to-work coordinator and the name of at least two approved providers of occupational rehabilitation services.

Provision of suitable employment

Section 122 of the Accident Compensation Act 1985 requires employers, within twelve months of an employee commencing to be eligible to receive weekly compensation payments, to provide the employee with:

- employment that is at an equivalent level to the position that they held before the injury if the employee no longer has an incapacity for work
- suitable employment if the employee has a partial incapacity for work.

Suitable employment is defined as meaningful work that is suitable in terms of the employee’s work history, training and qualifications, and consistent with advice from health professionals regarding the employee’s work capacity. Suitable employment may take the form of alternative duties or selected duties.

An offer of suitable employment should be included in the employee’s return-to-work plan if medical evidence indicates the employee has a capacity for work.

In some instances, the advice and assistance of an occupational rehabilitation provider will be used when suitable duties are being devised.

Suitable duties should be viewed as a relatively short-term strategy. Their nature and duration should be clearly set out in the employee’s return-to-work plan.

Return-to-work plans

A return-to-work plan is simply a statement of the steps that will be taken to assist the employee to return to work following injury.

The Victorian WorkCover Authority guidelines require that if an employee is injured, and this involves twenty or more days of incapacity, or from assessing the circumstances of the claim, it is likely that more than 20 days of incapacity will result, a return-to-work plan should be prepared. Good practice, however, means that the plan should be prepared earlier than this and as soon as possible following the injury.

If the employee has some capacity for work the plan should include an offer of suitable employment.

See WorkCover Management for a complete description of the procedures to be followed in developing and implementing return-to-work plans.

Register of injuries

The principal is required to maintain a register of injuries that is readily accessible to all employees in accordance with clauses 101 and 102 of
the Accident Compensation Act 1985 and the Accident Compensation Regulations (Regulation 21, schedule 3).

All work-related injuries must be recorded in this register. The Department Incident Report Form on CASES/CASES 21 can be used to meet this injury reporting requirement. Print copies of the completed forms can be filed in a loose-leaf folder.

The injury management system has been installed on CASES/CASES 21 can be used as an alternative to a manual injury register.

Obligations of employees

Sections 93A(3) and 93B(2) of the Accident Compensation Act 1985 require employees with a partial incapacity for work to:

- participate in approved rehabilitation programs
- make reasonable attempts to return to work in suitable employment and cooperate with their employers’ attempts to return them to work
- participate in assessments of their capacity for work.

Where employees do not meet these requirements, they may jeopardise their entitlement to weekly compensation payments.

Return-to-work coordinators

All schools are required to have a person nominated as the return-to-work coordinator for the school. Principals may nominate themselves or another member of staff.

If principals decide to take on the return-to-work coordinator role, situations may arise where it may be more appropriate for another person to carry out this function (for example, a stress-related claim that derives from conflict between the principal and the staff member, or when the principal, as the employer’s representative, believes that liability for the claim for compensation should not be accepted).

In situations such as these, it is recommended that principals give consideration to either nominating a principal from another school as the coordinator for their school, or arrange for a deputy coordinator to take over if required.

Role of the return-to-work coordinator

The return-to-work coordinator is responsible for assisting injured employees to remain at work or return to work as soon as possible after injury or illness in a way that does not jeopardise the welfare of fellow workers or students.

Return-to-work coordinator role descriptions invariably emphasise what the coordinator should do after the occurrence of an injury. However, it is important that coordinators adopt a proactive approach and encourage employees to approach them if they are experiencing difficulties that could develop into a work health problem.
The role and services of providers of occupational rehabilitation services

Generally, providers of occupational rehabilitation services will only be involved in the rehabilitation of employees with more serious or complex injuries. In most instances, the need for their involvement will be signalled by the employee’s treating doctor.

The Department’s nominated providers of occupational rehabilitation services listed in WorkCover Management Kit have been selected for their capacity to provide an expert range of rehabilitation services at a cost-effective level.

While schools and employees can select provider companies other than the Department-nominated providers, it is recommended that first consideration be given to the Department-nominated companies. It is also recommended that referrals only be made to other companies if it is believed that a better service can be obtained for that particular case. If a provider other than one of the Department-nominated providers is to be used, the return-to-work coordinator must ensure that the provider is accredited as an approved provider with the Victorian WorkCover Authority.

The names of the companies that have been recommended as providers of services can be listed in the spaces provided in the Occupational Rehabilitation Program Statement that is displayed in a prominent position in the school.

Schools will be advised of any changes to the list of nominated providers.

Provider services

The Department rehabilitation providers generally comprise a team of rehabilitation professionals from a range of disciplines, including:

- physiotherapists
- occupational therapists
- social workers
- psychologists
- rehabilitation professionals
- vocational advisers.

6.9.2.3 WorkCover claims

6.9.2.3.1 Types of WorkCover claims

A WorkCover claim is made when an employee lodges a worker’s claim for compensation with the employer. A WorkCover medical certificate on its own does not constitute a claim and an employee claiming compensation must complete a worker claim for compensation.

If the claim is for time lost, the claim form must be accompanied by a WorkCover medical certificate.

Minor claims for medical and like expenses only do not require a medical certificate.
An employer claim report must be completed for all rejected minor claims and standard claims.

WorkCover claim forms are available in WorkCover Management Kit.

See the WorkCover Management Kit for detailed advice as to what determines whether or not CGU Workers Compensation (Vic) Ltd will accept liability for a WorkCover claim for compensation.

**Minor claims**

Minor claims are for up to ten working days time lost and/or up to $506 in medical and like expenses. Minor claims can be for time lost and medical and like expenses, or medical and like expenses only.

The Department pays the medical and like expenses on behalf of schools through the arrangement with CGU Workers Compensation (Vic) Ltd whereby CGU Workers Compensation (Vic) Ltd processes the payment of accounts for these services.

Schools are required to meet the replacement costs associated with the first 10 days of WorkCover leave.

**Standard claims**

Standard claims are for more than ten working days/more than $506 in medical and like expenses. The Department is responsible for the payment of the below threshold costs (the first ten days time lost and the first $506 in medical and like expenses) as for minor claims.

Payment arrangements for the below-threshold medical and like expenses component of standard claims are the same as for minor claims.

**6.9.2.3.2 The worker claim for compensation form**

If an employee lodges a WorkCover claim, the principal should interview the employee to:

- ascertain their needs
- discuss issues relevant to a recommendation about liability for the claim.

The principal or return-to-work coordinator should also discuss issues relevant to the maintenance of the employee at work or the employee’s return to work at the earliest possible opportunity.

The worker claim for compensation must be checked to ensure that all details have been entered and that all sections of the form have been completed accurately.

**6.9.2.3.3 Certificate of work capacity (WorkCover medical certificate)**

The certificate of work capacity is designed to:

- certify periods of total incapacity and periods of fitness for suitable or alternative duties
• specify treatment for the injured employee
• assist the employer and CGU Workers Compensation (Vic) Ltd in the assessment of the work relatedness of the injury
• assist with the formulation of a return-to-work plan.

It is important that copies of certificates of work capacity are made available to the return-to-work coordinator immediately they are received.

An entitlement to WorkCover compensation payments is dependent upon the submission of certificates that are valid in the terms of WorkCover legislation.

6.9.2.3.4 **Accounts for medical and like expenses**

The WorkCover legislation provides that claimants are entitled to reasonable medical and like expenses for the treatment of the work-related illness or injury.

Accounts for reasonable treatment and medication expenses should be verified as being services for the treatment of the work-related injury or illness.

They should be in accordance with the doctor’s recommendation on the medical certificate in relation to type and frequency.

When expenditure on medical and like services exceeds threshold (that is, $506) the claim becomes a standard claim and the claim costs will have an impact on the WorkCover premium for the school.

See **WorkCover Management** for detailed advice on processing medical accounts.

6.9.2.3.5 **Employer claim report**

An employer claim report must be submitted with every:

• minor claim
• standard claim.

The employer claim report provides the opportunity for the principal to supply all the information about the circumstances surrounding the claim and make a recommendation to CGU Workers Compensation (Vic) Ltd about whether the claim should be accepted or rejected.

Principals should ensure that all sections of this form are completed accurately and in detail so that a prompt and informed decision about the claim can be made by CGU Workers Compensation (Vic) Ltd

The principal can make decisions about liability for minor claims but can only make a recommendation to CGU Workers Compensation (Vic) Ltd about liability for standard claims.
6.9.2.3.6 **Ongoing claims management**

Ongoing claims management requires the school to continue to:

- verify that the accounts for reasonable medical and like services are for treatment of the compensable illness or injury, and to process them for payment by CGU Workers Compensation (Vic) Ltd
- process the receipt of continuing certificates of work capacity
- file copies of all documents and correspondence in the confidential WorkCover file for the employee
- record leave for WorkCover absences.

6.9.2.3.7 **Review of claims**

Claims should be reviewed at least monthly by the principal in consultation with the return-to-work coordinator, and CGU Workers Compensation (Vic) Ltd.

Claim reviews enable the principal to:

- be fully informed about the action taken by CGU Workers Compensation (Vic) Ltd on the claim
- monitor the progress of the claimant and discuss return-to-work options
- monitor the costs incurred in the management of the claim
- remain informed about the impact of claim costs on the WorkCover premium
- review the estimated cost of the claim in the light of anticipated return to work.

6.9.2.4 **Dispute resolution procedures**

6.9.2.4.1 **Conciliation**

When a decision is made by CGU Workers Compensation (Vic) Ltd that is adverse to a claimant’s entitlement to compensation, the claimant has the legislative right to apply to the Victorian WorkCover Authority Conciliation Service for a review of the decision. The conciliation service must make a decision within twenty-eight days. A claimant is unable to appeal to the courts until a conciliation certificate is issued by the conciliation service.

The purpose of conciliation is to resolve the dispute between the parties.

It is important that the principal participates fully in the resolution of conciliated matters so the conciliator has access to information about the claim from the principal’s perspective.

Conciliation conferences can be held near where the employee resides, e.g. Melbourne or major country centres.

To assist principals, the Department’s Employee Health Unit is maintaining a conciliation and court advisory support service. Members of the unit will accompany principals to conciliation conferences and court hearings, where requested, until principals are familiar with the
processes. Principals will be notified of contact telephone numbers when they are sent the request for conciliation.

6.9.2.4.2 Court hearings

If the claimant is not satisfied with the conciliation outcome, he/she may appeal to either the Magistrates’ Court or the County Court.

6.9.2.5 Volunteers and work experience students

The Department’s WorkCover insurance policy provides cover for volunteer workers and work experience students.

The WorkCover Management Kit details the procedures to be followed in respect of claims for volunteer workers and work experience students.

Also see Sections 4.13 School Fetes, 6.38 Volunteer workers, and 6.16 Legal liability and associated matters

6.9.3 Resources

References

Occupational Health and Safety Guidelines: Support Material for Schools

CAP Risk Management Procedures

OHS Compliance Guidelines

Health & Wellbeing Resources

Voice Care for Teachers Program

Sharing Good Practice & Safety Solutions

WorkCover Management Guide
WorkCover Management Kit


Contact

Employee Health Unit
Human Resources Division
Department of Education
Ground Floor, 2 Treasury Place
East Melbourne 3002
Telephone: 9637 2367 or 9637 3946
Fax: 9637 2300
Email: employeehealth@edumail.vic.gov.au

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